

1 Comparing the historical commons of north west Europe.

An introduction

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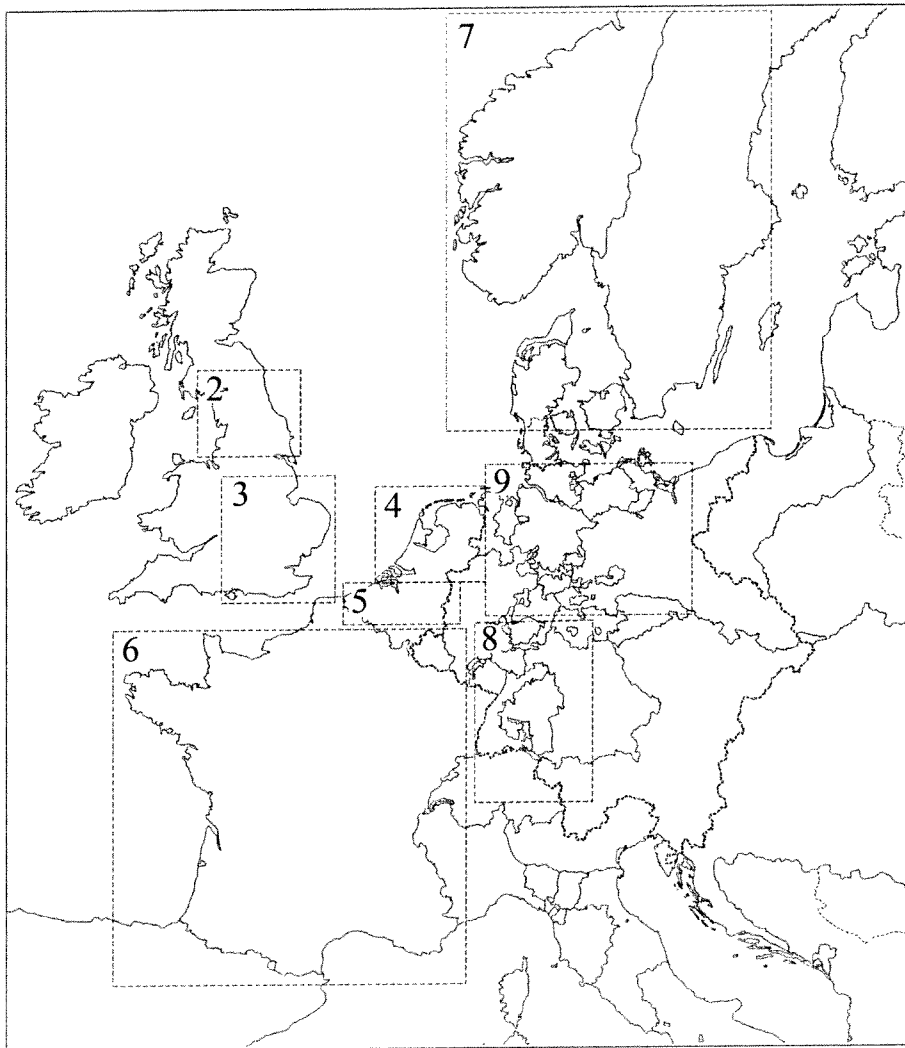
The subject of this book is the management of common land in north-west Europe from the close of the middle ages to the middle of the nineteenth century. This introduction sets out the key issues examined in the regional surveys that follow. These cover: northern England (chapter 2); southern England (chapter 3); the Netherlands (chapter 4); (Belgian) Flanders (chapter 5); France (chapter 6); the Nordic countries (chapter 7); south-west Germany (chapter 8) and northern Germany (chapter 9). Some preliminary conclusions are offered in the final chapter (chapter 10). Inevitably a number of technical terms have had to be used whose meaning may be obscure to the general or even specialized reader. We have therefore included a short glossary of the most important of these at the end of the book.

Common land was a key component of early modern agriculture in many parts of north west Europe, and its disappearance in some areas was a key political issue at the time and has been the subject of considerable historiographical debate since. 'Commoners' exercised rights to use resources over large expanses of permanently uncultivated land and or only temporarily cultivated land, the kind of open country such as heathland, rough pasture or woodland that we often associate with the expression 'the common' today. Often however, such rights were also exercised over much (or even all) of the land that was normally cultivated and farmed individually. This usually took the form of 'common rights', most importantly the right to pasture livestock, being exercised during that part of the year when the land was not under cultivation. Although most of the chapters in this book will concentrate on 'commons' or common lands in the sense of land that stood uncultivated for long periods, if not always, it should be remembered that such land was often part of a wider 'agro-system' that frequently embraced nearly all of the surface area. In many, though far from all, parts of north-west Europe this system included the collective use of resources such as grazing over land that was for the most part 'privately' owned and managed.

The 'agro-system'¹ of the early modern period had to meet a number of needs. It had to be able to provide food for the inhabitants, with a diet that was for the most part heavily dependent upon vegetable matter, usually grain crops. It had to provide fodder for livestock, which were vital not only as a source of foodstuffs (above all protein), but also of fertilizer and of draught power. Beyond this, peasants, farmers, labourers and others exploited the commons for a host of other resources. The very humus of the

¹ See glossary.

Figure 1.1 Europe in 1820, showing the areas discussed in each chapter (numbers refer to chapter numbers)



Source: By courtesy of IEG-maps (A. Kunz/J.R. Moeschl)

ground itself, as well as leaves and bracken, provided stall-bedding for the animals and additional fertilizer for the fields. Wood, bushes, gorse, peat and turves were burnt for fuel. Wood, ranging in size from willow switches to mature timbers, provided the basic material for everyday life, farm equipment and buildings. Other edibles such as fungi and berries supplemented the diet. The list is long, and the precise value of these resources varied considerably according to both local ecological conditions and the demand for particular resources.

At the same time, the commons and their users did not subsist in a local, 'natural economy' divorced from the influences of a wider world. As will be seen, seignorial lordship, the state, and markets were able to shape both the institutions that managed the commons, and the opportunity costs of those management strategies for particular users. Although theorizing on common property regimes has at times treated them as if they were independent systems with no external reference, again and again we shall see that these supposedly 'exogenous' factors were closely intertwined with the management of common land (Hardin, 1968). Indeed, it is only by undertaking comparative work, as we have attempted to do here, that the relative importance of all those factors bearing upon the commons can be effectively assessed.

At the most basic level, we are studying the relationship between resources and the management institutions which sought to control their use. By a management institution we are referring to the body that organized the use of the resource by drawing up a set of rules that the users were supposed to follow, and provided the means for their implementation. Management was the link between a resource and its users that allowed a 'common' to function sustainably. All the aspects of common land touched upon in this volume relate to this nexus between the form of the resource and the nature of the regulatory institution.

The end point of our account is determined by the fact that much common land across Europe came to be enclosed, privatized or both during the latter part of the eighteenth century and the nineteenth century. 'Enclosure' refers to the process of ending the exercise of common use-rights over land, usually accompanied by the construction of a physical barrier around the land, or barriers becoming a permanent feature in landscapes that previously had been open for common usage during some part of the year. 'Privatization' refers to the transfer to individual ownership of previously collectively or communally owned land. The two processes often went hand in hand, but it was also the case that 'enclosure' could be applied to land that was privately owned but nevertheless subject to common use-rights, or that land which remained collectively owned was enclosed and no longer used in common. Indeed, both processes occurred across the early modern period in most areas of Europe, but reached a particular intensity, usually with government support, in the decades running up to 1800. At that time and since, the 'degradation' of the common lands and various degrees of mismanagement of the resources have been advanced as explanations for the historical necessity of enclosure and privatization. What this debate has all too often lacked is a long-term perspective on the management of these lands over the centuries when they were a central aspect of the agrarian system. This volume is a first step towards providing that perspective in a comparative context.

I. The nature of common land

It has become clear that considerable scope for terminological confusion exists over the terms used to describe different types of common land in different parts of Europe. We have tried to use a consistent terminology across the chapters. This terminology is based upon English usages (although these have not been consistently used by all English-speaking historians), taking into account however possible nuances in other countries. The use of this collective terminology also provides us with a typology of forms of common lands that allows local variation and the peculiar characteristics of each region to be highlighted in a comparative context. This gives us a threefold typology, with some 'sub-groups' that require further explanation. As a broad guideline, common refers to the fact that this land was used by several people or households during a certain period, in distinction to land that was used by only one person or household throughout the whole year. The suffix (*arable, meadow, woodland* etc.) refers to the principal use of the land.

I.1. Common arable, common fields or open fields

All these terms refer to land whose primary use was arable (i.e. for the growing of crops). In its classic form in north-west Europe, this land was held in long thin strips. Each farmer held a number of strips scattered around a field system, and the farmers cultivated and harvested their own strips. However, after the harvest and in years when the land was uncultivated or fallow, the land was used for common grazing. The individual strips were grouped into blocks called furlongs, and in turn, furlongs were grouped into larger fields. The fields were management units for the purposes of crop rotations. Such field systems could contain two, three or more fields, but were usually cropped according to a two- or three-course rotation, meaning that every second or third year respectively each field was left fallow. *Open field* is a frequently used term for this arrangement, alluding directly to the physical openness of a landscape devoid of internal hedges or fences. Most writers use the terms *common field* and *open field* interchangeably. However, others have distinguished the term common field from open field on the grounds that in some areas (such as Kent in south-east England) open fields were not subject to common rights. These fields then were physically open but not common (Thirsk, 1964). To avoid this potential ambiguity we have employed the term *common arable* to refer to land that was primarily cultivated as arable but subject to common management and common rights when not cultivated. In the context of common land the word 'field' is generally used in English to refer to arable land rather than meadow or pasture or waste. By contrast, enclosed or private land whether arable, pasture or meadow may be referred to as a field.

I.2. Common meadow

'Meadow' refers to grassland used for the production of hay. *Common meadow* was generally open to common grazing after the hay harvest, but was usually divided into separate blocks in individual ownership in the same way as common arable. However, in some places the harvest rights in the common meadow were reallocated at random each year by the drawing of lots.

1.3. Common pasture, common waste, common

Permanent grass-land used for common grazing has been referred to as *common pasture*. The terms *common waste* or *common* refer to common land on which a wider range of resources may have been available. More often than not this was grass land used mainly for common pasture. But on some common wastes, rights to gather wood, gorse, heather, and bracken, or to dig peat might also be important (and sometimes more important). In England waste is sometimes used with the connotation of uncultivated or unimproved land, whether subject to common rights or not. 'Common' is of course the most widely used shorthand for this kind of land, and often a reference to the 'commons' is simply a reference to an area of 'common waste'. In the northern English uplands in the early modern period some of the better common pastures on the lower slopes were physically enclosed (normally by stone walls) from the more extensive common waste. These enclosed areas remained common pasture but were physically distinct from the common waste and this allowed them to be used differently. In England 'waste' could also encompass wooded areas, which was not always the case elsewhere. In these continental areas, woodland subject to common rights was often treated as distinct from non-wooded areas. We have used the term *common woodland* for such districts.

All of these usages refer only to the fact that *common rights* were exercised as use-rights over certain areas of land. Nothing can be inferred from this about the actual ownership of the land itself. Sometimes the owners were indeed the commoners themselves, or the institution into which the commoners were organized, or the local administrative body to which all users were subject. However, in the case of *common arable* and *common meadow*, the owners were private individuals or bodies. In the case of *common waste*, *pasture*, or *woodland*, the land itself was very often owned by private individuals or the state, and the commoners enjoyed specified *use-rights* over that land. In many parts of Europe nearly all of such land was 'owned' by seigniorial lords who also exercised other forms of influence over the commoners, such as landlordship or juridical powers. The dividing line between 'lordly' and 'state' power was often thin. Frequently the state was effectively another form of lordship but enjoying rather wider powers of intervention, and in some cases seigniorial lordship and state power were combined in one and the same person. As we shall see, the differing balance of these property relations and powers within local communities could prove important for both the management and the fate of common lands.

II. Historiographical approaches to the management of common land

We can identify two basic explanatory frameworks for the relationship between the state of the resource and the property regime that have been employed in debates from the mid-eighteenth century onwards, wherein both resource and property regime have played, respectively, the role of cause or consequence. These debates on the commons have either regarded the state of the resource as the cause of the common property regime, or have claimed that the type of property regime, in this case common property, was responsible for the state of the resource. These debates have been primarily, but not exclusively, concerned with the state of common waste.

In the first case common waste is regarded as inherently linked to infertile land or non-cultivated resources. It is assumed that common waste is primarily found on the most infertile land, or that the only suitable property regime for infertile land is common property. It is often assumed that common property was the usual way of dealing with land that was not cultivated and indeed originally embraced most of the land surface, before being pushed back by the advance of cultivation. Thus the origins of common waste would date back to a distant 'communal' past – the primitive stage of (Germanic) communal property according to Engels and Marx – which made it possible to share risks and supplement cultivation with resources from the common (Engels, 1973: chapter 7). Indeed, Marx regarded this type of property regime as one of the survival mechanisms of pre-industrial societies, which made it possible for peasants living on the threshold of starvation to endure the uncertainties and 'exogenous shocks' of an agricultural system characterized by low productivity. The property regime allowed the use of extensive areas at low labour costs and provided an 'insurance function' against the more variable yields of intensively utilized land. During the dissolution of the commons, associated with the rise of capitalism, this regime came under increased attack. It is often also argued that the privatization of the commons led to the proletarianization of the peasants and a loss of both this 'insurance function' and independence from the labour market, resulting finally in a decline in welfare. According to this view, the disappearance of common land either caused poverty or made already poor peasants even poorer. Before the dissolution levels of poverty were lower, and commons functioned as a kind of safety net for the poor (Allen, 1992; Hammond and Hammond, 1911; Neeson, 1993; Tawney, 1912: 234–280; Thompson, 1968: 233–258; 1993: 97–184; Marx, 1987).

The view that the type or state of the resource caused, or at least heavily influenced the property regime, can also be found in the recent literature on the commons that has emerged from economics and the political sciences (Bromley, 1989; 1991; 1992). Runge, for example, has argued that common property regimes can primarily be found in areas where the economic surplus is minimal. These areas are not likely to become private property since there is insufficient economic surplus to support the private property regime, which is presumed to be more expensive (Runge, 1992: 17–35). The surplus that can be obtained from such marginal areas does not justify the sort of investment required to consolidate and maintain them as private property. If there is poverty this should, according to this view, be regarded as a logical consequence of the fact that the poorer classes are drawn to this type of property regime since it costs less than private property. In turn, the poverty of the land is unlikely to be remedied by a community of impoverished users who lack the capital for investment. This does not, however, mean that the wealthier classes cannot or will not use the common land.

Both these views clearly regard common property in a positive light. They stress that common land is the best regime for certain types of land, thereby also allowing the poorer elements of society to survive. It is not the type of property, but rather the inherent nature of the land that is responsible for the fact that these lands – at least the waste lands – do not reach the same level of productivity as land that is not subject to common rights.

Opposed to this is the negative view of common property regimes, the conviction that it was the regime that caused the state of the resource and consequently the income

level of its users. Economic historians and contemporary thinkers have told this negative story about common property in two ways, both of them stressing the low productivity of the land. The first group, especially writers contemporary with the wave of privatizations and enclosures around 1800, stressed the disincentives to investing in the land to improve productivity caused by the property regime. The problem was not so much that common use degraded the resource, but that the presence of common rights prevented its improvement. Firstly, common rights prevented farmers from experimenting with new ideas or reacting swiftly to market signals as resource-use was often subject to collective rules requiring widespread or universal assent before changes could be implemented. Secondly, collective usages meant that farmers would not reap the full rewards of any investments made to enhance productivity. The second group, consisting mainly of economists both contemporary and twentieth-century, denounced the mismanagement of common resources and regarded this as an inevitable result of the problems inherent in communal property (North and Thomas, 1977: 234). Foremost amongst these problems was 'free-riding', the ability to obtain benefits from the resource without paying the full cost. According to this argument, common management cannot sustain the productivity of a resource since people only act to their own advantage and not for the good of all. If it is at all possible to 'free-ride', sufficient numbers will do so and the resource will be over-exploited. Consequently, the dissolution of the commons is essential for the better allocation of resources, as peasants, farmers and/or landlords will start to invest in the improvement of these lands once they have been privatized, and over-exploitation will then come to an end. The poor will become less poor when the commons have been eliminated.

Both the positive and negative views of the commons have triggered reactions, and in some cases enduring historiographical debates. The reactions to the positive view sparked the 'proletarianization debate', with its central question: did the dissolution of the commons cause the proletarianization of its users? The negative view, whereby common property inevitably leads to the mismanagement of the resource, we know as the 'Tragedy of the commons' debate. This book is primarily concerned with the latter. Hitherto, this subject has primarily been engaged with in detail by non-historians, particularly political scientists. A substantial body of theoretical literature has examined the questions of whether common property regimes can be 'sustainable' and 'efficient', or instead are doomed to over-exploitation. It was the article written by the American biologist Garrett Hardin, and published for the first time in *Science* in 1968 (Hardin, 1986), that provided the impetus for these discussions in the 1970s and which remains the best known formulation of what might be termed the orthodox position. This states that common property is inherently inefficient and results in the over-exploitation of the resources concerned; but recent literature has countered this viewpoint by providing empirical evidence for a more positive view (Netting, 1976; Ostrom, 1990; Feeny, 1990; Gibson, 2000). It has been stressed that it is possible for groups of users to develop institutions that monitor the behaviour of individual users in such a way that free-riding behaviour is suppressed. Formulated more positively: one needs institutions (rules and their implementation) which foster cooperation between individuals in such a way that they obey the rules, thus making an optimal (efficient) use of the commons possible. It has been argued that under certain conditions stable institutions of self-government can arise and function in a way which guarantees the sustainable use of resources subject to the common property regime.

Though Hardin's article kick-started the debate, he was of course not the first to discuss the relationship between population pressure, 'carrying capacity' and sustainability. In fact the negative opinion may be traced back as far as Aristotle's *Politics*: 'What is common to the greatest number gets the least amount of care. Men pay most attention to what is their own: they care less for what is common' (1995, Book II, Chap. 3). Closer to the present day, during the 1830s William Forster Lloyd described in his Lectures on population, value, poor-laws, and rent the embryo of Hardin's parable (Lloyd, 1832; 1833; 1834; 1835; 1836). Gordon and Scott added a fishery-variant to this in his 'The economic theory of a common-property resource : the fishery' (Gordon, 1954; Scott, 1955).

The debate continued in 1977 with *Managing the Commons*, by Baden and Hardin, and by the 1980s had reached several scientific disciplines. Political scientists studied the way that commons work all over the world in the present day. A landmark in the history of the debate was a conference held in Anapolis (Maryland, U.S.A) in 1985. A number of researchers working on different parts of the world used a framework designed by Daniel W. Bromley to standardise the collection and assimilation of 'case-by-case analyses' (National Research Council, 1986; Bromley, 1992). Some of the results of this subsequent research were published in the book *Making the Commons Work. Theory, Practice and Policy* (1992). In 1989 an ad hoc group of scholars including political scientists, anthropologists, economists, historians and natural resource managers founded the International Association for the Study of Common Property (IASCP), a non-profit association devoted to understanding and improving institutions for the management of environmental resources that are (or could be) held or used collectively by communities in developing or developed countries. Foremost among the advocates of the possibility of effective common property regimes has been Elinor Ostrom. Her book *Governing the Commons*, published in 1990, proposed a list of design principles which can be found in long-enduring 'Common Pool Resource' (CPR) institutions. (Further information on the IASCP can be found on: <http://www.indiana.edu/~iascp>).

However, this 'Tragedy' debate has come to be focused primarily on the commons of today, ranging from local to global commons such as air, water, fisheries and even the internet. Although originally based on a historical example, the relationship of the 'Tragedy' thesis to the many historical commons, even within the relatively narrow bounds of Europe, has received little attention. This is despite fairly uncritical absorption of both the 'pro-' and 'anti-'common property regime theses by various historians studying the agrarian economy of early modern Europe. This book makes a start, in a broad comparative context, towards correcting that imbalance.

III. The aims of the book

This volume brings together eight surveys of the management of common land in various regions of north-west Europe. These present outlines of this subject over the early modern period in a systematic way for the first time. Common lands have only recently received relatively detailed attention from a few scholars within the confines of national historiographies. These are now sufficiently developed for the results to be presented on a broader canvas, which itself should assist the development of research at

both a regional and a local level. The chapters cover France, northern and southern England, Belgian Flanders, the Netherlands, northern and south-western Germany, and the Nordic countries with a focus on Sweden. Although we encounter considerable variation both within and between these regions, they all experienced a relatively similar political history in comparison with areas further afield, and had comparable agrarian regimes and socio-economic structures. Thus these regions are well suited to a comparison of the management of common lands. There are enough factors that are, relatively speaking, constant across these regions to be able to identify whether particular causes might be identified with particular management strategies and their end results. While such work remains at an early stage, we believe that such comparison will be a key element in providing explanations for the fortunes of common land both in particular circumstances and more generally.

To assist the process of comparison, each author has sought to answer a consistent set of questions, although the tools available for answering them vary considerably from place to place. This begins with a basic outline of the topography, environments and agrarian economy of the region. Though it is always difficult to do justice to the complexities of these in a small space, it is important not to lose sight of the very fundamental constraints and opportunities that they offered to the managers and users of the commons. Although much theoretical work has focused on institutional issues, it was also the nature of the soil and the climate, the technological level or the employment opportunities in the wider regional economy, that determined the broader boundaries of what was materially possible. Whilst we find little evidence of a general 'environmental determinism', the nature of the resources available and the opportunity costs of their use are central to understanding the strategies of exploitation employed. Concomitantly the common lands are described, with their component parts (common arable, meadow, or waste) and their importance to the rural economy. Often the extent of common land was only effectively measured in the nineteenth century, and these surveys were themselves often poor guides to the real area subject to common rights in previous decades let alone in previous centuries. Nevertheless, where available, such figures allow us to move towards an overview of the relative importance of commons both as an economic factor, and as a feature of the landscape.

The next set of issues addressed concern perhaps the trickiest question of all: the legal basis of common rights and who actually owned the commons. There was no shortage of claimants, and much of the history of the commons over this period concerns the drawn-out establishment of precise boundaries to common land, arguments over what rights pertained to this land, specifying who could exercise and regulate the rights, and which jurisdictions had authority over such matters. Over most of Europe, from the twelfth century onward, 'property rights' were split, in that a distinction was made between a *dominium directum*, a right to the soil of a delineated area, and a *dominium utile*, a right to use the resources within a particular area. How this split worked out in practice, and how it was conceptualized, varied according to the nature of the resource and the political and institutional histories of localities. But broadly speaking, one of two situations prevailed in regard to the major common rights. Firstly, where the 'ownership' of the land, and the use-rights, belonged to the commoners, although these were usually still subject to some kind of feudal overlordship. Secondly, the case where

one person (or institution) owned the soil (usually a lord), and others owned the use-rights over certain resources on it.

In a third variant there were often further secondary customary usages whose legal status was rather ‘fuzzier’ and where the appellation ‘common rights’ is a well recognised shorthand but is problematic in so far as it conflates such customary usages or ‘rights’ with those clearly defined legal rights discussed above. In such cases some individuals, and not necessarily those who owned the principal use-rights, enjoyed a collective use which was justified by more limited rights to obtain subsistence (to collect deadwood or gorse for fuel, for example, or to glean in the fields after the harvest) or permitted out of ‘mercy’ or at the discretion of the owner. When such rights had been exercised for a very long time and were critical to some household economies, users might feel however that this third case had the full force of law underpinning their use of the resource. It should be stressed that this simple typology rests on *outcomes*. A consensus over how rights should be allotted, and the legal underpinning to this distribution, was by no means always present among users. The distinction between ‘customary usages’ and ‘clearly defined legal rights’ was not always accepted or recognized, and in practice the balance of property and use-rights was disputed at some point almost everywhere.

In turn, the community of users, or the ‘commoners’, had to be defined. Again, who might belong to this community, and what the precise legal underpinnings of local arrangements were, has a long and complex history over this period, which could result in different outcomes even in neighbouring villages. Rights might be granted to all residents of a community or to those living within a certain distance of the common; or might belong only to the residents or owners of particular buildings; or might be defined in relation to landownership in the village fields or to the size of one’s agricultural enterprise and feudal services owed to lords or the village community. While it is tempting to draw further typologies, caution must be exercised in conflating arrangements that might be superficially similar but in fact had different functions, legal bases and origins. Part of the problem rests upon the fact that such rights only slowly became regulated by a centralized legal system operating under consistent and enforceable norms, usually enhanced by the recording of rights and regulations in writing. Even in the nineteenth century it was not unusual for such questions to be resolved at the level of individual commons. This was because most commons had been regulated by ‘custom’ (itself a slippery notion which was mutable at the time and has not always been used with due care by historians), the set of practices and rules approved and enforced at the local level by the community of users itself. In some regions this localized and adaptable, but by no means necessarily consensual or harmonious, system came gradually to be constrained or even superseded by the regulatory powers of local and central government, enshrined in statute law or the precedents established in higher courts. Yet this process was extremely uneven in its progress and the enforceability of dictates from ‘the centre’. Nevertheless, as will become clear, the ability of the state to govern the localities and the priorities set by central government were of considerable importance throughout the period for the management of common lands.

This brings us onto the local institutions vested with the power to manage the commons. By ‘institutions’ we are referring to the nexus formed by formalized organizations

such as seignorial or village courts, assemblies or committees, the procedures they established and the officials they appointed. Even this short list indicates considerable variation, and it is thus important to delve directly into the manner in which these institutions attempted to control the common land and commoners' access to it. This encompassed the mechanisms by which common land was regulated and monitored, the kinds of rules drawn up, the duties and obligations of commoners and the sanctions imposed for infringements. While often related to the legal forms of access and what we shall call the 'embeddedness' in feudal or state institutions, these nevertheless displayed a functional homogeneity across north-west Europe that allows us to isolate the uses of particular forms of regulation, monitoring or sanctions in particular instances, and to evaluate their relative success.

A case in point was the increasing regulation of grazing on the commons. At some point, most areas of north-west Europe saw communities, lords or governments imposing limits on the number of livestock that households with common rights were allowed to send out grazing on the commons. This took two main forms. One, the rule of 'stinting', took the form of simply setting a maximum number of beasts that each household could graze, for example two cows and six sheep per household. Often stints did not apply equally to all commoners, but were graded in some manner. Those with larger land-holdings, for example, could send out more animals. A variation on this theme, sometimes after an initial 'stint' where the grazing was free, was to charge for each additional beast sent out to graze. In such cases the charge was sometimes varied from year to year in order to control the total numbers of animals for which commoners were prepared to pay for grazing. Another system encountered very widely across Europe was that of 'overwintering' or 'levancy and couchancy' as it was known in English law. This provided that commoners could freely graze as many beasts as they were able to sustain off their own resources over the winter, when grass-growth was too meagre for common grazing. One effect of this rule was to prevent commoners from buying or renting livestock over the summer from elsewhere, grazing them on the commons and enjoying the rewards, and then selling them on in the autumn. This thus restricted the commercialization of the commons, but could also be seen as a way of communities (or lordships) preventing the capital depreciation of their assets (the common) by users who reaped profits but brought about an unequal distribution of the risks of over-use through their behaviour. The 'overwintering' rule, like graded stinting, in essence limited each user's use of the commons according to the size of their agricultural enterprise, a notion that could be linked itself into the commons as guarantors of household 'needs', the *necessitas domesticus*. They differed in an important way, however. Stinting permitted the managers of the commons to control the level of use to which the common pastures were subject according to conditions. In contrast, the rule of overwintering gave no freedom of manoeuvre to the managers, while individual users could expand and contract their exploitation of the common according to the size of their economic enterprise.

The value of resources to households, the reproductive cycles (or investment horizons) in which those resources were embedded, and the manner in which they could effectively be managed and monitored could vary considerably. Grazing, for example, regenerated quickly as well as being subject to regular use; mature timber for building took a long time to replace and was required only occasionally by a household; while the humus

collected for stall litter, or peat for fuel, could be extracted regularly but was effectively irreplaceable. When we disaggregate resources in this manner, we see that there was no such thing as the commons subject to a single management strategy and a commonly shared value for all, but rather use-rights exercised over a bundle of different resources that lay on common land. The varying opportunity costs of managing these resources in a particular way for households as different as an aged widow in a cottage with no livestock, a wealthy commercially-orientated farmer or a proto-industrial household with a single cow are plain to see. Opportunity costs measure the cost of a particular choice by the value of the ‘next best choice’ foregone by embarking on that strategy. Thus a household which has sufficient fodder without needing the common for its livestock might view the common as having a low value compared with the arable land it could become if partitioned, while the widow with a cow or goat who could not afford the costs of any arable cultivation will measure the value of the common against the alternative option, in this case, of getting no benefit from this land at all if it were partitioned.

It is for this reason that we considered it of great importance to specify the particular resources that could be extracted from the commons, and the values that they would have had to *particular groups of users*. Of course, most communities of commoners were differentiated to some degree both in wealth and in types of economic activity. To what extent a degree of equity among commoners was required for a common to function effectively and in a (reasonably) consensual manner is a moot point to which we shall return in the conclusions. Of particular importance, given the ‘proletarianization debate’, is an assessment of the value of the commons in the household economies of the poor.

All these users, as well as the common lands themselves, have histories. If we are to specify the values derived from commonly-managed resources, we must also understand how these changed over time. This could occur both for reasons ‘endogenous’ to the management of the common, such as whether the form of exploitation depleted a resource, or ‘exogenous’ factors, such as population growth or shifts in the wider economy, although these in themselves may not be independent with respect to the availability of common resources. With this, we return directly to the ‘Tragedy of the commons’ debate, whilst placing it in a considerably broader context than has often been the case.

The ‘Tragedy of the commons’ has been framed as being concerned with ‘sustainability’, but the concept of ‘sustainability’ is a slippery and problematic notion. It not least depends on what one wants to sustain and for whom. Even within the ‘rubric’ of the common lands, we will see that there were a variety of resources over which different groups exercised different claims – and desired uses that were potentially to the detriment of other possible uses. Too often ‘sustainability’ is treated as the maintenance of an ecosystem in its putatively ‘natural’ state. Yet many commons were in fact the result of prior human intervention, often massive human intervention, and subject to the re-evaluations of the managers and users as time passed. Sustainability, then, was always founded upon a particular ‘mode of exploitation’, and whether a management strategy was sustainable depends on whether or not it led either to ‘over-exploitation’ or to ‘under-exploitation’. After all, a resource that is not effectively used is not likely to be ‘socially sustainable’ in the sense that users will probably want to change that use.

Once the 'mode of exploitation' has been clearly established it becomes possible to provide normative assessments of its sustainability that can be set against the opportunity costs associated with that mode. 'Good exploitation' today is generally seen as a set of practices that provide for the stability of the system, neither rapidly depleting it nor overly encouraging particular resources (canopy trees, grazing, fauna, etc.). That many, though by no means all, common lands were able to pass the 'longevity' test over centuries itself bespeaks a certain stability in operation. Nevertheless, this might not preclude the over-exploitation of particular resources, mature timber being one resource that very often disappeared at a relatively early date. Such events, reducing both resource diversity and bio-diversity, might be judged negatively from a modern ecological perspective. However, it may not have appeared that way to users at the time. If their measure of 'stability' was that of *per capita* income, whether measured in monetary terms (exchange-values), or in kind (use-values), then the survival of a particular resource may not have been an important issue. Indeed, it may have made sense according to the 'law' of comparative advantage to obtain it elsewhere. Even 'degradation' in an energetic sense – the production of fewer calories per unit of land over time – may not have appeared detrimental to users if this output became sufficiently valuable to offset losses in quantity.

These considerations also make clearer why it was possible for long-lived and apparently effective modes of exploitation to become the subject of condemnation in the second half of the eighteenth century, leading to the widespread dissolution of the commons. A 'stable' product from a given area of land or could have become much less acceptable as the agrarian system shifted towards higher levels of productivity through new technologies such as the introduction of sown fallows, new fodder crops and year-round stall-feeding. This altered the structure of opportunity costs, making the old regime appear as a case of *under-exploitation*, and at the same time could prove an incentive to disregard the old regulatory order and hence lead to an increased level of transgressions. This could be regarded as instigating *over-exploitation* relative to the previous criteria of management, but in fact was the end result of the idea that commons were being under-used. Indeed, in the agronomists' critique of the commons, it often not clear whether the commons are being condemned for under- or over-exploitation of their resources. The double standard of assessment, by which the commons could appear simultaneously under- and over-exploited as a result of the same process, may have been one reason for this. Equally some critics were happy to employ any kind of argument against the commons as it suited them, whether logically consistent with their previous statements or not. This underlines the importance of carefully measuring contemporary criticisms, and modern applications of the 'Tragedy of the commons' thesis against historical circumstances and the interests of users. It is also likely that some of this confusion arose because of the difficulty in measuring the actual value of the commons in those economies that remained relatively unmonetized and where the differentiated bundle of common resources themselves remained resistant to commercialization. This remains a problem for those historians, who have measured productivity gains via changes in the rent before and after enclosure (Clark, 1998; McCloskey, 1972; Mingay, 1995: 97–101; Thompson, 1963: 222–226; Turner, 1984: 39–46). Yet it is unclear in some cases whether this represented an increase in rent-taking or a genuine rise in productivity. Given that the produce of common lands often fed only indirectly into the rental system (via fertiliser spread on privately held fields, or the value of livestock) rather

than being reflected in the direct output of common lands, a genuine ‘before-and-after’ comparison is probably impossible. Any ‘post-enclosure’ rent rises may simply represent the ability of particular kinds of property-holders to appropriate local resources in a form more suited to their modes of operation. It hardly requires repeating that both the opportunity costs and the results of privatization could be wildly different for different users.

All the contributors have sought to address this range of issues, which requires a broader perspective on the social, political, economic and demographic changes taking place during this era. We have, however, chosen to focus on a narrower range that brings together the regulatory institutions, management strategies and types of resources. In identifying these relations and how they altered over time, we may not have achieved an effective assessment of the ‘success’ or ‘failure’ of commons management, which in any case, as outlined earlier, must be set against differing and possibly incommensurable criteria. This does, however, allow us to assess whether regulatory authorities proved *capable* of performing their tasks under particular conditions. We are, unfortunately, still short of the necessary data to be able to answer these questions with any conviction for many areas, but the following chapters contain many preliminary observations, and some rather more than that. This in itself should provide a significant contribution to the ‘Tragedy of the commons’ debate.

The means by which we have made these evaluations are provided by Elinor Ostrom in her book *Governing the Commons*. Here she lists eight ‘design principles’ for the successful management of a ‘Common Pool Resource’ or CPR (see Table 1.1). While these should not be regarded as definitive, they allow us to test a widely recognized set of principles against ‘real’ conditions, although we recognize that the principles themselves were inductively derived from a number of particular studies. They provide a useful starting point, that in addition to aiding comparisons within this volume, should make the results and conclusions presented here accessible to the wider community interested in research on the historical and contemporary commons.

However, we have not accepted Ostrom’s principles entirely uncritically. The degree of abstraction that makes possible their broad applicability as a model of good management makes them rather remote from the real conditions and opportunity costs of economic behaviour in particular societies, the factor on which we have laid such stress in this introduction. After all, a set of institutions that function one year may not prove equal to their task the next.

Ostrom’s book was written in opposition to the negative assumptions of Hardin and others. While she dedicates a large section of her work to a consideration of failures, principally of water basins and fisheries, she does not deal with the processes of privatization, enclosure or the degradation of agrarian common lands, many of which conform fairly closely to her principles for institutional success. Her work therefore provides only limited guidance as to the circumstances which led to the failure and dissolution. We too must guard against cherry-picking, as examples of ‘success’, those places where the Ostrom principles seem to hold over long periods, given that it is highly likely that examples of ‘failures’ with a similar institutional framework have disappeared from the record.

Table 1.1 Design principles illustrated by long-enduring CPR institutions

1.	<i>Clearly defined boundaries</i> Individuals or households who have rights to withdraw resource units from the CPR must be clearly defined, as must the boundaries of the CPR itself.
2.	<i>Congruence between appropriation and provision rules and local conditions</i> Appropriation rules restricting time, place, technology, and/or quantity of resource units are related to local conditions and to provision rules requiring labor, material, and/or money.
3.	<i>Collective-choice arrangements</i> Most individuals affected by the operational rules can participate in modifying the operational rules.
4.	<i>Monitoring</i> Monitors, who actively audit CPR conditions and appropriator behavior, are accountable to the appropriators or are the appropriators.
5.	<i>Graduated sanctions</i> Appropriators who violate operational rules are likely to be assessed graduated sanctions (depending on the seriousness and context of the offense) by other appropriators, by officials accountable to these appropriators, or by both.
6.	<i>Conflict-resolution mechanisms</i> Appropriators and their officials have rapid access to low-cost local arenas to resolve conflicts among appropriators or between appropriators and officials.
7.	<i>Minimal recognition of rights to organize</i> The rights of appropriators to devise their own institutions are not challenged by external governmental authorities.
<i>For CPRs that are parts of larger systems:</i>	
8.	<i>Nested enterprises</i> Appropriation, provision, monitoring, enforcement, conflict resolution, and governance activities are organised in multiple layers of nested enterprises.

Source: Ostrom, 1990: 90, Table 3.1

Thus, the best way to apply such theories is by no means clear cut. The importance of Ostrom's work above all lies in the identification of these themes as key areas for analysis, rather than establishing that their presence or absence within local institutional frameworks for managing the common was sufficient to ensure its effective and sustainable exploitation.

Even within north-west Europe, where 'enclosure' and 'privatization' have long been recognized as a significant and worthy object of the historian's attention (for a recent overview, see Brakensiek, 2000), there remains relatively little detailed examination of the functioning of the commons themselves, especially within the more quantitative and inter-disciplinary approaches developed since the Second World War. Consequently, we can hardly claim to be in a situation to respond adequately to most of the problems posed above. Nevertheless, the following chapters represent a significant step forward in presenting the available information and arguments of recent research within a context that allows comparison and even some tentative conclusions. If, in doing so, they promote the understanding of the commons, such an essential aspect of European agriculture for so many centuries, then this book will have succeeded in its aims, and future research can be undertaken in a broader context and on a much firmer footing than has hitherto been the case.

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