

Land Enclosures and Philosophical Radicalism

Discussing Property Rights in the Long 18th Century

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The political and economic conditions of housing and living in contemporary Britain are shaped by notions of property that have been significantly shaped in early-modern times. In her contribution, Sophia Möllers (Dortmund) traces the history of contemporary housing back to the land politics of the Long 18th Century and the Enclosure Acts. In her reading of the radical philosophy of William Godwin, she identifies political responses to the question of property, the belonging of land and housing rights that also have repercussions for the 21st-century present.

The discourse on housing in Britain can be traced back centuries, to the earliest beginnings of societies in which individuals were pressed to give up some of their natural rights, such as perfect equality and freedom, to become part of communities. While several different points in time could be used to illustrate early instances

of this discourse, this section singles out the latter part of the Long 18th Century as a time of political turmoil, revolutions, and philosophical visions of prosperous futures for all. In its discussion of property rights as markers of personal liberty and agency, the Long 18th Century prefigures issues of ownership and housing that are still unresolved today.

In *The Country and the City* (2011), Raymond Williams presents the Industrial Revolution as the decisive transformation of country- and cityscapes. When thousands of individuals were forced to abandon their agrarian existence due to early systems of capitalism, it gave rise to “an extension of cultivated land but also a concentration of ownership into the hands of a minority.” (Williams 2011, 97) Industrial hubs emerged, placing factories and their inhumane working conditions at the centre,

which essentially ran counter to moral values such as benevolence and virtue. These values, often circulated in philosophical and poetic writings of the Long 18th Century, strongly opposed “the growth of a system which rationalised greed and pride” in its reliance on the exploitation of the lower orders (ibid. 101).

Overall, poets of the Long 18th Century engaged vigorously with the impact of industrialisation and capitalism on the natural world, and, more specifically, the natural human being, given that its place in the drastically changing world was as insecure as ever (cf. Pinkney 1999, 411). Since capitalism desires the accumulation of profit, often at the expense of the individual worker, poets feared a universal devaluation of non-economic values such as benevolence and morality. An “ecological poetics of responsibility” (Pinkney 1999, 414) emerged as authors came to discuss the role of the individual in a rapidly transforming environment and envisioned futures in which capitalist exploitation was abolished and individuals could come together once more in harmony. Thus, Romantic texts are political insofar as that they unveil the underlying power structures of British society and illustrate the detrimental effect of capitalist developments on individuals.

Tradition versus Progress: Are Natural Rights Inherited Rights?

Several authors significantly shaped the political sphere of 18th-century Britain, especially in their discussions of property, ownership, and agency. In the wake of the French Revolution, conservative thinkers like Edmund Burke feverishly tried to uphold the dominance of the *ancien régime* by proposing to view all rightful possessions as based on inheritance. Especially with regard to the transferral of property, Burke openly favoured the system of primogeniture and assured his readers that “the people of England well know that the idea of inheritance furnishes a sure principle of conservation and a sure principle of transmission, without at all excluding a principle of improvement.” (2004, 470) According to Burke, true socio-political progress was only possible if well-established structures were upheld and the domestic ties of both family and country were respected. Burke’s *Reflections on the Revolution in France* remain one of the most notable conservative approaches to property rights since they illustrate the state as functioning, in essence, like a family run on a system of primogeniture. In this fusion of the private and the public, Burke communicated the necessity to pass down not only property from father to son, but also the rights to political participation, which meant that the establishment of

a republic for all was, to him, out of the question. These conservative views sparked outrage in the public with frequent riots throughout the 1790s. They were also harshly criticised by revolutionaries such as Thomas Paine, who famously contested that “[m]an has no property in man; neither has any generation a property in the generations which are to follow. [...] It is the living, and not the dead, that are to be accommodated.” (1791, 11-12) Paine thus sought for legal changes in the discussion of property, given that property laws create intersections between the public and the private and give rise to the “hereditary despotism” of kings (1791, 21), who bend laws to their needs and openly exploit marginalised individuals.

This bending of the laws to favour those in power can be illustrated by the Enclosure Acts, which are exemplary for the relentless advance of capitalism in the 18th century. The term ‘enclosure’ refers to the occupancy of common land, which inhibits the right of ordinary people to access and work the land for their benefit. From the 17th century onwards, these enclosures were not only facilitated by field owners and proprietors, but also enforced by parliamentary acts, catalysing the displacement of labourers and tenants, who were forced to search for work in the city. Described by Raymond Williams as “a capitalist social system [that] was pushed

through to a position of dominance, by a form of legalised seizure” (2011, 98), the Enclosure Acts facilitated a transferral of communal land into the hands of private people, sometimes in exchange for land of much poorer quality, which outlawed open-field farming and thus put an immense strain on the already suffering small tenants or landless labourers. Most of those land reassignments were done via private enclosure bills under the guise of ‘improvement’ necessary for optimal use of the land – when it was clear that only those who were eventually given the land improved their situation. While Williams criticises how the image of “independent and honourable men, living in a working rural democracy, who were coldly and ‘legally’ destroyed” by the Enclosure Acts has often been used to emotionalise the socio-political conflict (2011, 100) and create an idea of a magical pre-industrial time of peace and prosperity in Britain, he nonetheless retains that the enclosure of public land constituted landowners as a political class (2011, 103) and served as a “visible stamping of power” (2011, 106) in its concentration of property in the hands of a select few.

Discussions of property rights are inherently connected with the discourse on housing in Britain and constituted a key component of socio-political thought in the Long 18th Century. Unlike the Romantic



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poets whose writings often remained lamentations of long-lost rural bliss, Jacobin¹ authors employed their texts to criticise the legal exploitation of the propertyless in their discussions of human rights. In *The Making of the English Working Class*, E. P. Thompson notes a particular “Jacobin hatred of the landed aristocracy”, which made them supportive of “land nationalisation” and the re-distribution of common goods (1966, 230). Jacobins naturally also opposed the enclosures, as they “destroyed the scratch-as-scratch-can subsistence economy of the poor” (1966, 217) and therefore serve for Thompson as “a plain enough case of class robbery, played according to fair rules of property and law laid down by a Parliament of property-

owners and lawyers.” (1966, 218) This ‘class robbery’ was even given a firm ideological basis in the assumption that enclosures meant increased or at least secured social discipline. In a manner analogous to Edmund Burke, those in favour of the enclosures professed that British dignity could only be upheld if the transferral of property was based on primogeniture. Should further (property) rights be given to the poor, barbarianism was said to lurk around the corner, so that “[i]t became a matter of public-spirited policy for the gentleman to remove cottagers from the commons, reduce his labourers to dependence, pare away at supplementary earnings, [and] drive out the smallholder.” (Thompson 1966, 219)

**The First Political Anarchist:
William Godwin and Property**

Commonly described as the forefather of political anarchism, Jacobin author and radical philosopher William Godwin was amongst those who most harshly criticised the exploitation of the poor by a denial of property rights. In his magnum opus *Enquiry Concerning Political Justice and its Influence on Morals and Happiness* (1793), fittingly published just days after the beheading of King Louis XVI of France, Godwin accuses the British government of abusing the legal system and contributing to the downfall of individuals. Inspired by the events of the French Revolution, Godwin draws parallels between the French monarchy and the British government and proposes socio-political changes based on reason. The philosopher dedicates an entire book in his *Political Justice* to the complex discussion of property rights and takes great care to explain the intersections between natural rights, property rights, the ownership of the body and political participation. Godwin understands property, of which habitation is a core element, as “the key-stone that completes the fabric of political justice.” (2015, 623) Countering the assumption that certain individuals have more rights to the common stock than others based on the laws of primogeniture, as proclaimed by Burke and the supporters of the enclosures, Godwin

states that “[e]very man has a right to that, the exclusive possession of which being awarded to him, a greater sum of benefit or pleasure will result than could have arisen from its being otherwise appropriated. [...] If man have [sic] a right to anything, he has a right to justice.” (2015, 624) With regard to the Enclosure Acts, Godwin’s statements can be interpreted as follows: Should a man profit more from the use of the common land than another, for example in the case of a landless labourer who needs the common land to support his family, that man derives more ‘benefit or pleasure’ from it than the greedy landowner desiring to enclose the land to increase his profits. Anticipating Marx, Godwin also demands that “every man is entitled over the produce of his own industry, even that part of it the use of which ought not to be appropriated to himself.” (2015, 631) Unlike other philosophers of the period, William Godwin directly engages with the issue of landownership in England by stating that “the rent-roll of the lands of England is a much more formidable pension-list than that which is supposed to be employed in the purchase of ministerial majorities.” (2015, 648) He notes the immense imbalance between the few who own and profit from English soil versus the masses who rely on the ‘charity’ of the rich to survive, leaving workers “famished with hunger, exposed half naked to the inclemencies [sic] of the

sky, hardly sheltered". (2015, 650) Since the Jacobin author is certain that a redistribution of property by force will not be feasible (2015, 643) and therefore does not propose a system of social ownership, he hopes to destroy "the inequality of conditions" (2015, 636) by truthful reasoning. By stressing the need to improve the underlying conditions of the exploited masses, Godwin precedes Marx' later critique of capitalist economies and the social inequalities they produce, given that the labourer stands in opposition to the owner of the means of production, which provokes structural contradictions and class struggles.

At the time of its publication, *Political Justice*, which is now considered a prime example of philosophical anarchism, was an immediate success in intellectual circles but due to its length, cost, and use of complicated language it failed to connect with those who suffered most.² Granted, this meant that Godwin was exempt from political persecution in the famous Treason Trials of the 1790s, in which authors like Thomas Paine, Thomas Holcroft and John Thelwall were tried for agitating the public. To nevertheless engage with the radical political landscape of the time, Godwin then resorted to fictionalising his ideas and highlight issues of property, ownership of the body and political participation in his *Things as They Are; or, The*

Adventures of Caleb Williams (1794). The novel was published during the 1794 Treason Trials and he used some of the proceeds of the well-received work to bail out former revolutionaries – a commendable habit which would, however, soon come to engulf him in a vicious cycle of creditors and debtors for the remainder of his long life. In *Caleb Williams*, the eponymous protagonist narrates his life story as an orphaned poor coming to work at the estate of the wealthy Falkland, who harbours a dark secret. The inquisitive Williams is determined to seek out the truth regarding the role of his master Falkland in the murder of fellow landowner Tyrrel and is soon engaged in a life-threatening game of flight and pursuit.

In recounting the experiences of a marginalised individual such as Williams, Godwin lays bare how the lack of property leads to a lack of subjectivity, since the benefits of all natural and civil rights were commonly denied to economical dependents. As a result, their lack of property prohibits them from fully participating in the political body, which in turn means that they were not considered full subjects (cf. Johnson 2004, 17).³ *Caleb Williams* serves as a prime example of Jacobin novels which dealt with the interconnectedness of property (or the lack thereof) and political subjectivity. According to Nancy Johnson, these novels unveiled the exploitation of

propertyless and thus dependent individuals by relaying that “[a] discrete, independent self was a pre-requisite to citizenship, to proprietorship in the social contract, [and] to the avoidance of a subjecthood that was a carryover from formal patriarchy.” (2004, 17) However, the economic dependence of women was much more acute given that in marriages, females were not allowed to own property at all and quite literally became the property of their husbands. Consequentially, Godwin also illustrates the suffering of propertyless females who “were ultimately not considered beneficiaries of all natural and civil rights in the body politic.” (ibid.) Being denied their natural and civil rights, women were stripped of agency and ultimately remained in a liminal “state of formal non-existence” (ibid. 18).⁴

By presenting the life stories of marginalised individuals, Godwin shows how political power is a consequence of family property, and, more specifically, landownership. The relationships between individuals mirror the relationship between subjects in a political body, relaying that “[t]he state is more than just an image of a family relation, it functions in direct socio-economic connection to the management of familial estates and the laws governing family property.” (Johnson 43) In other words, those who are excluded from the laws of primogeniture, therefore do not

own property and cannot ‘ground’ themselves by landownership, are simply disregarded by society as they do not count as proper citizens. Criticism of landownership and property rights lies at the heart of Jacobin novels such as *Caleb Williams*, which shows how the systematic exclusion of certain individuals from owning land and property similarly excludes them from becoming independent selves, profiting from the social contract and exercising their political agency. Given that rights were viewed by those in power as inheritable, traditionally transferred according to the laws of primogeniture from one generation to the next, orphans, women, or the poor were necessarily excluded from even obtaining basic human rights.

21st-Century Enclosure Acts

Overall, this dive into the philosophical and fictional endeavours of Godwin and his fellow thinkers reveals how the Enclosure Acts sparked far-reaching discussions about property, ownership, and the law, especially concerning those who were systematically disfavoured by British politics. The enclosures relayed how much people depended on common land, not only for the support of their livelihood, but also in terms of creating a sense of self. If the land of the common stock is simply taken away from them, often with meagre compensation or without

any compensation at all, individuals were marginalised further and did not stand any chance of becoming proper citizens, as the prerequisite to enter and engage with political society remained the acquisition of property, with landownership as the most common denominator of power. As the Enclosure Acts, amongst other factors, triggered the relentless advance of capitalism and truly showed how inherently connected property and subjectivity were in Britain's legal system, it was only natural to discuss them as part of the larger picture of housing in Britain. To this day, enclosures of land remain a much-contested issue among landowners and those fighting for a minimisation of capitalist exploitation. Matthew Thompson, research fellow at the Heseltine Institute for Public Policy, Practice and Place, refers to housing as "the political battlefield of our time – a field in which the contradictions and injustices of capitalism are once again socially and materially manifest." (2020, 177) In a predominantly neoliberal formation, the housing market in Britain has revealed that privatisation of common land is still a common practice among the rich, veiled by the sugar-coating call for 'improvements' of land usage while systematically driving the needy to the margins. This circumstance can be read as a contemporary version of 18th-century land enclosures, in which the needs of the general public are overruled

or even nullified to increase the profit of those in power. In his *The New Enclosure. The Appropriation of Public Land in Neoliberal Britain* (2018), Brett Christophers discusses how the era of PM Margaret Thatcher and her exploitative system of neoliberalism enabled Britain to sell large portions of its land to private owners – a severe case of land privatisation of which only few are aware. These present-day enclosures of public land have massively damaged Britain's social cohesion and will further threaten Britain's housing crisis should governments continue to look the other way and sell public land to private developers. Hauntingly mirroring the enclosure movement of more than 200 years ago, contemporary British economy is again building on land alienation under the pretence of 'improvements', which then take the form of shopping malls and car parks rather than communal gardens or affordable housing space to create revenue and once again benefit those in power.

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Endnotes

1 The term ‘Jacobin’ originally referred to the *Jacobin Club*, a political organisation established during the French Revolution in favour of a French Republic. In late 18th-century Britain, those English radicals supporting the Revolution came to be known as Jacobins. Leading politicians felt increasingly threatened by the radical societies, prompting PM William Pitt the Younger to systematically infiltrate different societies with spies and informers (see Johnson 2004, 153). As a number of these societies were also founded by labourers from different

trades, workers were able to connect with each other on a much larger scale, which is why the societies are often understood as productive of the creation of a working class consciousness (see Anderson 2000, 624).

2 While E. P. Thompson notes that Godwin’s *Political Justice* was only read by a small literary elite (98), Godwinian scholars like Isaac Kramnick argue for a widespread popularity of his work, or at least of the communicated ideas (xv). Still, it remains contested whether people knew of him and his work based on having read his work or based on the following he inspired among younger radical poets like Robert Southey or Percy Shelley.

3 See Johnson 17.

4 In the character of orphaned Emily Melville, Godwin relays how propertyless females remain at the mercy of their male relatives and, in extreme cases, may face life-threatening consequences should they dare to rebel against the patriarchal system (see Godwin 2005, 60).