

Commons & Landscape

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Commons, institutions and landscape

This essay will argue for the necessity of combining the historical/empirical and the theoretical/institutional oriented approaches to the commons, with an approach that takes cognizance of the commons' enormous symbolic importance to society as an epitome of shared abstract values and democracy. The link between these approaches to the commons lies in the conception of the commons as landscape.

What is the significance of the concept of landscape when analyzing the phenomenon of the European commons as an institution? Where does landscape fit in? I would suggest that the suffix *-scape* provides the connection. The *-scape* in *landscape* has been spelled differently throughout the ages, but it is fundamentally a variant of the suffix *-ship*, which is found in words such as *citizenship* and *township*, not to forget variants of landscape such as the Old Norse *landskapr*, the modern Swedish *landskap* (*landskab* in Danish), or the German *Landschaft*. In all of these words the suffix can be defined as generating the meaning of an *office* or *institution* in relation to the prefix. A *judgeship* is thus the jurisdiction or office of a judge. A citizen is an individual person, but citizenship is a state which that person shares with other citizens of a publicly constituted institution, such as a New England township. The Germanic and Scandinavian landscape territory was, likewise, such a publicly constituted institution that was analogous to a township, though larger, so that it could, like a county, encompass a number of towns.¹⁰

Historically, the commons would have been an area in which citizens of such institutions would have used rights in the common land. These rights would be institutionalized through the common, customary, laws of the town or land – a different sort of institutionalization than that generated by statute and state bureaucracy. These rights would constitute an important practical and symbolic expression of one's citizenship within the community circumscribed by the town or land. Rights in land, as a material phenomenon, gave rights in the land as a social phenomenon, e.g. citizen rights in the country. Prior to the institutionalization of the modern state, such rights could not have been expressed, as now, by the statutes and bureaucratic institutions that certify citizenship and issue passports. They were rooted, rather, in one's rights in land. To lose one's rights in the commons was tantamount to losing one's citizenship. The suffix *-ship*, however, also has broader and more abstract connotations than that of an institution alone.

Generally speaking, the suffix *-ship* has meanings such as *nature*, *state*, *condition*, *quality* and *constitution* and its etymological relationship to *shape* suggests that it is these qualities that shape the phenomena at hand. *Fellowship* means “the quality or state of being comradely: FRIENDLINESS, COMRADESHIP,” and is thus a word that signifies something more abstract than an institution; something related to the human ideals necessary to the existence of the community constituting an institution such as a township. The word itself, in fact, derives from an institution in so far as *fellow* derives from the Old Norse, *felagi*, meaning someone who was a member of an institution, or association, (*lag*)

¹⁰ The word *land*, in this context, was essentially synonymous with the word *country* – as in *Scotland*, the country of the Scots. For a discussion of the meaning of *-scape* and *-ship*, and *land* vs. *county/country* see: (Olwig 2002: 16-20, 43-61).

for the grazing of sheep or cattle (*fe*) in common.¹¹ Occasionally, we sense the original meaning of the term, as when we are told that only the gowned fellows of an Oxford college have the right to walk on the college's grassy "commons." Though one rarely sees sheep or cattle on a New England town commons, such commons similarly continue, according to the geographer Donald Meinig, to conjure up images of fellowship and communality. Quoting a statement to the effect that "to the entire world, a steeped church, set in its frame of white wooden houses around a manicured common, remains a scene which says 'New England'," Meinig goes on to write:

“. . . drawing simply upon one's experience as an American (which is, after all, an appropriate way to judge a national symbol) it seems clear that such scenes carry connotations of continuity (of not just something important in our past, but a viable bond between past and present), of stability, quiet prosperity, cohesion and intimacy. Taken as a whole, the image of the New England village is widely assumed to symbolize for many people the best we have known of an intimate, family-centered, God-fearing, morally conscious, industrious, thrifty, democratic *community*“(Meinig 1979: 165).

It should be noted, when reading Meinig's purplish prose, that New England village centered townships still tend to be working direct democracies, with regular down to earth town meetings in which the citizenry meets to discuss and vote, in common, on the governance of the community.

Symbolic Commons

In New England and Oxford College the grazing function of a commons is but a distant memory. Nevertheless these commons tend to carry meanings that draw upon earlier notions of shared resources and regulatory regimes expressing participatory forms of governance rooted in ancient custom. Examples of this kind abound in Western Society. In Copenhagen as in many European cities, the workers active in the labor movement, parade through the streets on the first of May. Many bear budding branches reminiscent of ancient rites of spring, and all finally congregate at a park called "The Commons Park" (*Fælledparken*). In the 19th century, when the labor movement began, this place was not the manicured park that it is today, but a shaggy commons, and it is possible that many of the workers, fresh from the countryside, would have had memories of rural spring rites, involving festivities on a local commons. Initially, government troops were mobilized to disperse the workers, and the workers had to fight to win the right to meet on the commons. Today, the first of May has become a quasi public holiday, and many of the workers seem to be more interested in the beer than the labor movement, but the whole affair nevertheless continues to express, like the New England Village Commons, notions of grass roots democracy rooted in working commons.

The examples of the New England and Copenhagen commons have a rather clear-cut tie to working commons of recent memory, even if they have been transformed into manicured public parks. The grassy public park landscape ideal, with scattered trees, can, however, also be traced back to one of the most influential genres in Western artistic history, the pastoral (Williams 1973). Though the origins of the pastoral are lost in time, the Roman poet, Virgil, can be credited with establishing its formal elements with his *Eclogues*, a set of lyric poems celebrating the life of ancient Arcadian shepherds. Pastoral themes are also to be found in his *Georgics* that celebrates rural life more generally (and takes the form of a poetic agricultural handbook) and his *Aeneid* that celebrates the origins of Rome. The

¹¹ Fellowship retained this institutional meaning in the archaic sense of "a guild or corporation," and in the still current: "a company or group of equals or associates : UNION, ASSOCIATION" (Merriam-Webster 1968: fellowship). For a fuller discussion of the meaning of fellowship see: (Olwig 2002: 19).

pastoral is built on the widely held classical notion that humankind first became civilized, and human, when it learned to tame animals and to graze them on shared pastures (Olwig 1984). Virgil, indeed, makes it clear that the locus of the pastoral is a common, during an ancient time when all the world was a common and there was "no fence or boundary-stone to mark the fields" (Virgil 1946: 69 [Georgics 1.151–52]).

The present day park ideal is largely inspired by the pastoral artistic tradition as embodied in the English landscape park ideal that flourished in the 18th century. At the same time as many working English commons were being enclosed for intensive agriculture, many estate owners chose to devote a large portion of the lands surrounding the manor house to grassy parks that were explicitly inspired by the pastoral tradition in poetry and graphic art. These parks were seen by many to be expressions of the democratic ideals characteristic of England (see, for example Walpole 1943 (orig. 1782)), and as such, the spread of these parks to continental Europe during the Enlightenment, was a reflection of the inspiration that England gave to democratic thinking throughout Europe (Neumeyer 1947). It was thus no accident that Montesquieu, the great admirer of the English system of tripartite government (executive, legislative and judicial) and author of *Spirit of the Laws* (Montesquieu 1989 (orig. 1748)), created an English style landscape garden around his French estate, *La Brède*. Such parks, however, can also be interpreted to represent the ideological false consciousness, by which a new moneyed gentry, of often urban origin, sought to naturalize and legitimize the appropriation of working commons, and the theft of the ancient rights of commons from the commoners (Barrell 1972; Williams 1973; Bermingham 1987). One of the most popular English language poems of all time, Oliver Goldsmith's *The Deserted Village*, from 1770, was concerned with precisely this theme:

The man of wealth and pride,
Takes up a space that many poor supplied
Space for his lake, his park's extended bounds,

....

His seat, where solitary sports are seen,
Indignant spurns the cottage from the green (Goldsmith 1966 (orig. 1770); see also Batey 1974).

The British access movement of a century ago, which was often led by the worker's movement, was inspired by such ideas of unjust loss, and was in this respect a deliberate attempt to regain, through mass-trespass, what was believed to be ancient institutional rights of commons (Rothman 1982). This movement, though controversial, had an evident impact through the establishment of national parks in Britain (Hill 1980; Darby 2000), just as similar labor oriented movements had an impact on the establishment of the *Allemands* right of common access to open land in Scandinavia. The movement, however, was broader than this, and it also included less radical organizations, such as Lord Eversley's "Commons, Forests and Footpaths Society" (now know as the "Open Spaces Society"), which was able to effectively use English common law to argue for the preservation of common land as parks, particularly in urban areas (Eversley 1910; Clayden 1985). A contemporary visitor to London's Hampton Heath, or the Peak District National Park, is likely to forget that the area was or is a working common, but the idea that cities and nations ought to have shared common landscapes, in which the larger citizenry have rights of access, owes to a heritage of ideas going back both to Virgil's pastoral, as well as to more recent experience with working commons as a legal and economic institution.

The Commons' Semiotic

This discussion of the transformation of the meaning of the commons landscape toward greater abstraction, in which it gains a symbolic character, suggests that our study of commons, institutions and landscape ought to take cognizance of the fact that the commons is not simply an institution, but also a symbol of the human ideals and values necessary to the maintenance of such institutions. I would argue, in this vein, that the study of the commons necessarily must encompass both the institutional and the symbolic dimensions of the commons. Semiotics, I believe, could provide model through which to understand the integration of these dimensions.

A common semiotic model involves the analysis of symbolic meaning by dividing a symbol into a triad (see diagram).¹² The 1) *signifier* may be a text, painting or landscape design that expresses a more abstract, signified meaning. The landscape painting thus 2) *signifies* more abstract notions related to the *nature, state, condition* or *quality* of the land. The English landscape garden park, for example, was seen to be a “natural” style of gardening because of the way it expressed the nature of the land, particularly in relation to the democratic nature of the society that shaped this land. The same could be said of the manicured commons found in New England villages or in contemporary Copenhagen. All of these landscapes *refer*, however obliquely, to the historical institution of a working commons -- the 3) *referent* in semiotics. Thus, even though grazing animals may not be present, their teeth replaced by the blades of lawn mowers, everything from the morphology of the clipped lawn with its scattered, full crowned shade trees to its shared usage can be traced to the historical existence of the institution of the working commons.

Research on the commons, it might be argued, tends to focus on different points on the triad sketched above. Studies from the humanities will thus tend to focus on the relationship between the *signifier* and the *signified* meaning. They may, for example, study the Jeffersonian democratic ideal in the context of an approach to the pastoral tradition in the arts in which the rarified world of Arcadian poetry will be more significant than the institutions and practices that characterize actual grazing on a commons (e.g. Marx 1964). Historians and geographers, on the other hand, will tend to focus on what has here been termed the *referent*, the actual historical phenomenon of the productive working commons. As empirical scholars they may well pursue their studies without much concern for the pastoral tradition and other manifestations of the symbolic significance of the commons, or for theoretical models of the commons, since they are concerned with places that have been historically defined as commons (e.g. Hoskins and Stamp 1963). Finally, there are the sociologists, anthropologists, economists and ecologists who are primarily interested in modeling institutions and regimes by which common pool resources can be managed. For them the historical commons tends to be used as an analogy for more general nomothetic principles concerning the way various public, private and individual property regimes effect the management of common pool resources. The historical commons thus tends to function more as a metaphor suggesting a likeness or analogy, than as the point of departure for study (*metaphor*: “A figure of speech in which a word or phrase denoting one kind of object or action is used in place of another to suggest a likeness or analogy between them -- as in the ship plows the seas or in a volley of oaths”) (Merriam-Webster 1968)), and its larger symbolic meaning in the arts tends to go unremarked. This approach grew up largely in the wake of Garrett Hardin’s seminal essay “The Tragedy of the Commons” published in *Science* in 1968 (Hardin 1968; Feeny, Berkes et al. 1990). I would argue, however, that these three foci in academic research should be combined. The study of the commons ought to be rooted in an understanding of the shifting relationship between the

¹² I describe this model at greater length in: (Olwig 1993).

symbolism of the commons, and the evolving historical commons, if a theory of the commons that adequately explains its social and economic significance is to be generated. This means that the three approaches outlined above must take serious cognizance of each other when studying the commons. This issue can be illustrated through a brief examination of Hardin's "The Tragedy of the Commons."

For Hardin the commons ostensibly provided a metaphor to which he applied a logical, mathematical, argument, intended to show the inevitable tragic depletion of shared common pool resources, as opposed to privately owned resources. Both his critics and supporters have tended to adopt his discursive framework, in which the historical commons ostensibly functions primarily as an analogy for more generalized models of various property institutions and regimes. The fact of the matter, however, is that Hardin's text was, as he has revealed elsewhere, informed by a sophisticated knowledge of both the highly symbolic overtones of his metaphor, and by a long standing historical discourse developed by defenders of enclosure and opponents to what we now think of as social democracy (Hardin 1959; Hardin and Baden 1977). "The Tragedy of the Commons" falls, I would argue, within a literary sub-genre termed the "negative" pastoral by Raymond Williams, in which the ideal qualities of democratic sharing, normally identified with the commons, are reversed and turned on end (Williams 1973; see also Olwig 1981). The power of Hardin's article to influence debate within history and geography, economics, anthropology and sociology, as well as amongst politicians and resource managers, derives, I would argue, from his ability to mobilize the symbolic, the historical and the metaphorical meaning of the commons. If one is to approach this theory critically, one must do so from the same comprehensive discursive terrain.

Commons theory

In my view, an adequate theory of the commons must be rooted in a critical understanding of the symbolic dimensions of the commons as well as its history as a concrete referent for that symbolism. Though the landscape of the commons often tends to be economically marginal, it is socially and symbolically central.¹³ The importance of lands grazed and otherwise utilized in common for the social and physical reproduction of agrarian society helps explain, I believe, its long-standing symbolic role. Rights in the commons, be it for grazing, the plucking of berries and the gathering of kindling, or for riding and fox hunting, were central to the establishment of one's rights, membership and standing in the larger community, and hence to one's right to its protection and fellowship.

Today, as the agricultural significance of the commons wanes, and as the urbanized populace expands, we are faced with a conflict between what might be perceived as a "new" recreative and symbolic commons, versus an "old" productive commons. There is certainly something to this, because people with historical, local rights of commons do not

¹³ The intensive production of agricultural goods for market exchange has largely taken place on the demarcated cultivated infields of the farm, which were primarily at the disposition of the individual farmer. The size of a farmer's herd was tied to the size and fertility of the farmer's infield. The meadowlands, and outfields, which were grazed in common, played an important role, on the other hand, in the reproduction of the herd, and in the reproduction of the fertility of the infield (through the input of manure), as well as for social reproduction, because they were a source of a variety of subsistence products that were of particular importance to the landless poor – e.g. as a source of fuel, berries, honey, small game etc. Though the exploitation of such resources served practical ends, their collection also constituted a form of recreation, as did the various seasonal festivities held in such areas (for a presentation of the recreative, symbolic and psychological importance of the commons to the rural poor, as expressed in the poetry of John Claire, see: (Barrell 1972)). For the wealthier, landed segments of society, on the other hand, these areas provided an important recreational and social resource as the locus of high status recreational activities such as hunting, riding, etc.

necessarily understand the legal principles by which outsiders may demand the right of access to their fields, and they may also worry about the practical consequences of such access for their agricultural use of the land (Edwards 1995). These tensions are nothing new. They reproduce in new form, rather, centuries of conflict surrounding the commons as a locus of community identity and cultural capital within a changing and evolving historical relationship between the symbolic and economic dimensions of the commons. In this sense, the modern well-to-do urbanite, seeking to buy property on an historical common with a wild moorland view, where his daughter can ride her horse, and he his Range Rover (both suitably clad in a Barbour oilskin), is following in the footsteps of generations of estate owners, who prized natural views and exclusive forms of recreation. The rambler, on the other hand, who assiduously trespasses by foot on this urbanite's rural land, is likewise following in the boot steps of countless commoners before, who have sought to defend perceived ancient customary rights of common (Pithers 1991; Ashbrook 1992).

The contested character of the commons, I would argue, has less to do with tensions between differing property institutions, than with a conflict at the abstract symbolic level of social ideals, between the institution of property itself and its symbolic opposite, the pastoral commons. The fascinating thing about the classic commons is thus that it is nominally the property of the Lord of the Manor, but the lord need not have use rights to the commons. Property rights and use rights are thus two different things. Whereas property can be sold under legal statute and title, use rights are customary and rooted in an ever changing practice rather than title or deed, and cannot be sold as such. Customary rights are, in principle, unwritten and subject to constant revised in the light of current practice.¹⁴ Property, on the other hand, as the dictionary tells us, is: "a :something that is or may be owned or possessed : WEALTH, GOODS; specifically : a piece of real estate ('the house . . . surrounded by the property' --G.G.Weigend) b : the exclusive right to possess, enjoy, and dispose of a thing : a valuable right or interest primarily a source or element of wealth : OWNERSHIP ('all individual *property* is . . . a form of monopoly' -- Edward Jenks) c : something to which a person has a legal title" (Merriam-Webster 1968: property). Use rights in the commons are the symbolic antithesis of such property rights in that they historically have belonged to a community, not an individual or a corporate body. It is the symbolic antithesis of property and its attendant association of exclusivity. The trespassing urban rambler thus may not have specific customary use right to a particular village's common, but as the descendent of rural commoners, the rambler may feel a symbolic use right, and given the way customary rights are constantly being reinterpreted in the light of current practice, the rambler may even gain a general use right – as has happened with the Scandinavian *Allemands* right mentioned above.

It is the antithesis between that which is private, and that which belongs to the community that explains, I would venture, the commons' symbolic importance, and this is why they are so socially and politically contested, whether they are historical commons or whether they are modern commons-like constructions, such as Antarctica, to which much of the aura and

¹⁴ Customary rights are normally first given legal written form if there is a legal conflict. I thus have the customary use right to walk from my Danish summer home to the beach on a path across a neighbor's private land. In earlier times this right was to enable access to the common resource of the beach sand as a building resource, but today it is a right of access to a common recreational resource, and it is no longer permitted to take sand. I will not gain the written legal title to cross private land unless this right is contested and adjudicate through a court case, or I agree to pay for this right (in which case it ceases to be a customary right). I cannot sell the right to walk on my neighbor's land, which accrues, gratis, to residents of my village, nor can I sell the recreational use right to the beach, which is open to the communality of the entire public (for a discussion of customary rights see: Olwig 2002: chapter 2).

discourse of the commons has accrued. The study of the commons will thus necessarily implicate larger social and political ideals, and this is why the commons' social importance is best understood when combining concrete, historical/empirical and theoretical, model oriented approaches, with approaches that take cognizance of the commons' enormous symbolic importance to society as an epitome of shared community values and democracy.

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