

**Symposium 1: Lancaster University 11-12 September 2008
'Sustainability and the Commons, Past and Present'**

ABSTRACTS

**SESSION 3: CONCEPTUALISING SUSTAINABILITY
IN A HISTORICAL CONTEXT**

**3.1 Stints and Sustainability: managing stock levels on common land in
England and Wales, c.1600-1965**

*Dr. Angus Winchester and Dr. Eleanor Straughton,
History Department, University of Lancaster*

Stinting was one of the primary methods for governing stocking numbers on common land in England and Wales, and whilst some commons appear to have been stinted from time out of mind (suggesting the existence of a distinctive regulatory tradition), others were converted from unstinted to stinted commons in the early modern and modern periods, whether by order of manor courts, through private agreements or through local/parliamentary acts. This raises a number of questions regarding the origins and development of stinting as a management tool, and leads us to query the received interpretation of stinting as a response to grazing pressure. Our first object therefore is to enquire into the origins and spread of stinting. Our second is to explore the relationship between stinting and sustainable land use. Contemporary definitions of sustainability are difficult to apply in the historical context and need careful examination. Was stinting simply a response to grazing crises? Was it understood in terms of ecological, social and/or economic benefits? Stinting presupposes an understanding of the carrying capacity of common land: how did those involved in stinting a common determine its numerical limits and the appropriate conversion formulae for different types of animals? Our paper will explore these and other questions using manorial records, private agreements, stint-holders' minute books and statutory awards. As this is a work in progress, our emphasis is on presenting preliminary hypotheses and research questions, which we hope will stimulate further discussion.

3.2 Sustainable souming in Scotland: theory and practice

*Dr. Alasdair Ross, Centre for Research in Environmental History,
University of Stirling*

Within the field of environmental history one of the most important concerns is to discover how past societies have interacted with and managed their resources to avoid a 'tragedy of the commons' scenario. In Scotland, some research has been undertaken on land assessment and division but, to a large extent, this has been unduly influenced by the horrors of 18th and 19th century Ossianism, Balmorality, and racial theory, which have together combined to place emphasis on the importance of arable alone. Another part of this problem is derived from the simple fact that early-modern Scotland did not possess a single common unit of land assessment but at least eight differently-named units and many of these have yet to be investigated in detail.

Due to the nature of much of the terrain of Scotland, most of these different units of land assessment possessed one common factor: a high proportion of moor or mountainous land upon which set numbers of livestock could be grazed at different times of the year. Though eighteenth and nineteenth century improving land surveyors were fond of referring to these grazings as 'common waste', they were working to a different agenda. In fact, it can now be demonstrated that across much of Highland Scotland these so-called 'wastes' had been perambulated, divided, and assigned to different communities sometime before the year 1000.

I have argued elsewhere that all these 'common wastes' had been further sub-divided into soums that were periodically re-assessed, where one soum equalled the grazing requirements of one cow for a year. Essentially, until the c.1700s everybody knew where, how often, and how many livestock they could graze during any year. Furthermore, such areas were actively managed and generally protected from conversion into arable because they were viewed as an extremely valuable resource. Hitherto, estate souming lists have been utilised as an indicator of actual stocking levels but it now seems likely that such a presumption is mistaken. There has also been a common assumption that over-stocking by the tenantry was both commonplace and inevitable.

In contrast, a new survey of barony court records throughout Scotland has thrown up remarkably few cases of over-souming and demonstrates that there was at least one other factor (besides court officials) that helped to prevent the over-stocking of animals by both tenants and cottars. This survey has helped to show that under-souming was also a chargeable offence in these courts, but only in cases of agistment and dunging contracts. All of which helps demonstrate that throughout much of Scotland souming-rates were tightly controlled both through the courts and via other measures, at least until the so-called 18th century 'age of improvement'. Post-1750, when many 'traditional' souming calculations were abandoned, we are beginning to find cases where the massive overstocking of sheep quickly led to a complete collapse of the grazing grounds through the denudation of all foliage. In such cases the grazing grounds were quickly replanted with grasses and heather

and a return was made to the pre-improvement sousing rates as common-sense averted tragedy.

3.3 Parliamentary enclosure in the midlands: reactions to a sustainability crisis on open and common land

Professor Michael Turner, History Department, University of Hull

In this paper I apply the modern concept of 'Sustainability' to the management of the open fields of Midland England in the seventeenth and eighteenth centuries and suggest that a sustainability crisis was at least one factor in the waves of enclosure that ensued from c. 1740. In so applying the concept I show how collective community action had developed to protect the scarce land resource, and then how the mainly changing economic climate and allied demographic responses exerted pressures on that resource. At first local communities attempted to overcome these pressures by adapting their sustainable methods of husbandry and management. In doing so they recognised three overarching principles: the maintenance of the ecological integrity of the land resource; adaptations to the economic climate in which it operated; and meeting the challenges to the equitable ownership and decision making processes that kept it in place. These three elements came under such severe strain mainly in the seventeenth and eighteenth centuries that enclosure and farming in severalty was more or less inevitable. The ecological integrity was subject to mounting economic pressure which led to the breakdown of the equitable ownership and equitable access to the common land resources.

SESSION 4: SUSTAINABILITY, GOVERNANCE AND THE CONTEMPORARY COMMONS

4.1 Building spatial Europe: an environmental law perspective

Dr. Jane Holder, Faculty of Laws, UCL

In this paper I provide a European context for considering sustainability and the commons, with a focus upon environmental governance and law. The *European Spatial Development Perspective* (ESDP) (1999), and its most recent intergovernmental 'spin-offs', *Territorial State and Perspectives of the European Union* (2007) and the *Territorial Agenda of the European Union* (2007) set out a framework for decision making about land use and development in the European Union. The main aim of these documents is to give planners and policy makers in the Member States a European reference point when they are drawing up development plans, applying for assistance from the EU or giving consent for individual housing, transport, commercial, or energy projects. The idea is that decisions about development should be made with respect to its impact on the 'Territory of the EU', and in turn the ways in which the global economic competitiveness of this 'Territory' can be enhanced.

I first give an account of some of the key elements of the EU's spatial strategy having relevance for the environmental governance of common land - sustainable development, mobility (of goods and people) and environment - and then highlight the relative absence of European policy on common land beyond a marginal concern with rural land having 'territorial currency'. This means that in policy terms at least there is little recognition at the European level of locally relevant and environmentally significant land uses which may be bound up with the identity of an area in a non-economic manner. Finally, by comparing the EU's spatial strategy with the treatment of spatial justice issues in the United States, I suggest that the potentially 'hard edge' of such issues, such as recognition of the unequal distribution of (to use the terminology of scholars in the United States) 'locally undesirable land uses' (or LULUs), has in the EU been overridden by concerns about the acceleration of economic growth in the regions and in rural areas, firmly in keeping with the original economic aims and objectives of the Union, but distanced from a more progressive environmental and social justice agenda. I suggest that this is because the conceptual framework of the EU's spatial strategy is provided by a particular version of sustainable development which, whilst apparently lacking any welfarist or justice content, pursues an aggressive programme of advancing the place of the EU in the global economy.

4.2 The Common Agricultural Policy: prospects for a sustainable farming system

Dr. Nicola Thompson, Runciman Research Fellow, Centre for Rural Economy, Newcastle University

Agricultural policy is a central factor in determining land management regimes on common land. Since accession to the then EEC in 1973 the UK has been subject to the Common Agricultural Policy (CAP). While synonymous with environmental degradation and over production, since the 1980s the CAP has been gradually reformed with environmental conservation and rural development measures forming an increasingly better resourced 'second pillar'. Based on documentary analysis this paper examines the likely direction of future reform and its consequences for the rural environment. It briefly reviews the history of agricultural policy before focusing on the 2008 CAP 'health check' and future prospects for the development of a sustainable farming system.

4.3 Property rights and the sustainable management of the commons

Professor Chris Rodgers, Newcastle Law School

This paper considers the legal arrangements for the sustainable management of the modern commons, and their relationship to the complex regime for property rights in the commons. Two principal questions are addressed: what legal principles encompass the standards of land management and husbandry required for "sustainable" management of the commons, and how are these expressed?; and what legal and economic instruments are available to facilitate (and in some cases enforce) sustainable management of common

land? The paper considers the Commons Act 2006, and draws on qualitative research conducted within the AHRC contested commons project. It also sets the issues under discussion in historical perspective, using historical research conducted within the AHRC project.