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# THE LAND STRUGGLES IN ENGLISH REVOLUTION (2)

## —WHAT THE PARTIES AIMED AT IN 1640—49—

By Yoshiharu OZAKI\*

### III Two Programs in the English Revolution (continued)

#### 2 Economic and Political Meaning of the Levellers' Program and its Ideological Appearance—the Program for the Peasants

We have confirmed the specific conception for the bourgeois revolution common to all the Parliamentary groups. However, unlike these groups, the Levellers were the only group in the Revolutionary camp who were not represented in the Parliament. It was the group which made its debut by keeping cooperation with the Army rank and file. We shall sketch out here, so far as it is necessary for our subject, the picture of the revolution as seen by the Levellers, from their party documents and pamphlets such as *The Case of the Armie truly stated.....humbly proposed by the agents of five regiments of Horse, to their respective Regiments, and the whole Army* (October, 1647)<sup>1)</sup>, the Levellers' first comprehensive program, and *An Agreement of the People, for a firm and present peace, upon grounds of Common Right* (November, 1647)<sup>2)</sup>, a further elaboration of the former from the viewpoint of the Army to that of the people of England as a whole.

The Levellers envisaged power as depending on three principles. The first one was indicated by the following provision in *The Case of the Armie*.

“That the supreme power of the people's representors or Commons assembled in Parliament, be forthwith clearly declared as their power to make laws, or repeal laws,.....as also their power to call to an account all officers .....and to continue or displace and remove them..... This power of Commons in Parliament, is the thing against which the King hath contended, and the people have defend with their lives and therefore ought now to be

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1) Be careful what is meant by the title, “The case of the Armie truly stated,.....”. Here, a rivalry was intended to *The Heads of the Proposals* presented in the name of the Council of the Army.

2) There were at least up to the 4th edition of the documents entitled *An Agreement of the People*, so far as the Levellers and their remnants are concerned, and the contents differed from one edition to another. Hereunder, when cited simply *An Agreement of the People*, it means the first edition.

demanded as the price of their blood."<sup>3)</sup>

What was demanded by the people's revolutionary struggle should be the command of "the supreme power" by "the people's representors or Commons", and this power was to be an opposite to the Crown prerogative for which "the King hath contended". Transference of the power to the Parliament through the destruction of the prerogative was the first principle of the Levellers. At this point, the Levellers stood clearly on the revolutionary side together with the Parliamentary groups. And yet here, neither the King nor the House of Lords were referred to, and the establishment of a republic with a single House was suggested.

Then, what was the second principle of the Levellers? "All power is", said *The Case of the Armie*, "originally and essentially in the whole body of the people of this Nation, and.....their free choice or consent by their Representors is the only original or foundation of all just government....."<sup>4)</sup>.

From the Levellers' viewpoint, the sovereign was "the whole body of the people". How was the relation between the sovereign people and their representatives prescribed? Article 4 of *The Agreement of the People* stipulated it as follows:

"The power of this, and all future Representatives of this Nation, is inferior only to theirs who chose them, and doth extend, without the consent or concurrence of any other person or persons.....to whatever is not expressly, or impliedly reserved by the represented to themselves, which are as followth," 1) freedom of worship, 2) veto right to impressed army service, 3) amnesty for anything said or done in Civil War, 4) every person's equality before all laws, 5) all laws must be beneficial to the safety and well-being of the people<sup>5)</sup>.

Here, not only the said principle of the supremacy of the Parliamentary power is reconfirmed, but also its inferiority "only to" the power of the sovereign people or the subordination of the Parliamentary power to the people's sovereignty is specified. This was the second point of the Levellers' principles. While in the Parliamentary programs there existed concordance *a priori* between the Parliamentary power and the "each subjects' vote" and therefore naturally the relation between them could not be questioned, in the Levellers' program the people's sovereignty was not merely to give substance to the Parliamentary supremacy, but to be absolutely superior to and extensively wider than the latter as seen from the "reserved" particulars. The third principle of

3) *The Case of the Armie truly stated*, printed in Wolf, D. M. (ed.), *Leveller Manifestoes of the Puritan Revolution*, 1944, pp. 212-213.

4) *Ibid.*, p. 212.

5) *An Agreement of the People*, printed in *ibid.*, pp. 227-228.

the Levellers as to power was in their characteristic conception of the constituent of this "people the sovereign". *The Case of the Armie* provided the universal franchise by the clause that "all the freeborn at the age of 21 years and upwards be the electors"<sup>6)</sup>. The request of the Parliamentary seats to "be proportioned according to the number of the Inhabitants"<sup>7)</sup> in Article 1 of *An Agreement of the People* was also derived naturally from this demand and its supplement. (Compare the demand to distribute the seats according to the tax paid in *The Heads of the Proposals*.) Thus, the power which, in the Parliamentary programs, was supposed to stay in fact with Parliament was reduced by the Levellers from the Parliament to "the whole body of the people" and further to the vote of each "freeborn", eventually to the individuals. And the power structure is conversely built up from below to the supreme power of the Commons in Parliament on the basis of "an Agreement of the people upon ground of common right" which is expressed in these individuals' voting. The establishment of a Commonwealth with a single House based on universal suffrage—the people's sovereignty:—this was the Leveller conception of power.

What was then to be the norm for the Levellers to prescribe and support the power structure grading up from the individual's vote? The following words of John Clarke who represented the Army Levellers at Putney are very suggestive.

".....[T]he grand question of all is, whether or no it be the property of every individual person in the kingdom to have a vote in elections; and the ground on which it is claimed is the Law of Nature, which, for my part, I think to be that law which is the ground of all constitutions. Yet really properties are the foundation of constitutions, and not constitutions of property. For if so be there were no constitutions, yet the Law of Nature does give a principle for every man to have a property of what he has, or may have, which is not another man's. This natural right to property is the ground of *Meum* and *Tuum*"<sup>8)</sup>.

We have already confirmed that the power conception of the Parliamentary programs was constituted with private property as a norm. For the Levellers also, "the foundation" of government was the property of every individual person. In this respect, the Levellers stood on the same side as the Parliament. However, the concordance was only up to a point. What constituted the foundation of the property for the Parlia-

6) *The Case of the Armie truly stated*, printed in *ibid.*, p. 212.

7) *An Agreement of the People*, printed in *ibid.*, p. 226.

8) Captain John Clarke's speech, in the Putney Debates, printed in Woodhouse, A. S. P. (ed.), *Puritanism and Liberty: being the Army Debates, 1647-1649 from the Clark Manuscripts with Supplementary Documents*, 1938, p. 75.

mentarians was "the ancient fundamental law" (Common Law), which was at the same time the root of "the ancient constitution" (the ancient form of polity) in their view<sup>9</sup>. (Remember that the "constitution" means at once both fundamental form of polity and the fundamental law of state.) But, for Levellers, "the ground of *Meum* and *Tuum*" was the "natural right to property", and the positive constitution (fundamental law) itself should be judged by the original law of nature. Here was conceived the critical viewpoint against the fundamental law (constitution),—at a time, against the existing "property" of freehold which, in the Parliamentary conception, was indivisible from the fundamental law, and also against their fundamental form of polity (constitution) as a protective device of the said "property",—by the natural law to be a absolute law free from traditional customs and precedents<sup>10</sup>. Here, the natural law was the "principle" for every individual "to have a property of" not merely "what he has" but also "may have" and such property of every individual as a natural right was at the same time the vote of every individual.

Power for the Levellers was what should be formed having this natural right (property of every individual) as the starting point. It is interesting that *An Agreement of the People* was nothing but the people's agreement upon grounds of their "common right" and "freedom, and its preamble included the clause that "we do now hold ourselves bound in mutual duty to each other, to take the best care we can for the future, to void.....the danger of returning into a slavish condition....."<sup>11</sup>. While the Parliamentary programs were presented as a peace proposal which could be concluded between the Parliament and the King, the Leveller program was conceived as the social contract among the people themselves to establish the new constitution from the state of nature assuming that the existing constitution being dissolved, England at that time was in a state of nature prior to any contract<sup>12</sup>.

For the Levellers, power was the product of such social contract among the individuals having the natural right (i.e. property), and the

9) Cf. Gough, J. W., *Fundamental Law in English Constitutional History*, 1955, Chaps. III, VI, VII.

10) As reference to the Levellers' natural law, read, for instance, the corresponding parts of the following pamphlets: *A Remonstrance of Many Thousand Citizens, and other Free-born people of England.....* (July, 1646), printed in Wolfe (ed.), *op. cit.*, pp. 112-129, esp. 114; Overton, R., *An Appeal from the Degenerate Representative Body* (17th July, 1647), printed in *ibid.*, pp. 156-195, esp. 158; and refer to Robertson, D. B., *The Religious Foundations of Leveller Democracy*, 1951, Chap. III.

11) *An Agreement of the People*, printed in Wolfe (ed.), *op. cit.*, p. 226.

12) As reference to this recognition and the Levellers' theory to demonstrate it, read for the time being the following pamphlets: Lilburne, J., *Jonahs Cry out of the Whales belly* (16th July, 1647), quoted in *ibid.*, Introduction, p. 33; Overton, *op. cit.*, printed in *ibid.*, pp. 156-195, esp. 183-184.

power once established was subject to constant trial by the individual's vote (natural right—property) in elections. People might resist the power and rebel against it. Thus the power was derived only from the interior of the mutual relation among the contracting individuals, or from the interior of the society (the Levellers' so called "whole body of the people" being really a society constituted with the atomic individuals having the natural right to property). The aforesaid power provision of the Parliamentary subordination to the sovereign people as a whole corresponds to this. In any case, it can be said that just the mutual social relation among the properties of atomic individuals based upon the natural right was the very system of property to maintain power in the view of the Levellers, and at the same time was the norm to specify the structure of this power and its mode of action. What was really meant by this property is explained, to some extent, in the following provisions about agricultural and land problems.

One of the Levellers requests as to the problems of land and agriculture was the conversion of copyhold to freehold. Article 16 of *A New Engagement or Manifesto*, in 1648, reads as follows:

"That the ancient and almost antiquated badge of slavery, viz. all base tenures by copies, oath of fealty, homage, fines at the will of the lord, etc. (being the Conqueror's marks upon the people) may be taken away; and to that end that a certain valuable rate be set, at which all possessors of lands so holden may purchase themselves freeholders, and in case any shall not be willing or able, that there be a prefixed period of time after which all services, fines, customs, etc. shall be changed into and become a certain rent, that so persons disaffected to the freedom and welfare of the nation may not have the advantage upon the people to draw them into a war against themselves upon any occasion by virtue of an awe upon them in such dependent tenures"<sup>13)</sup>.

We have already confirmed the following: copyhold tenure was the standard form of peasants' holding at the stage of feudal money rent, and it constituted the lowest link of the system of multi-layer land proprietorship. Even in the century before the Revolution, most of the peasants' landhold was still copyhold, and its feudal incidents, although differing considerably depending on individual circumstances, still remained the actual obstacles to the bourgeois development of

13) *A New Engagement or Manifesto*, quoted in Brailsford, H. N., *The Levellers and the English Revolution* (ed. by C. Hill, 1961), p. 440. So far as I know, the following are the documents in which the Levellers requested the abolition of copyhold: *Foundation of Freedom or An Agreement of the People*, 1648, printed in Wolfe (ed.), *op. cit.*, pp. 294–303, esp. 303; *The fundamental laws and liberties of England* (9th July, 1653), quoted in Brailsford, *op. cit.*, p. 449; 'A petition to Parliament' (June, 1652), summarized in James, M., *Social Problems and Policy during the Puritan Revolution, 1640–60*, p. 94.

peasant economy.

The reality of the requests concerning copyhold was shown clearly in many disturbances and suits of the peasants during the time of Revolution<sup>14</sup>. The demand manifested in the first place through these struggles which were fought sporadically was the moderate one for the stabilization of the situation prior to the radical abolition of copyhold itself<sup>15</sup>. The line connecting this peasants' demand to the Army rank and file's and then to the Levellers' through the mobilization of peasants energy in the Civil War was shown for instance in the following claim by the petition of Hertfordshire peasants delivered to the Army Headquarters at St. Albans in June, 1647:

"That the body of the kingdom, consisting much of copyholders, who have for the most part been very cordial and faithful to the Parliament, may not now be left finable at the will of the lords, in regard the generality of them have been very malignant.....and from whom they cannot but expect very severe dealing"<sup>16</sup>.

It can be said that the Levellers' provision in *A New Engagement* adopted in its latter part this spontaneous demand of peasants to stabilize the situation, and yet before this settled the higher demand to convert the copyhold to freehold as its first principle. In other words, the Levellers' request was to turn the biggest majority of the peasant landholders into free peasant landowners, or at least, through assigning the burdens, to shut out in fact the "will of the lord" hampering the "improvement" of the peasants economy. What this meant to the Revolution is clear. First, so far as copyhold tenure constituted the fundamental cell of the feudal system of multi-layer land property on which the absolute monarchy had stood, such system of land property collapsed as a result from its foundations together with the status organization of personal services. Thus, the "persons disaffected to the freedom and welfare of the nation may not have the advantage upon the people to draw them into a war against themselves in such dependent tenures". Recall here the organizing principle of Royalists camp! The Levellers' attack was firstly directed toward the feudal structure of land property itself. Here again, they were faithful to the principal question of the Revolution. However, secondly, the stabilization of copyhold would create a drag on the bourgeois development of landlord economy—the improvement through utilizing the traditional lordship, and its conversion to the free-

14), 15) Cf. James, *op. cit.*, pp. 96-97.

16) Quoted in Brailsford, *op. cit.*, pp. 439-440. See also the *Humble Representation of the Desire of the Officers and Soldiers in the Regiment of Horse of Northumberland* (quoted in *ibid.*, pp. 447-448) which was sent to the Army Headquarters at the end of 1648, supporting the Levellers' *Petition of September*. The petitioners described themselves as "copyholders".

hold would in fact be the denial of the landownership of landlord itself, and eventually these meant the self-liberation of the peasant holding from all the feudal relations or the peasant-like destruction of the feudal land proprietorship. Therefore this Leveller method of dissolving the feudal relations of land property was antagonistic to the Parliamentary method.

Another request of the Levellers which, combining with the above, contained in fact an urgent possibility to attack the landownership of landlord was their protest against the tithes which were a traditional feudal burden on the peasants. *The Case of the Armie* demanded "that all the oppressive statutes, enforcing all persons though against their consciences to pay Tythes, whereby the husbandman cannot eate the fruit of his labours, may be forthwith repealed and nulled"<sup>17</sup>. The assertion to "eate the fruits of his labours" was also the ground for the said demand as to copyhold. By attacking both copyhold and tithes an anti-tithe petition of Hertfordshire Levellers said that both lords of manors and impropiators were "Gyants of Self-interest", and "the husbandman's labour is envied him [the 'grinping landlord']; and others —live upon his labour"<sup>18</sup>. Here was suggested the course of development on the same ground of the "husbandman's labour" to the denial of all the existences of landlords. The fact that as a result of confiscation and sale of the property of monasteries during the sixteenth century, many tithes were in the hands of lay landlords gave a radical possibility to the anti-tithe movement in the Revolution<sup>19</sup>. The fear expressed by some Members of the Parliament that "tenants who were asking to be quit of tithes would soon ask to be quit of rent" tells the whole story<sup>20</sup>.

If the peasant holding should be liberated from the bondage of lordship, the Levellers' demand as to the enclosure could be understood on the same principle. "That all grounds which anciently lay in Common for the poore, and now impropriate, inclosed, and fenced in", required in 1648, *An Appeal from the degenerate Representaive Body*....."may forthwith (in whose hands soever they are) be cast out, and laid open againe to

17) *The Case of the Armie truly stated*, printed in Wolfe (ed.), *op. cit.*, p. 216. This demand was also found for instance in the following: *To the Right Honourable and Supreme Authority of this Nation* (March, 1647), printed in *ibid.*, pp. 136, 139; *To the Right Honourable, the Commons of England in Parliament Assembled*, 11 th September, 1648), printed in *ibid.*, p. 288.

18) *A Declaration of diverse of the Inhabitants of the County of Hertford* (4 th February, 1650), pp. 5, 4, quoted in Schenk, W., *The Concern for Social Justice in the Puritan Revolution*, 1948, p. 71. Our discussion here on the tithes is owed largely to Mr. Schenk's.

19) Cf. *ibid.*, p. 71; and James, M., "The Political Importance of the Tithes Controversy in the English Revolution", *History*, June 1941. M. James has shown that in 1659 the tithes of 3,845 parishes out of 9,284 in England were in the hands of lay owners (*ibid.*, p. 26).

20) Quoted in Schenk, *op. cit.*, p. 71.



the free and common use and benefit of the poore<sup>21)</sup>. Here the demand for the casting out the enclosure or for the return to the open field system come to the fore. But Particular 12 of the *Petition of September 1648* hinted at a little different aspect of their demand. "That you [the Parliament] would have laid open all late Inclosures of Fens, and other Commons, or have enclosed them only or chiefly to the benefit of the poor<sup>22)</sup>". The former half was almost same as *An Appeal*. What period was meant by "late" is not necessarily clear. However in any case, from the fact that the most of the enclosures before the Revolution were carried on by the landlords, we can see in this request clearly the protest against the destruction of peasants' holding by the landlords. It also reflected the general feeling of the peasantry expressed in the surging enclosure riots and disturbances during the Revolution<sup>23)</sup>. What was then the enclosure "to the benefit of the poor" which the Levellers admitted or rather positively tried to promote? How was it coordinated with the viewpoint of the former half? Article 13 of the *Earnest Petition* January, 1648 required as follows:

"That the poor be enabled to choose their trustees to discover all stocks, houses, lands, etc., which of right belong to them and their use, that they may speedily receive the benefit thereof; and that some good improvement may be made of waste grounds for their use; .....<sup>24)</sup>

It would not necessarily be inadequate to imagine the peasant small enclosure on such "Improvement" that is carried out by "the poor"<sup>25)</sup> who have "the right" and "the use" of "the stocks, houses, lands, etc." in order to receive speedily the benefit thereof. Thus the latter part of the said provision in the *Petition of September* is adjusted to the former half as the same viewpoint of the peasant holders against the bourgeois development of landlord economy, and expresses the positive demand for a peasant mode of bourgeois progress. In the place of landlord enclosure broken down, the peasant small enclosure should be promoted and moreover carried out by "trustees" chosen by "the poor" themselves. This was another aspect of the Levellers' demand for enclosure.

What was consistent through those demands aforementioned as to the tenure, tithe, and enclosure was an intention for the emancipation of

21) *An Appeal from the degenerate Representative Body*, printed in Wolfe (ed.), *op. cit.*, p. 194. This was written by Richard Overton.

22) *To the Right Honourable, the Commons of England in Parliament Assembled*, printed in *ibid.*, p. 288.

23) Cf. James, *op. cit.*, pp. 90-94.

24) *Earnest Petition*, quoted in Brailsford, *op. cit.*, p. 323. J. Jubbes also made a similar proposal in this respect. (*Several Proposals for Peace and Freedom by an Agreement of the People*, printed in Wolfe [ed.], *op. cit.*, p. 319.)

25) I shall refer to the meaning of the term "the poor" hereafter.

peasant holdings from the control by the landownership of landlords. We have already seen that the requests of the Parliamentary programs for the liberation of the landownership of landlords from the royal prerogatives were in concert with such legal reform as to destroy the prerogative Courts and to confirm the predominance of Common Law. In the same way the said Levellers' requests were also inseparable from their characteristic demands for the reform of laws and the legal structure. As far as our present subject is concerned, the questions of law reform themselves were those of land and agriculture. It has been already pointed out that the Levellers took the critical viewpoint upon ground of the original law of nature against the Parliamentarians so-called fundamental law (the common law). This general viewpoint look the form of denying the Common Law itself. In 1646, John Lilburne declared:

“The greatest mischief of all and the oppressing bondage of England ever since the Norman Yoke, is this: I must be tried before you by a law (called the common law) that I know not, nor I think no man else, neither do I know where to find it or read it..... The tedious, unknown, and impossible-to-be-understood common law practices in Westminster Hall came in by the will of a tyrant, namely William the Conqueror”<sup>26</sup>.

In the same year, *Vox Plebis*, a pamphlet of the Levellers, clearly explained the meaning of their insistence, in arguing that all men were born free, and that when “that wicked and unchristian-like custom of villany was introduced by the Norman Conqueror”, it violated both the law of nature and the law of the land<sup>27</sup>. Common Law was denied when it was recognized as a law inseparable from the “custom of villany” since the Norman Conquest. The significant matter for us is not whether such historical recognition was true or not, but is the fact that it looked as such to the Levellers from their viewpoint. Common Law had been functioning mainly for the protection of the freehold. The Levellers recognition of it was from the viewpoint of the “base tenures” and nothing else. (Remember that the abolition of copyhold was demanded as “being the Conqueror’s marks upon the people”.) For the Levellers, Common Law was the law to subordinate the peasant holding to the landownership of landlord.

The second edition of *An Agreement of the People* stipulated:

“That the.....Representative be most earnestly pressed for the ridding of this kingdom of those vermine and caterpillars, the lawyers, the chief bane of this poor Nation; to erect a Court of Justice in every Hundred....., for the ending of all Differences arising in that Hundred, by twelve men of

26) Lilburne, J., *The Just Mans Justification*, p. 15, quoted in Hill, C., ‘The Norman Yoke,’ in Saville, J. (ed.), *Democracy and the Labour-Movement*, 1954, pp. 29-30.

27) *Vox Plebis*, p. 4, quoted and summarized in *ibid.*, p. 34.

the same Hundred, annually chosen by free-men in that Hundred, with express and plain Rules in English,.....

“That for the preventing of Fraud, Thefts and Deceits, there be forthwith in every County or Shire in England and the Dominion of Wales, erected a County Record for the perfect registering of all Conveyances, Bills, Bonds, &c. upon a severe and strict penalty”<sup>28)</sup>.

Thus, first of all, the Common Law which had not been expressed in a fixed authentic text but depended on the judges' interpretations of precedents and customs<sup>29)</sup> would be changed into “express and plain Rules in English”<sup>30)</sup>, and thus eliminated would be the mysteriousness of the legal procedure and law interpretation which was “impossible-to-be-understood” by the common peasantry and which had been utilized to the advantage of landownership of landlord together with the ambiguity of peasant holding mainly dependent upon custom. Secondly, the existing Common Law Courts together with the professional lawyers would be cleared away by the setting up of the jury court which the peasants (“freemen in that Hundred”) can control by themselves through the election.<sup>31)</sup> (Pay attention to the similarity in mechanism to the trustee election system for the “improvement”.) Thirdly, the establishment of the “County Record for the perfect registering of all Conveyances, Bills, Bonds, etc.” would turn the peasants' rights into registered and definite ones<sup>32)</sup>, and yet create the public organization for their protection. Naturally the Court Leet and Court Baron which used to hold the copies of the peasants' titles would entirely lose their function. (This corresponds to the denial of the landownership of landlord.) The establishment of the new law and legal organizations administered by the peasants themselves to serve for the protection of their titles to be the private properties *de facto*; this was the conclusion of the Levellers' law reform.

To create the peasant landownership through the destruction of the feudal landproprietorship of landlord, and to consolidate the conditions and structures thereof, were the core of all the aforementioned requests which as a whole could be summarized as the first claim concerning the agricultural

28) *Foundations of Freedom, or An Agreement of the People*, printed in Wolfe (ed.), *op. cit.*, p. 303. Also refer to *The Case of the Armie truly stated*, printed in *ibid.*, p. 216.

29) Cf. Geldart, W. M., *Element of English Law*, Chap. 1.

30) Cf. *An Appeal from the degenerate Representative Body*, printed in *ibid.*, p. 192; and *The Case of the Armie truly stated*, printed in *ibid.*, p. 216.

31) In this connection, look at the following provisions which the Levellers put in order to control, nay to prohibit in fact the exercise of judicial power by the Parliament as the Supreme Court: *An Agreement of the People*, printed in Wolfe (ed.), *op. cit.*, pp. 227-228; *Foundations of Freedom, or An Agreement of the People*, printed in *ibid.*, p. 300.

32) Remember here also that the Levellers were not the simple defenders of the peasants' custom rights, but were consistently rather the supporters of “contract” throughout their assertions.

and land problems in this program. This was the Leveller method of land reform. Here is given what was really meant by the said freeborn's property based upon natural right or by the norm of the power structure in this program.

Another request by the Levellers was as to the disposal of Royalists' estates. *The Case of the Armie* stipulated as follows:

"Whereas mercy and justice are the foundations of a lasting peace, its necessary to be insisted on....., that all those whose estates have been sequestered, and yet were not in arms for the King, or gave any actual assistance to him.....be discharged forthwith from their sequestrations.....and that all those.....who were in arms for the King, may be compelled forthwith to compound, provided, that their Compositions be to moderate, as none may exceed two years revenue, that their families be not ruined, and they put upon desperate attempts against the peace of the Nation to preserve themselves"<sup>33</sup>.

At a glance, the conditions of disposal seem to be more generous than any of the propositions of Parliament. This was on one hand derived from the fear for the imminent second Civil War as clearly shown above, and behind the fear was a concern for the people's misery occasioned by the war and the burdens thereof, which was also connected to their characteristic request for the share of the fruits of the disposals. On the other hand, this alleviation of the conditions was also joined together with the necessity of speedy enforcement to compound as in the case of *The Heads of the Proposals*, and so long as the necessity was occasioned by the Army especially the soldiers' request for arrears, it involved also a possibility to develop into the sale of the composition-evaders' lands.

Where was then the Levellers' principle as to the disposals? In November, 1646, the sale of Bishops' land already been started. Keeping this fact in view, we will study further what was stated in *The Case of the Armie*.

"Whereas the people have disbursed such vast sums of money, by Pole-money, Subsidies, Proposition money, Contribution,.....and other wayes, and such vast sums have been collected and enforced by Sequestrations, Compositions, sale of Bishops lands, and other wayes, that the whole charge of the forces.....might have been defrayed to the utmost farthing.....therefore, in respect to the peoples right, and for their ease and for better and more easie provision of money for the Soldiery, that it be insisted upon possitively, that faithfull persons be chosen to receive accounts.....whereas the time was wholly corrupt when persons were appointed to make sale of Bishops lands, and whereas Parliament men, Committee men and their kinsfolkes were the only buyers, and much is sold, and yet it is pretended,

33) *The Case of the Armie truly stated*, printed in Wolfe (ed.), *op. cit.*, p. 217.

that little or no money is received, and whereas Lords, Parliament men, and some other rich men, have vast sums of arrears allowed them in their purchase, and all their moneys lent to the state paid them, while others are left in necessitie, to whom the state is much indebted..... Its therefore to be insisted on that the sale of Bishops lands be reviewed.....

..... the Court have occasioned the late warre....., and the danger of absolute tyranny were the occasion of the expense of so much blood, and whereas the people have bought their rights and freedoms, by the price of blood, and have in vaine waited long since, the common enemie hath been subdued for the redress of their grievances.....through a good and faithfull improvement of all the Lands pertaining to the Court, there might be much reserved for leaving publique charges, and easing the people.

.....whereas there hath been nothing paid out of those [dead stocks of the City], nor for the lands pertaining to the City, while the estates of others have been much wasted, by continual payments, that therefore proportionable sums to what other estates have paid, may be taken out of dead stocks, and lands which would amount to such vast sums, as would pay much of the soldiers arrears, without burthening the oppressed people.

And its further offered, that forest lands, and Deans and Chapters land be immediately set appart for the arrears of the Army, and that the revenue of these and the resedue of Bishops lands unsold till the time of sale may be forthwith appoynted to be paid unto our Treasury, to be reserved for the soldiers constant pay. And its to be wished that only such part of the aforesaid lands be sold as necessity requires, to satisfie the soldiery for arrears.....and that out of the revenues publique debts may be paid, and not first taken out of their own purses to be repaid to them."<sup>34)</sup>

The recognition of the sharp contrast between the people's burdens in raising the vast sums of money for the war expenses and the soldiers' arrears on one hand, and the grasping of the fruits by "the Lords, Parliament men", "their kinsfolkes", "some other rich men" and "the City", and the critique of the latter from the former's viewpoint, these were the basic angle consistent in the assertions of Levellers here. From there they first presented a general critique of the Parliamentary treasury under the control of the Presbyterians connected with the City, and then requested the replacement of the persons in charge of finance, and that the war expenses be taken out of the "dead stocks and lands" of the City. And from the same angle they suggested a particular method of sale. The "wholly corrupt" sale which resulted in by itself simply the transfer of the land into the hands of the landlords and "some other rich men" represented by the "Parliament men"; this was how the Parliamentary method appeared to the Levellers' eye. "While others

34) *The Case of the Armie truly stated*, printed in Wolfe (ed.), *op. cit.*, pp. 213-215.

are left in necessitie, to whom the state is much indebted". From the Levellers' viewpoint, the credit to the state to be confirmed was among all the people's burdens of war expenses and the soldiers' arrears<sup>35</sup>). What should be realized by paying the public debts was the transference of lands to these creditors. "The sale of Bishops lands be reviewed" and the sale of the remaining should be carried out in this method. We can read here the reflection of "the desire of the peasantry for a parcelled sale"<sup>36</sup>). The sale of Bishops' lands somehow or other was admitted by the Presbyterians and the Independents. What was important was not that the formality was a sale method but the decisive class difference between the Parliamentarians' method and the Levellers' in the real conditions of sale. Moreover, here the scope of sale was further extended. The sale of forest lands and Deans and Chapters lands was clearly indicated, and that of Crown lands was also suggested. Taking this possibility of sale of the estates of Royalists landlords into consideration, it can be said that the Leveller method of land disposals which started from the demand to confirm the peasants' burdens of war expenses and the soldiers' arrears as a public debt was the system of land distribution to the peasantry through the confiscation—→parcelled sale. The Levellers' principle of the creation of peasant landownership was maintained here also completely.

Now, what were the characteristics and historical significance of all the abovementioned demands in the Levellers' program as a whole? We will examine this point in the following, finding a hold in an anonymous radical remonstrance to the Parliament in August, 1648.

"All preceedings ever since evidently demonstrating a confederacy amongst the rich and mighty to impoverish and so to enslave all the plaine and mean people throughout the land.

"Ye have by corruption in Government, by unjust and unequal lawes, by fraud, cousenage, tyranny and oppression gotten most of the land of this

36) Hill, C., 'The Agrarian Legislation of the Revolution', in *Puritanism and Revolution*, p. 157.

35) As to the various kinds of people's burdens and the substantial delay in payment of soldiers' wages, refer to Pennington, D. H. and Roots, I. A. (ed.), *The Committee at Stafford, 1643-1646, the Order Book of the Staffordshire Committee*, 1957, pp. 29-34; Gardiner, S. R., *History of the Great Civil War*, Vol. III, p. 225. Actual example of the peasants' dissatisfaction with such burdens is shown, for instance in the *Agreement between the Commissioners of Parliament and his Excellency Sir Thomas Fairfax (1647)*, printed in Hill, C. and Dell, E. (ed.), *The Good Old Cause: the English Revolution of 1640-60: its Cause, Course and Consequences: Extracts from Contemporary Sources*, 1949, pp. 419-420. For the Levellers, the consideration of such burdens was decisively important in order to connect the soldiers and the peasants. Lilburne urged the soldiers, "to presse for moneys to pay your quarters, the want of which will speedily destroy the army in the poor country people's affections, whose burthens are intolerable in paying excise for that very most the soldiers eat from them gratis and yet heavy taxation besides.....". (Lilburne, J., *Advice to the Private Soldiers*, 1647, quoted in Petegorsky, D. W., *Left-Wing Democracy in the English Civil War*, 1940, p. 99.)

distressed and enslaved nation into your ravenous claws.....yea and enclosed our commons in most Counties.....How excessively and unconscionably have ye advanced your land rents in the Country and shop rents in the City within these forty years? How many families have ye eaten out at doores and made beggers, some with racke rents and others with engrossing of leases and monopolizing of trades?.....When with extreme care, rackt credit and hard labour, ourselves and servants have produced our manufactures, with what cruelty have ye.....enrich yourselves upon our extremities.....

“But these and many other enormities are parcells of the fruits of evile, corrupt and tyrannicall Government and of covetous, wicked and ambitious Governours, perverting most undutifully and unconscionably the end of God’s creation who in all nations hath most wisely and liberally provided a sufficiency of necessaries for the Inhabitants and unto every particular or individuale person whereof a competency is due and which if withheld is in his sight no less than robbery and injustice. And therefore by all just governments ought to be carefully lookt unto and prevented, it being most unreasonable where God hath given enough that any should perish through want and penury. These things we have begun now more seriously to consider than at any time heretofore, ye giving us more and more cause to do”<sup>37)</sup>.

In these words, the social viewpoint of the radicals whom the Levellers represented,—their social feelings and their understanding of the social and political tasks of the age—were all explained. What were attacked here first were the various contradictions which the bourgeois development of a certain degree produced:—leases were engrossed, enclosures were enforced, and the rich were enriching themselves “upon our extremities”, etc. And the “Government” or the Parliament which stood aloft on these conditions was “a confederacy amongst the rich and mightie” and was “to impoverish and so to enslave all the plaine and mean people”. The remonstrant said that “our extremities” were the result of these “corruption in Government”. It is clear from the context that the basis of their criticism of these “enormities” was on the small peasant’s economy with his own small land property and the small master’s work with his indispensable small property—an individual who has a modest competence and produces his “manufactures” by his own labour (family cooperation) and a small number of employees’. Here is premised a universal existence of the small producer with his own small property entirely free from all the sweatings or the homogeneous social structure consisting only of the individuals as such is

37) [Anon.], *England Troublers Troubled or the Just Resolution of the Plaine Men of England against the Rich and Mightie by whose pride, treachery and wilfulness they brought into extreme necessity and misery*, quoted in Petegorsky, *op. cit.*, pp. 106–108. Also as for the Levellers’ pamphlet showing a similar underlying tone, refer to *The mornfull Cryes of many thousand poor Tradesmen, who are ready to famish through decay of Trade* (22nd January, 1648), printed in Wolfe (ed), pp. 275–278.

truly the Nature suitable to "the end of God's creation". (Remember that what was consistent in the Levellers' program for land was their intention to create universally the small peasant land property.) Therefore a "just government" from this point of view should be the corresponding one to the universal existence of this small property, and it ought to be possible to prevent the destruction of small property=small production ("that any should perish through want and penury"). The relation between the Leveller conception of power as a government constituted of the vote of freeborn individual having his own property upon ground of natural right and their conception of land property as well as the significance of these entities in their subjectivity, are clear in this regard.

It goes without saying that the idea of a homogeneous society consisting of independent small producers (small property owners) corresponds to a society of the (simple) commodity production which premises the general existence of free and independent producers=private property owners<sup>38</sup>). The economic relation as the basis of all social structure for the Levellers can be said to consist herein for the time being. The significant point was that here such small property, and therefore the power holding by the small property owners, was conceived to be possible to prevent progressive destruction through economic changes. In other words, in the Levellers' conception, the simple commodity production as a figure of commodity economy, in which the labourer has his own production instruments, was isolated from the capitalist commodity production as another figure, into which the former ought to transform inevitably in its development through the deprivation of production instruments from the independent labourer. And the former, being imagined to be self-sufficient, was set up in opposition to the latter: —the former was the Nature according to what had been ordained by God, while the latter deviated from "the end of God's creation", etc. The subjective discontinuation between the two was indeed an ideological source of the petit-bourgeois imagination which characterized the requests of the Levellers. From here were derived the peculiarities of their assertions. First, an "anti"-capitalistic character—a subjective denial of the exploitation as a whole. Second, an adherence to petit-enterprise =small property, and an occasioned "lack of understanding" as to the improving productive power. (Recall that we have found a demand to return to common use of land in their attack against the landlord's

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38) Here it can be pointed out that the Leveller's social contract theory of free agreement among the private individuals corresponded to the relation of exchange which appears as the mutual confirmation of the private property among the private owners of commodities.



enclosure.) Third, a recognition that the present contradictions (from bourgeois development) were the arbitrary artificial results of "ambition", "corruption", "oppressing government" etc. rather than the inevitable outcome of the development of small commodity production itself in which their standpoint consisted. Pay attention to the Levellers' "politico-centricism"<sup>39)</sup>.

Was the Levellers' standpoint merely an "anti-capitalistic petit-bourgeois reaction"<sup>40)</sup> In fact, we have purposely studied their thought in relation with capitalism. Therefore, what was found was only the general characteristics of a small bourgeois way of thinking in the capitalist society and this side of their thought. Our object here is of course the bourgeois revolution in the 17th century. The Levellers' thought should also be studied in its relation to such more concrete conditions as the problem of sublimating the feudal relations. In other words, the historically actual contents of this thought as the ideology fighting the bourgeois revolution should be examined.

What class was actually meant by "the rich and mighty"? The following are some of the Levellers' sayings:

"King, lords and courtiers were simply idle men living on the fruit of the common people's labour". "Clergymen, lawyer, nobility" were "tyrants, oppressours and deceivers," and "the persistent failure of Parliament to satisfy the grievances of the people" was the result of "the fact that the members of Parliament came from those classes". (*Mercurius Populi*, 11th November, 1647.)<sup>41)</sup>

Never "chose.....for a Parliament man.....lords of Mannors, Impropriators, and Lawyers, whose Interest is in our oppression and at this day keep us in bondage like Egyptian Task-masters." (*A Declaration of divers of the Inhabitants of the County of Hartford*, 4th February, 1650.)<sup>42)</sup>

"Oh ye great men of England,.....are not most of you either Parliament-men, Committee-men, Customers, Excise-men, Treasurers, Governors of Towns and Castles, or Commanders in the Army, Officers in those Dens of Robbery, the Courts of Law? and are not your Kinsmen and Allies, Colectors of the Kings Revenue, or the Bishops Rents, or Sequestratours? What then are your rushing Silks and Velvets, and your glittering Gold and Silver

39) The Levellers' "politico-centricism" should not be interpreted (as is generally done) as an interest only in political reform. (For instance, see Davies, G., *The Early Stuarts, 1603-1660*, 1937, p. 195.) It was the natural expression of their petit-bourgeois way of thinking that their interests in the political reform came to the fore. There was involved a recognition that the solution of the political problems ought to be that of all contradictions (including economic ones).

40) The agreement to classify the Levellers' view as a small-bourgeois reaction is general in Japan.

41) Quoted and summarized in Schenk, *op. cit.*, p. 66.

42) Quoted in *ibid.*, p. 66.

Laces? are they not the sweat of our brows, the wants of our backs & bellies?" (*The mournful Cryes of many thousand poor Tradesmen*, 22 nd January, 1648.)<sup>43)</sup>

Clearly the main part of these strata mentioned above was the landowners=the landlords. What was important was that all the strata from the King to the Members of Parliament and Army officers, namely all the landlords from the "old style landowners" to the "bourgeois" ones who were modernizing themselves by their actions to "impovish..... all the.....mean people throughout the land" were covered altogether.

As we have seen, at the conflict between the King and the Parliament, the Levellers' program stood on the side of the latter without exception. However, as long as the Parliamentarians premised the feudal rights of landlords over the peasantry which the improving landlords were employing as an essential lever, it was natural from the viewpoint of the peasantry ("the base tenure") that the Parliamentarians were placed on the same level with the Royalists and all the said strata were covered together. They were equally of the landlord class. To the Levellers' eye, the feudal peasant exploitation and this type of bourgeois exploitation overlapped inseparably. Therefore when they attacked "the rich and mighty", their spearhead was directed actually not to "the capital" in general, but to such concrete existence as utilizing the old rights too. This point should be remembered above all.

We can see the Levellers' approval *de facto* of a certain bourgeois development through the cover of their petit-producer-like ideology. It was in sense the bourgeois soul of their ideology. Please understand what was meant by Lilburne's following statement:

"This [Diggers'] conceit of levelling of property.....is so ridiculous and foolish an opinion,.....because it would, if practised, destroy not only all industry in the world, but raze the very foundation of government.....For as for industry and valour by which the societies of mankind are maintained and preserved, who will take pains for that which when he hath gotten is not his own, but must equally be shared in by every lazy, dronish sot?"<sup>44)</sup>

To make what "he hath gotten" by his "industry" "his own" was the content of the "property" here. This is really the theory of small production=small property. (Recall that the abolition of copyhold and tithe was requested on the ground of making "the fruits of his labour" his own, and that the promotion of peasant small enclosure was demanded

43) Printed in Wolfe (ed.), *op. cit.*, p. 275; cf. p. 276.

44) Lilburne, J., *Apologetical Narrative* (1652), pp. 68-69, printed in Hill and Dell, (ed.), *op. cit.*, p. 401; cf. *Foundation of Freedom or Agreement of the People*, printed in Wolfe (ed.), *op. cit.*, pp. 300-301; *A Whip for the Present House of Lords or the Levellers Levelled* (March, 1649), quoted in Petegorsky, *op. cit.*, p. 110.

with a view to "receive the benefit" of the land which belongs to his own right.) This theory, when applied to the existing property, was the theory to criticize the landlord's property and to demand the universal creation of small property. But this was a double-edged sword. Now it was directed to a stratum ("lazy, dronish sot") which was in fact severed from the landhold. Here, the theory of "property by industry" was converted into the one of admitting "the inequality of property by industry". The inequality of property which was produced among the working peasants via their industry was nothing but the differentiation of the peasantry. From the viewpoint of small property, what should be blamed was only its destruction by the landlord "by fraud, consenage, tyranny and oppression". When the Levellers attacked the exploitation in general, the destruction by peasants themselves not in their view and realized. The said radical remonstrants in 1648 self-portrayed as one who with hard labour, themselves and servants produced their manufactures. The entrepreneur who carried out the commodity production with family cooperation while hiring a small number of hired labourers was, as far as our present subject is concerned, the rich peasant who was heading the bourgeois development in the peasant economy. These were the "poor people" described in the said remonstrance<sup>45</sup>. Therefore when the Levellers defined the property to be by the natural right, it was always that of entrepreneur=land holding peasant<sup>46</sup>, and when they attacked the copyhold tenure, they demanded equality in right of property and not equality in quantity of property (although their request would result in a more even distribution of land property than ever as a result of the disolution of the large land holdings of landlords). The copyholders were already differentiating. So long as the Levellers demanded only the conversion of copyhold tenure into freehold, those who gained more by this were inevitably the peasants who accumulated more tenures, namely the rich peasants<sup>47</sup>. This alteration of right would not change, and it could not be possible to change the social relations

45) As to this point, look at the example in which the Levellers used "poor people" and "middle sort of men" as synonyms in the same text. Cf. Schenk, *op. cit.*, pp. 64, 67. And about the use of word "poor" at that time, cf. Tawney, R. H., *The Agrarian Problem in the Sixteenth Century*, 1912, pp. 207-208.

46) When this point is pushed forward, the reasoning of universal suffrage by the logic of natural right → property → vote is converted in fact into an approval of limited suffrage. In this respect, the theoretical distinction from the reasoning of the traditional suffrage by the "fundamental law" disappears as a matter of fact. The theoretical defeat of the Levellers at the Putney Debates was derived from there. (Cf. *The Putney Debates*, printed in Woodhouse [ed.], *op. cit.*, p. 356.) Incidentally, the Levellers eliminated poor and employees from the suffrage in the revised edition of *An Agreement of the People* in 1649. (*An Agreement of the People of England*, printed in Woodhouse [ed.], *op. cit.*, p. 357.)

47) Recall here the reference to the capacity to purchase the freehold at the request for abolition of the copyhold.

coming into being among the peasantry. Therefore, it can be said that the actual figure of the economic relation on which the Levellers based their conception of social structure was not the simple commodity production itself but that which involved a certain degree of bourgeois relation.

If, in general, the limitation of the Levellers was in that they, staying in the scope of small entrepreneur, did not see the bourgeois characteristics in the social relation which was being formed among the peasantry, and considered the universal creation of peasant small enterprise=small property self-sufficient, on the other hand, the actual content of the semblance of their criticism against the capitalism in general from this viewpoint was nothing but the criticism against the landlord variation of the capitalism:—The assertion in said remonstrance that “a competency is due” for “every individual person” was a reasonable and progressive one for petit-bourgeois peasants so long as it expressed the intention of the landholding peasants, whose developments were being hampered on account of their feudal base landholding conditions, to make themselves free peasant landowners. The denunciation of the plunder by “tyranny” of “the land of this distressed and enslaved nation” was an attack on the feudalistic origin and character of the existing landownership (recall the Norman Yoke theory), and the actual meaning of the expression that “ye have……enclosed our commons in most Counties” was a peasant protest against the landlord character of the progressing enclosure. Their request, whatever subjective intention it might have, could not stop the development of capitalism and the ruin of small property, but it could check the destruction of small property by landlords from “the above” =the landlord-type modernization. Therefore indeed the same limitation of their petit-bourgeois way of thinking also made them a most uncompromising counterforce against feudalism and thorough fighters for the bourgeois revolution. In this sense the small entrepreneurs (peasants) were the most radical “bourgeoisie”. The historical significances and actual contents of the Levellers’ demands were to clear completely the way of capitalism by emancipating the petit-bourgeois peasants’ farmings of several millions from the control of landownership of landlords and by rooting up entirely the feudal relations of landownership to the very end of landlord-peasant relation. It can be said that the Levellers’ demands laying stress on the creation of peasant landownership presented in fact, although in a petit-bourgeois ideological expression, the program of peasant land reform for the peasant way of bourgeois development. And their recognition of comprehending the expressions of all contradictions at a point of destruction of small property and attributing them all to the “corruption” of the government enabled them to conceive a

complete bourgeois democratic political organization in which the power was reduced to the individuals having property, and pushed them to the political struggle to destroy all the old regime including the existing Parliament. The Levellers' conception of the control of sovereign power by "the Whole Body of the People" which consisted of the homogeneous small property owners=small producers—the establishment of Commonwealth on a universal suffrage—was a provision of the very political power which was to be both result and premise of their intended land reform, that was to say nothing but the conception of petit bourgeois revolutionary power ("popular tyranny"!).

### 3 Two Direction of Agricultural and Land Programs in the Revolution

As we have previously seen the only consistent viewpoint of the Royalists was to maintain the *status quo*, namely that of counterrevolution. On the other hand, what was shown in common by the programs of the Revolutionaries from *The Propositions of Uxbridge* to *An Agreement of the People* was the conception of bourgeois social structure grounded on the denial of the *status quo*. The fundamental contradiction of this Revolution as a bourgeois one, which we have already conceived as the contradiction between the feudal relations of landownership and the bourgeois development of production, was expressed as the conflict between these two views of the social regime of the Royalists and the Revolutionaries in their political struggles. The boundary between the reactionary and progressive as to the bourgeois development was found between these two camps. This is the first point to be confirmed.

However, secondly, among the Revolutionaries, the programs of the parties in Parliament and the Leveller's program showed the two opposite plans for the same bourgeois settlement of fundamental contradiction. The antagonism between these "two Programs" was reflected in the political conflict of the Independents versus the Levellers fought from 1647 to 1649 except at the time of second Civil War pivoting around the decision as to what regime was to be constructed and how after the first Civil War<sup>48)</sup>.

We shall now summarize these "two Programs" focussing on the land reform. In the comparison of the objective starting point of land struggle (the state of landownership under the ancient regime) and the two goals which these Programs described as what should be, we can

48) The antagonism between "the two Programs" during the time was clearly expressed in the minutes of the Putney Debates. (*The Putney Debates*, printed in Woodhouse [ed.], *op. cit.*, pp. 1-124, esp. the speeches of Henry Ireton [Independents], pp. 26, 54, 60, 72; and Thomas Rainborough [Levellers], pp. 56, 59, 61, 71, 78.)

measure at the same time the size of the reform and the actual contents of both the generality and speciality of these goals.

The objective starting point of the struggle was the relation of the multi-layer landproprietorship, and the extremely contrasting existence within such relation of the large landownership of landlords (mainly the gentry) on one hand and the subordinate small landhold of peasantry (mainly the copyholders) on the other hand under the circumstances where the bourgeois development came to be inevitable. Then what were the goals of the struggle described by these Programs?

The goal of the struggle was first to be the destruction of complicated multi-layer system of landownership, and the establishment of a single system of private landownership. This had been inevitably required by the contradiction between the bourgeois development and the old landownership in either landlord economy and peasant economy. However, the solution could only take a concrete form. It is necessary to take up the most extreme case we may think of in order to express the real situation of the result in the most typical manner. In other words, it is necessary to assume that, whichever Program could be realized, all the rights of land were put in order according to its method. The result thereof is this. If the Program of the Presbyterians and Independents was realized, all the peasant held lands would come to be the private property *de facto* of landlords except the lands of peasant freeholders who were only about 20% of the whole<sup>49</sup>. And the disposals of Royalists' lands would merely vary the size of land property of the existing individual landowners, or slightly change the number of the landowners. In this case, the private ownership of landlords would cover almost all the area. This would be the victory of the landlords, and premising such state of things, the political domination by the landowner over the peasantry would be inevitable. On the other hand, if the Levellers' Program was realized, the number of freehold peasants would become at once four times as many<sup>50</sup>, and the land cultivated by nearly 90% peasants of the whole would come to be their private property<sup>51</sup>. The landlords' lands would be curtailed to those they farmed personally, and the leasehold lands cultivated by those peasants who accounted for less than 10% of the whole<sup>52</sup>. What is more, the disposals of confiscated lands would result somehow in enlargement of the total area of the peasants' private land property, as long as the self-farming lands of landlords transferred to the peasants, although, so far as the land already held by the peasants is concerned, there may be at most a few cases where the landowners

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49), 50), 51), 52) Cf. Horie, H., "Introduction to Land Problem in English Revolution", *The Kyoto University Economic Review*, Vol. 33, No. 1, April 1963. p. 12.

are changed. This would be the victory of peasants' landownership, and on this ground, a political power under the immediate influence of the peasantry=small property owners would become a possible power structure even if temporarily. The opposite character of these two results had already been inevitably decided by the antagonism between the landpropriatorship of landlord and the peasant landhold in the progressing bourgeois development. However, in either case, private landownership would become the only system of ownership of land, and the absolute monarchy was located at the top of multi-layer system would inevitably collapse.

The goal of the struggle was secondly making it free to destroy the old field system (open field, intermixed holding, etc.) which had been in conformity with the traditional low degree of productive power together with the said feudal relations of landpropriatorship, and to create the "large" farm which was required by the new productive power, namely the approval of enclosure. But the former Program would result in the approval of landlord enclosure, and the latter in that of peasant small enclosure.

What was the agency to regulate these new land relations (the new landownership and the new field system) is clear from the fact that the demands for private landownership and "large" farm had been presented from the necessity of bourgeois development both by the landlords and the peasants. The fundamental matter was the "bourgeois change" of the landlords and the tendency of formation of the bourgeois rich peasants and the proletarian peasants. The land had been and would have to be attracted to the "entrepreneur" having the ability to manage. Any Program, whatever subjective illusion its promoters might have, eventually come along with this line of development. The victory of the former Program would come to entrusting the lands to the hands of Junker-like self-farming landowners and embryo capitalist lessee farmers, and that of the latter to entrust them to the hands of rich peasants among the peasantry; in short in either case to the hands of the "entrepreneurs" ("capital" at that stage) who need them most. We can find the generality of these two Programs as the program for bourgeois revolution in that their proposals to reform the land relations and further to reform all the political upper structure were objectively prescribed by the necessity of the very "capital". And both aimed at the respective different and special methods of the same reform, that is, the land reform for the landlords and the peasantry. Which of the Programs would win was indeed the factor in determining the historical characteristics of land reform of English Revolution as bourgeois revolution.

In the above, we have confirmed that the agricultural and land programs of the three parties of the Revolutionary camp, which appeared publicly in the English Revolution, could be clearly classified into two different basic types corresponding to two different ways of clearing the way for the bourgeois progress of agriculture, and that they were correlated with the two different forms of bourgeois political power and there should be a concordance between the size of land reform and the size of political reform. The boundary line between these "two Programs" was running between the Independents and the Levellers. What determined this line was the opposite interests of the two classes in the 17th century English society who were fighting for the bourgeois clearing of the feudal land relations, namely the landlord and the peasant.

#### IV Land Reform in the English Revolution (Summary)

Which of the "two Programs" did English Revolution complete in order to determine his historical characteristics? What significance did the reform thus achieved have on the subsequent bourgeois development of agriculture in England? We shall summarize these points as our conclusion.

1649 was really the decisive moment of the English Revolution. The up-tide of the revolution was ended with the defeat of the Levellers' mutinies and the victory of Independents from March to September of that year, and the accomplishment of the landlords' Program by the prevention of the peasant Program thus became politically decisive<sup>53)</sup>.

The course of the realization of the Parliamentary Program was as follows:

First, the abolition of the Court of Wards & Liveries and the feudal tenures was achieved at once by the *Order of the two Houses for taking away the Court of Wards* on 24th February, 1646, and was then reconfirmed on 27th November, 1656 under the Protectorate, it was finally enacted by *Statute of Tenures* at the Restoration in 1660. Article 1 of the *Statute* clearly stated as follows after stipulating the abolition of the Court of Wards & Liveries, feudal tenures and their incidents:

"All tenures of any honours, lands, tenements or hereditaments of any estate of inheritance at the common law.....are hereby enacted to be turned into free and common socage to all intents and purposes....."<sup>54)</sup>

At the same time, remember the passage attached to the above that

53) As to the decisive significance of this moment on the land reform, cf. Hill, C., 'Land in English Revolution', *Science & Society*, Vol. 13, No. 1, p. 44.

54) *Act abolishing Relics of Feudalism, and fixing an Excise*, printed in Adams, G. B. and Stephens, H. M. (ed.), *Select Documents of English Constitutional History*, 1908, p. 423.



the *Statute* would not “alter or change any tenure by copy of court roll or any service incident thereunto”<sup>55)</sup>.

This *Statute* also stipulates the abolition of purveyance and preemption in Articles 11 and 12<sup>56)</sup>.

Second, the abolition or remodeling of the prerogative Courts and the approval of the freedom of enclosure. The Court of High Commission and the Court of Star Chamber which were the core of the prerogative Courts were abolished by a statute enacted on 5th July, 1641. Remarkable is the following stipulation :

“ III. Be it.....declared and enacted by authority of this present Parliament, that neither His Majesty nor his Privy Council have or ought to have any jurisdiction, power or authority.....to.....determine or dispose of the lands, tenements, hereditaments, goods or chattels of any the subjects....., but that the same ought to be tried and determined in the ordinary Courts of Justice and by the ordinary course of the law<sup>57)</sup>.

Be careful as to the correspondence to the above-cited stipulation of the *Statute of Tenures*. Now the predominance of the Common Law Courts was declared by the authority of the Parliament. Furthermore, the Court of Chancery which was not originally prerogative Court but was so regarded during the Revolution was remodeled into one which “did not compete with the Common Law”<sup>58)</sup>. The function of the Court of Request which played the main role in prohibiting the enclosure together with the Star Chamber was suspended from 1642<sup>59)</sup>. By the establishment of the predominance of Common Law in cooperation with the abolitions of those prerogative organizations for peasant “protection”, “the instability of copyholders’ position came to be derived from the rule of the law itself”<sup>60)</sup>. In 1656, the Parliament denied the last “bill for restricting enclosure”<sup>61)</sup>. Thus permission for enclosure might be granted by Quarter Sessions under the control of the Justice of the Peace—the landlords<sup>62)</sup>.

Thirdly, the disposals of the Royalists estates were started by the resolution of the House of Commons on 5th September, 1642 which

55) Quoted in Hill, C., ‘The Agrarian Legislation of the Puritan Revolution’, in *Puritanism and Revolution*, p. 191. This part is lacking in Adams and Stephens, *op. cit.*

56) *Ibid.*, pp. 424-425.

57) *The Act for the Abolition of the Court of Star Chamber*, printed in Gardiner, S. R. (ed.), *The Constitutional Documents of the Puritan Revolution, 1642-1660*, 1901, 3. ed. rev., p. 183.

58) Reijiro Mochizuki, “Tohohoyuken no Kindaika” (Modernization of Copyhold), *Shakai Kagaku Kenkyu*, Vol. 11, No. 2, p. 56.

59) Plucknett, T. F. T., *A Concise History of the Common Law*, (Japanese translated by Igrisuho Kenkyu Kai, Vol. II, p. 354). The text edited in 1937 which I have does not include this passage.

60) Reijiro Mochizuki, *op. cit.*, p. 89.

61) *C. J.*, VII, p. 433 (James, M., *The Social Problems and Policy during the Puritan Revolution*, p. 363.)

62) Cf. Hill, *op. cit.*, p. 42.

decided to levy the war expenses at the sacrifice of Royalists' land, and its preliminary work was completed through the establishment of general system for the sequestration of the lands of Crown, Church and delinquent landlords by the *Sequestration Ordinance* of 27th March, 1643. (The similar procedure was repeated in the second Civil War.) During the period from the outbreak of the first Civil War to Pride's Purge in December, 1648, the Presbyterians method of sequestration→composition was executed except the sale of Bishops' lands in November, 1646. Then after the defeat of the Levellers in 1649, the Independents' method prevailed. The composition was strengthened, and after that the sale of the evaders' lands was enforced, and the Crown lands and others were also sold. The Acts for the sales were enacted as follows: the Deans and Chapters lands—on 30th April, 1649; the Crown lands—on 16th July, 1649; the delinquents' estates—on 16th July and 4th August, 1651 and 18th November, 1652; the Forests—on 22nd November, 1653.

What class characteristics these disposals had were first reflected upon the results of the sales. Throughout them, the gentry, the City merchants and the Army officers constituted the overwhelming majority of the purchasers while the peasants were in fact excluded; thus the sales ended as a redistribution of lands mainly among the existing landowners. But secondly, it should be remembered that all the processes of the disposals come to be an opportunity for the "improvements" by the landlord. In the sequestrations, the sequestrators exercised the lordship in place of the delinquent landlords (an ordinance in 1648 ordered them even the revival of manorial courts on the sequestered lands, and they enforced the "improved" rents and the enclosures. In the compoundings, the payments of composition monies accelerated the "improvements" of estates by the delinquent landlords themselves. In the sales, the sales were carried out as the alienations of manorial rights, and the surveys before them became the opportunity to traverse the peasants rights grounded on custom and usage, and the Acts of Sales specified the shortening of the term of lease, and moreover, in 1654, the Protector Government declared the legality of the enclosures of Forests. And so forth.

Lastly, the establishment of the predominance of Parliamentary power over the Crown (a Parliamentary sovereignty) which corresponded to these land reform was started by the series of Parliamentary statutes<sup>63)</sup> such as the *Triennial Act* (15th February, 1641) and the *Tonnage and Poundage Act* (22nd June, 1651)<sup>64)</sup> which denied the arbitrary prerogative taxation,

63) Cf. *ibid.*, pp. 179-192.

64) Printed in Gardiner (ed.), *op. cit.*, pp. 159-162.

and in 1689 was finally settled<sup>65)</sup> by the *Bill of Rights*<sup>66)</sup> via the *Instrument of Government*<sup>67)</sup> (16th December, 1653) and the *Humble Petition and Advice*<sup>68)</sup> (25th May, 1657) during the Interregnum.

Then, what significance had all these reforms on the modernization of agriculture in England?

The abolition of the Court of Wards & Liveries and the feudal tenures, together with the establishment of the predominance of Common Law, converted the landownership of landlords into their private ownership of land. At the same time, the continuance of the feudal incidents of copyhold tenure which marked the total defeat of Levellers (peasants' request) to change into peasant landownership meant not only the preservation of the feudal rights of landlord over the copyholder but also the practical denial of the copyholders' traditional rights as a real property to the land so long as the private property of landlords was premised. From this moment, the copyhold was not a real property which had been accepted in the feudal system, but was a mere usufruct, and was already destined to be a latent lease hold. It is therefore possible to say that the *Order* of 1646 and the *Statute of Tenures* of 1660 created a single system of landlord private landownership which was constituted on both poles of the private landownership of the landlord on one hand and the peasant lease on the other hand, in other words, achieved a remodelling of the feudal "Gewere" system into a private property system coming up to the interests of landownership by landlord. We can say that the first core of the land reform in the English Revolution was found here.

However, it goes without saying that the legal approval of landownership by landlord as private property, cannot be immediately interpreted as its conversion into "the modern form of landownership". The latter is not private landownership in general, but it is established when the private landownership becomes completely subject to the "capital", in other words, the rent to the profit<sup>69)</sup>. The transformation of the private landownership authorized by the English Revolution to the modern form of landownership progressed in proportion with the extent which the "capital" subjugated the agriculture being regulated by the development of productive power from the 17th century to the former

65) For the general analysis of this course, refer to the followings for the time being. Tanner, *English Constitutional Conflicts of the Seventeenth Century*, 1952, pp. 176-267; Keir, D. L., *The Constitutional History of Modern Britain, 1485-1937*, 1938, pp. 222-279.

66) Printed in Adams and Stephens (ed.), *op. cit.*, pp. 462-469.

67) Printed in *ibid.*, pp. 405-417.

68) Printed in *ibid.*, pp. 447-459.

69) Cf. Marx, K., *Capital*, Vol. III, Part VI.

half of the 19th century, and when the industrial capitalism was established (by the Industrial Revolution above all the second Agricultural Revolution), it was completed as an integral structure.

The realization of the freedom of enclosure was really connected closely with this specific remodelling of the property system. The approval of this freedom for landlord in the English Revolution embossed a structure to create the conditions of capital development on the basis of private landownership of landlord which had been sanctified legally and by so doing to convert the economic character of this landownership of landlord gradually to that of the modern form of landownership, that is a structure of the "clearing of estates" by the landlords. The course during which the said conversion of the landownership of landlord completed through the enclosure was really the course of the deprivation of land from the peasantry which was the basic process of the "original accumulation of capital". From the viewpoint of our subject, the policy for the original accumulation as the systematic one in England was established on the basis of two conditions secured by the Revolution—the power condition (Parliamentary sovereignty as already seen) and the legal condition of property (private landownership of landlord as the absolute right), and around the axis of legal approval of the freedom of enclosure. The English Revolution embossed this system of the landlord method of original accumulation. The course of confiscated land disposals in the midst of the Revolution was an experimental theater of this system, and the enforcement of "Parliamentary enclosure" in the 18th century was its full development.

In conclusion, the land reform in English Revolution, by achieving these points, enabled the old landownership of landlord to finish a successful course to convert by itself into "the modern form of landownership" in the bourgeois development without being destroyed, and thus conditioned the direction for the establishment of the modern agricultural and land system in England through this system of landholding.