**Disobedient objects: material readings of enclosure protest in sixteenth-century England**

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Responding to calls for scholars to address ‘material worlds’ in our analyses of protests past, the paper examines the more-than-human historical geographies of enclosure and enclosure protest in sixteenth-century England. It argues that negotiating enclosure – in the sense of both *promoting* and *resisting* private property rights – was dependent on particular assemblages of people, animals and things and their convergence within specific spaces and temporalities. Particular attention is paid to mundane and everyday objects entangled in enclosure protest and the ways these assemblages might transform objects’ meanings, rendering them threatening or disobedient. Moreover, repurposing these things offered opportunities to re-make space, concretising or resisting particular claims to access or possession at the local level. It contributed too to the ongoing debate out of which new concepts of property eventually emerged, so that interrogating the materialities of enclosure protest offers vital space in which to rethink the makings of our modern world.

**Keywords**: enclosure; landscape; protest; more-than-human; things

A recent exhibition at the Victoria and Albert Museum in London examined the objects used in near contemporary social movements, including the Occupy movement, offering what its curators termed ‘a people’s history of art and design from below’.[[1]](#footnote-1) Examples in the exhibition and accompanying catalogue included a range of artefacts specially produced for use in marches, sit-ins and protest camps, including banners, placards, posters and pin badges. Alongside these crafted and created artefacts, the V&A displayed a number of rather more ‘everyday’ objects including pan lids, bricks, bicycle locks, tarpaulins, sandbags, shopping trolleys and plastic bottles fashioned into home-made gas masks. These mundane things had been repurposed by protestors, given new meanings as a result of their use and their insertion within particular contexts and spaces, even where the objects themselves had not been physically modified. Bricks and pallets functioned as barricades, bicycle locks as a means to secure human bodies to railings or buildings, pots and pans as a way to make dissent more audible than the human voice alone. That such easily accessible and quotidian things are mobilised as ‘tools of protest’ is not, of course, surprising. Nor is it new. As the editors of the accompanying catalogue noted, ‘[d]isobedient objects have a history as long as social struggle itself. Ordinary people have always used them to exert ‘counterpower’.’[[2]](#footnote-2)

Yet the contributors to the *Disobedient Objects* project said little about these histories, instead predominately focusing on the period from the late 1970s onwards. This paper is an attempt to map out some of those earlier histories and geographies, to examine critically the ways material things were repurposed as disobedient objects in one particular spatio-temporal setting very different from late modern Europe and the Americas. In what follows, I investigate the more-than-human historical geographies of protest, paying particular attention to the mundane and everyday things that were entangled in episodes of anti-enclosure rioting in England between the late fifteenth and early seventeenth century. In focusing on the long century between roughly 1490 and 1610, I interrogate the materialities and spatialities of enclosure and enclosure protest at a crucial period in the history of property relations. This was an era when multiple use rights were progressively being extinguished, communally-farmed arable fenced and converted to pasture, and new concepts of property in land were beginning to emerge. In extending the chronology of the *medieval* up to the first decade of the seventeenth century, the paper both illuminates an important moment in the long and sometimes halting transition from pre-modern to modern ways of thinking about space and deliberately disrupts conventional historical periodisation, itself often making little sense in terms of either regional landscape development or object histories.[[3]](#footnote-3)

These mundane *things* included hedges and fences, agricultural tools and machinery, livestock and other animals, as well as household items, all of which might be co-opted into attempts to either promote or resist the extension of private property rights. Yet with the exception of some ancient hedgerows and occasional agricultural implements preserved in museums or archaeological collections, the material objects themselves have not survived the intervening centuries. Instead, historians and historical geographers must trace their presence in the pre-modern landscape using documentary sources. Here I employ the records of the Court of Star Chamber at Westminster – including a body of previously unexamined sixteenth-century pleadings, interrogatories and depositions – to examine how the use and spatial location of such objects might render them threatening, troublesome or riotous and how in turn, these more-than-human things made and remadespace itself. This is not to argue for the primacy of things over people, but rather to explore the complex assemblages of people and objects, bodies, things and spaces, through which protest and dissent were given form in the pre-modern English countryside. In doing so, the paper argues for the importance of material readings of protests past: that is, for grounded historical geographies of enclosure and enclosure protest which recognise the more-than-human dimensions of these assemblages, even where those objects themselves are not extant.

In arguing for the importance of both space and material things to our understanding of protests past, the paper draws on scholarship from two interrelated bodies of research. Firstly, new protest historians have offered careful delineations of ways space, place and landscape were both implicated in – and shaped by – episodes of protest, dissent and disobedience.[[4]](#footnote-4) Relatedly, scholars have argued for ‘the importance of considering material worlds’ in our analyses of protests past.[[5]](#footnote-5) Thus recent work has explored protest’s more-than-human histories and geographies, including studies of the practices and performances by which protest might be registered on animal bodies – for example, through maiming livestock – and the ways animal bodies and material things were co-opted into resistance in both early modern and modern settings.[[6]](#footnote-6) Another strand of this research has focused on questions of memory and materiality: Katrina Navickas and others have explored the material cultures of protest and radicalism – including sashes, banners and clothing – while Ruth Mather has written persuasively on the ways objects commemorating moments of radicalism were incorporated into middle- and working-class homes.[[7]](#footnote-7) Yet there are absences in these analyses. Much of this work has focused on modern – post 1750 – England, Scotland and Ireland, with far less said about how more-than-human and material worlds were implicated in protest in pre-modern contexts. At the same time, such work has largely been concerned specifically with questions about *remembering* and *mobilising* past protest, rather than its performance in the (historical) here-and-now. This paper addresses both lacunae.

Secondly, the paper contributes to the interdisciplinary nexus of work emerging on the themes of pre-modern space, place and materiality. As Nicola Whyte has recently asserted, ‘Space is no longer the sole concern of geographers’, but rather an increasingly common object of enquiry for historians, archaeologists and literary scholars.[[8]](#footnote-8) Both she and Fiona Williamson have offered useful overviews of the recent ‘spatial turn’ in social, cultural and gender history, in which they argue that in borrowing from and adapting the work of French sociologists, historians have productively embraced space as much more than a backdrop for action.[[9]](#footnote-9) Cultural and historical geographers have long recognised the co-constitutive nature of society and space, and both their approach to human‒environment relations and their readings of European social theory have been central in shaping this new agenda in the discipline of history, as has the work of anthropologists like Tim Ingold and Barbara Bender.[[10]](#footnote-10) Work on the pre-modern landscape as a material mnemonic, ‘taskscape’ or dwelling space has also been important in mapping out the possibilities for readings that counter more detached perspectives on landscape – for example, as a palimpsest or ‘way of seeing’, the latter the hallmark of New Cultural Geography – and instead prioritise lived experiences.[[11]](#footnote-11) Scholars working in this mode have fruitfully examined the ways landscape was continuously made and remade by those dwelling and working within it, though they have – as Anna Boeles Rowland and Rachel Delman argue persuasively in their introduction to this issue – so far paid rather less attention to the material and everyday *things* entangled in these encounters.[[12]](#footnote-12)

The remainder of the paper focuses specifically on what the Star Chamber records can tell us about the assemblages of people, animals and things through which protest and dissent was registered in pre-modern England, and when and how these things might be reimagined or repurposed as ‘disobedient objects’. What follows is split into six sections. The first lays out the methodological underpinnings of the research, examining enclosure, enclosure protest and the records of the Court of Star Chamber. The paper then turns to a range of mundane and everyday agricultural things, focusing in turn on hedges and field boundaries, agricultural tools and machinery, and finally animal bodies. The penultimate section of the paper considers how the use and spatial location of these quotidian things not only shaped their meaning, but the possibilities for these assemblages of people, animals and things to *make* and *remake* the spaces around them. The final section offers some concluding comments.

**Enclosure, enclosure protest and the Court of Star Chamber**

The term ‘enclosure’ is probably best understood as a shorthand for a variety of land-use changes which differed in their geography, chronology and impacts but eventually remade the visual appearance of the rural landscape across large swathes of Central England. At a very basic level, it usually involved extinguishing common rights – for example, to pasture, piscary, turbary and estovers – and unifying multiple claims to land and its resources under a single landowner who then had the right to exclude (most) other users and to determine land use. This process of enclosing land might be achieved in a variety of ways, including piecemeal enclosure and exchanges, as well as the more controversial process of depopulating land and converting common-field arable to pasture. Not all these changes to agricultural practice required the physical bounding of land with fences, hedges or other field boundaries, although many did and the resulting hedged or fenced portions of land were typically known in the records as ‘closes’.[[13]](#footnote-13) These changes to agricultural practice were intimately caught up with new ideas about property relations: specifically, emerging notions of property as increasingly individualistic and spatially exclusive.

As historians have long recognised, enclosures were by no means unknown in the period before the Black Death.[[14]](#footnote-14) Nor was the process of enclosure near complete until well into the nineteenth century.[[15]](#footnote-15) Yet enclosure seems to have taken on increased significance from the end of the fifteenth century, especially in the English Midlands, at a time when grain prices were low and wool prices high. Here the scale of depopulating enclosures and conversion to sheep pasture prompted public criticism and outbreaks of unrest from at least the early sixteenth century onwards, eventually culminating in the Midlands Rising of 1607.[[16]](#footnote-16) There were a range of strategies available to those engaged in negotiating and resisting enclosure and the loss of common rights in pre-modern England. These included litigation in the common law and central equity courts and direct action including hedge-breaking, human and animal occupations, persistent trespasses and mass ploughings.[[17]](#footnote-17) Such self-help remedies were often treated as riot by landowners and thereby documented in the records of the Court of the Star Chamber during subsequent litigation.

Sitting in the *Camera stellata* in the Palace of Westminster, the Star Chamber aimed to offer justice to those who felt they could not receive it in the common law or church courts. The court was a forum for civil litigation between private individuals over perceived wrongs and its particular remit was concerned with public order offences, hence litigants usually framed their complaints in terms of riot, unlawful assembly, forcible entry, assault and malfeasance. While enclosure riots were also litigated in other courts, the Star Chamber was probably the first choice of many involved in disputes over enclosure and agricultural change, hence the preponderance of suits in the court that related to property in one way or another.[[18]](#footnote-18) Like the other central equity courts, the number of cases of all kinds brought before Star Chamber rapidly expanded from around 1515 onwards. The resulting archive is both valuable and vexing in equal measure. On the one hand, the court worked with written submissions, all in English and – with the exception of the depositions – mostly written in neat secretary hands, hence the appeal of these materials to scholars. On the other, the surviving Star Chamber archive is by no means complete: perhaps as much of half of the archive has been lost and the documents from different stages in the case – bills, answers, replications, rejoinders, interrogatories and depositions – are not always stored together sometimes making it difficult to track cases from beginning to end. The complete loss of the order and decree books also means the outcomes of cases are generally unknown.[[19]](#footnote-19) Perhaps even more frustratingly, not all of the court records are adequately catalogued, with the Elizabethan material in particular being poorly indexed. The *c*.38,000 cases catalogued in The National Archives at Kew as STAC 5 and lodged between *c*.1558 and 1603 are indexed only by the surnames of the first-named plaintiff and defendant, so that it is impossible to identify place, county or subject from the existing finding aids.[[20]](#footnote-20) As a result, relatively little work has been undertaken on the Elizabethan material, and existing histories of enclosure say almost nothing about later sixteenth-century disputes.[[21]](#footnote-21)

This paper draws on an analysis of several hundred records concerned with enclosure riots or related disputes that were lodged in the Star Chamber between roughly 1490 and the years immediately following the Midlands Rising of 1607. Assembling this sample necessitated two complementary approaches to the sources. Firstly, all the catalogued records for selected case-study counties – including Northamptonshire and the East Riding of Yorkshire – were consulted along with the published suits for the West and North Ridings of Yorkshire, Cheshire, Lancaster, Somerset, Staffordshire and Sussex, together representing almost all of the published Star Chamber material.[[22]](#footnote-22) This sample was further supplemented by material identified as a result of keyword searching the catalogued parts of the archive: cases lodged in the court in the reigns of Henry VII, Henry VIII, Mary and Edward VI (covering the years 1485 to 1558) and James I (1603–1625) are well catalogued by place, county, subject and litigants, so that keyword searching is relatively effective in identifying enclosure cases.[[23]](#footnote-23) As a result, the cases are drawn from across England, but with a specific focus on the Midlands where depopulating enclosure was perceived as a particular problem in the Tudor period. Secondly, a sample of more than 200 later sixteenth-century enclosure cases were identified as part of a bigger research project on the Elizabethan Star Chamber records. This utilised a two-pronged approach to the poorly catalogued material: comprehensive examination of sample boxes of material (each containing some 40 cases) was combined with keyword searching within the litigants’ field for the names of individuals known from other sources (including local records, Chancery and the Exchequer proceedings and the better indexed Star Chamber papers lodged before 1558 and after 1603) to have been involved in disputes over land-use change. Of the larger sample of STAC 5 cases, approximately 80 suits concerned enclosure and common rights were identified, mostly for the county of Northamptonshire. This constitutes a completely new body of material, most of the individual cases having been previously unexamined by historians and never before analysed as a corpus.[[24]](#footnote-24)

Given the relatively large sample – and its completeness, at least as far as the surviving material and the indexing allows – the cases discussed here are taken as broadly representative of the range of strategies for negotiating enclosure utilised in the period. No quantification of the cases is undertaken here – a task that must await another occasion – but rather the newly recovered cases are examined qualitatively with a particular focus on the animate and inanimate things that were part of enclosure riots.[[25]](#footnote-25) Here I move beyond a consideration of household items, personal possessions and clothing – to date, the main examples of material culture examined by both protest scholars and medieval historians – to think rather more expansively about the kinds of chattels that might be entangled in enclosure protest.[[26]](#footnote-26) Late medieval concepts of chattel included livestock, agricultural implements and tools, as well as furniture, clothing, cash and even leasehold property (the latter normally considered as chattels real).[[27]](#footnote-27) Hedges and fences were property too, potentially either moveable chattel (fence posts or quicksets stacked in the field ready to be laid out) or real property. The property status of non-human, non-wild animals was also clear in late medieval England and livestock are understood here as living chattel or animate property, even whilst I also acknowledge and explore the implications of animal agency.

**Hedges and field boundaries**

As the material *things* through which new forms of property were enacted on the ground, new – or sometimes repurposed – hedgerows, fences and stone walls frequently came to be entangled in enclosure protest. Hedges and fences functioned to keep animals in pasture closes and out of arable crops, but also to concretise ownership in the sense of private title to the land shorn of multiple use rights. That is, hedges excluded unwanted people and animals in both a physical and ideological sense. They were a crucial device through which ‘new forms of spatial discipline were both materialised and enforced’, to borrow a phrase from Nicholas Blomley.[[28]](#footnote-28) Crucially, hedges defined transgressions against property in a specifically spatial sense: people and animals were ‘in place’ or ‘out of place’ in relation to property’s physical boundaries. Yet, as Blomley argues, hedges were the landowners’ property and their very materiality made them vulnerable to ‘breaking’: that is, to physical acts of violence whereby hedges – or short sections within them – were cut down and removed or gaps otherwise opened up in them.

As a form of protest against the extension of private property rights, hedge-breaking aimed at the material removal or erasure of (part of) the hedge. Such incidents are well evidenced in the Star Chamber records throughout the long sixteenth century. Hedge-breaking was usually undertaken in a group – in part because of the scale of the physical labour involved but also because the planting of new hedgerows was often understood as a threat to communal forms of agriculture – though the number of individuals involved ranged widely from as few as four to several hundred.[[29]](#footnote-29) In some incidents, long lengths of hedgerow were dug up wholescale by large groups of people. At Kingsthorpe in Northamptonshire in 1599, a large group of women were said to have dug up hedges amounting to 80 perches (equivalent to perhaps 400 m), while at Finedon in the same county, a group of 60 men were said to have spent eight days in January 1529 digging up the hedge roots, all the time accompanied by the ringing of church bells.[[30]](#footnote-30) As living property, hedges whose roots were not removed would eventually regrow, hence the practical and symbolic importance of eradicating them. The effort required to remove these material things was probably less when the hedge had been very recently established and it was easier still to steal or burn quicksets that had not yet been planted or fence posts and brushwood not yet erected as fencing, as happened at Cannock in Staffordshire for example.[[31]](#footnote-31) Gateposts and gates were also sometimes chopped up and burned in order to make them unusable, yet most of the incidents reported to the Star Chamber revolved around living hedgerows that had been removed and destroyed. Thus the age and material condition of the hedge mattered in negotiating the geographies of property. Where hedges were long established – as was clearly the case in some of the individual incidents making up the Midlands Rising, for example – the labour, organisation and time required to dismantle them were considerable.[[32]](#footnote-32)

The same was probably also true in the case of so-called ‘field closes’. These were existing closes of land – sometimes listed as ‘ancient inclosures’ in later enclosure awards and agreements – which were farmed in severalty for part of the year, but then thrown open to the common herd on an agreed date in the agricultural calendar, usually in early August. Where such arrangements were in place, gates, fences and hedges were useful and necessary structures within the agricultural landscape for much of the year, not least in stopping livestock straying into the common-field arable. Yet once a landowner failed to unlock the gates and throw the land open to common grazing, the hedges might rapidly come to be understood as symbols of oppression and attempts to extend private property rights. Thus the meaning of hedges and other agricultural barriers not only varied between the parties in an enclosure dispute – the landowner seeing the hedge as an expression of his or her legitimate property interests, the commoner as an encroachment on his or her common rights – but also necessarily changed both seasonally and over time. Incidents in which the hedges around field closes were removed or gaps opened up in them by commoners reasserting grazing rights are well evidenced in the Star Chamber papers.[[33]](#footnote-33)

Yet it was not only the hedge itself that needed to be physically removed. The fences which protected newly planted hedges from livestock needed to be broken up – and most likely burned – and the hedge-banks levelled and ditches filled in. The woody material cut from the hedges was sometimes piled into bonfires and set ablaze – as at North Cave (East Riding of Yorkshire) in 1534 or Batcombe (Somerset) in 1536 – but at other times, it was thrown into the ditch which was then backfilled with soil taken from the hedge-bank, presumably cutting down the time and effort needed to effectively re-open the close.[[34]](#footnote-34) Spades and shovels were needed and, as with the breaking of hedges, the process would have involved a good deal of labour to execute the necessary earth-moving. Mounds and ditches were said to have been ‘cast down’, ‘put down’ or spoiled, so that the micro-topography of the boundary was thus levelled and the distinction between newly enclosed private property and land subject to common rights materially erased.[[35]](#footnote-35) Thus the *thingness* of the hedge – as an assembly of earth, living matter and dead wood – was dismembered, dismantled, *unmade*.

The verb ‘to level’ was used in a general sense of making a surface even from the early sixteenth century onwards, but the Star Chamber records for the sixteenth century do not use the term, at least as far as it was applied to the action of hedge-breaking and ditch-filling.[[36]](#footnote-36) That it is first used in the sample Star Chamber records examined here in the very early seventeenth century is good evidence of the changing meanings of the word. The plaintiff in a case of 1604 complained that rioters at Chilvers Coton in Warwickshire – later the site of considerable unrest during the Midlands Rising of 1607 – had

ryotouslie rowtouslie and unlawfullie cast and throwe downe all or the greatest part of the saide moundes banckes hedges and cences into the diches thereof agayne and made the same level with the grounde and laide it open unto the common.

The term was used again at Moreton Pickney (Northamptonshire) in the aftermath of the Rising, where the plaintiff complained that in June 1609 a group of 17 men and women had cast down the ditches of the close, cut down the quickset, ‘levelled the same … [and] did raise and sire a new rebellion in the said county of Northampton not much unlike the last rebellious tumult for inclosure’.[[37]](#footnote-37) Here the term clearly signalled both the rioters’ efforts to materially rework the landscape and their associated attempt to level social distinctions, as also did the related noun ‘leveller’ which was first recorded during the Midlands Rising.[[38]](#footnote-38)

The new enclosure hedgerows structured space: that is, they *made* property. To borrow Blomley’s phrase, they created ‘property’s grid’ against and within which protest could be assembled. Hedges were not really capable of moving through space – except as far as they were physically chopped down and removed, or they slowly grew from being thin and spaced out seedlings protected by fences to something likely to be wider than it was tall with the potential to encroach on neighbouring property. Yet ploughs, agricultural tools, livestock and other animals could be conceived as moveable chattel in a more straightforward sense. In what follows, I explore the ways these material things acquired new meaning via their movement across space, specifically in relation to the new geographies of property defined by hedges and other boundary features.

**Agricultural tools and machinery**

Digging up a hedge and casting down a hedge-bank required tools, specifically shovels and spades as well as billhooks to cut the woody matter, and mattocks or pickaxes to break the earth and grub up the roots.[[39]](#footnote-39) Given the Star Chamber’s specific remit in riot, unlawful entry and assault, many plaintiffs framed their bills with reference to the threatened or actual violence meted out by the defendants and the weapons they carried. In a standard phrase, rioters were said to have been armed or arrayed ‘in warlike manner’. The Star Chamber seems to have worked with a very broad definition of riot, no doubt at least in part based on the common law which defined riot as ‘three or more persons assembled in a violent and tumultuous fashion, under their own authority, with the mutual intent of committing a breach of the peace’.[[40]](#footnote-40) As Andy Wood points out, ‘violence’ included intimidating words spoken while bearing offensive weapons, themselves anything from agricultural tools to swords, bows and firearms.[[41]](#footnote-41) The existence of weapons was thereby central to the ability of plaintiffs to pursue prosecutions in the Court of Star Chamber, though the violence reported was more often aimed at property – typically hedges and fences or more unusually, animals – than at persons.

Interrogatories on behalf of the plaintiffs also commonly sought to ascertain what weapons had been carried by those accused of riot, whether in relation to hedge-breaking or other kinds of direct action against enclosure (on which more below). Agricultural tools like billhooks and mattocks were usually framed as ‘weapons’, as were pitchforks, muckforks, hatchets and staffs, the last often described as longstaffs or longstaves and presumably used to herd animals. Such tools would have been easily accessible to many rural labourers and husbandmen, who used them in their daily business on the land. Other weapons were mentioned rather more rarely, but included swords, daggers, bows and very occasionally guns.[[42]](#footnote-42) One strategy commonly employed by plaintiffs in laying out their case to the court was to lump together weapons ‘defensive and offensive’ – or in an alternative formulation, ‘defensive and invasive’ – and claim that the defendants carried both.[[43]](#footnote-43) Alternatively, plaintiffs sometimes drew an ontological distinction between the two, as in a case from Kings Sutton in Northamptonshire where it was claimed that on seeing the plaintiffs approach, the rioters had cast down their tools, picked up their (unspecified) weapons and assaulted them.[[44]](#footnote-44) Yet the court papers for Kings Sutton made no mention of daggers or guns, and the ‘weapons’ were probably simply bills and staffs. In other words, this was a deliberate attempt by the plaintiffs to underline the seriousness of the riot and assault by framing agricultural implements as weapons: the court and court papers, as well as the fields or common pastures, being the sites at which ‘disobedient’ objects were made. By contrast, defendants usually insisted they had been armed only with everyday agricultural tools. In practical terms, there was no real distinction between weapons and tools: after all, a hedging bill or even a shovel might easily be used in anger to maim or kill someone. The movement of things in and out of particular spaces – and their use within the complex assemblages of people, material objects and spaces that constituted resistance – had the potential to transform their meaning. Staffs and billhooks became weapons when used to damage property or threaten personal violence: what was innocuous in the farmyard or out in the common pastures was troublesome in relation to a hedge at the interface between private property and common land.

Here we might expand upon anthropologist J. C. Scott’s definition of the ‘weapons of the weak’ to include not just foot-dragging and grumbling, but also a range of mundane and easily accessible objects like pitchforks, spades and staffs.[[45]](#footnote-45) Even found objects like sticks and stones might sometimes be co-opted into anti-enclosure protest. Stones were often thrown in enclosure riots or other co-ordinated community actions aimed at resisting the extension of private property rights. At Braunston in Northamptonshire in 1582, a group of women were said to have thrown stones at men who were illegally erecting a cottage on the common while at White Ladies Aston in Worcestershire a group of women involved in a hedge-breaking incident threw stones at the enclosing landowner and shouted ‘strike him down’.[[46]](#footnote-46) Those reported to have thrown stones were often – though by no means exclusively – women. Women and girls were also accused of wielding staffs, staves, spades and shovels, though rarely swords, bows or firearms, an indication that choices about the physical instruments used to threaten or inflict violence were gendered as well as classed.[[47]](#footnote-47)

Hand tools used as ‘weapons’ were not the only agricultural things to be assembled in resisting agricultural change and enclosure. Ploughs and harrows might be utilised, as in the case of mass ploughings. In these incidents, communities banded together to gather ploughs within enclosed parcels of land and use them to turn over pasture and prepare it for sowing. These mass ploughings are well evidenced in the Yorkshire Wolds, but also appear more sporadically in the Star Chamber records for North Yorkshire, West Yorkshire, Lincolnshire, Nottinghamshire and Northamptonshire, as well as occasionally elsewhere.[[48]](#footnote-48) As a form of resistance to enclosure and the conversion of common-field arable to enclosed pasture, mass ploughings required large numbers of people, animals and machinery as well as considerable time, effort and planning. At South Kettlethorpe in the East Riding of Yorkshire, 36 ploughs were said to have been employed while at South Cave in the same county as many as 19 ploughs were said to have been involved in the mass ploughing. Plaintiffs may have exaggerated the number of ploughs involved, but anything like this number implies considerable organisation and community involvement and may have entailed ploughs being brought from neighbouring settlements.[[49]](#footnote-49) As I have argued elsewhere, mass ploughings were effectively bodily occupations of disputed ground, and the physical presence of people, plough gear and plough animals within newly enclosed parcels of land disrupted property’s exclusive geographies.[[50]](#footnote-50) Crucially, the various Tudor and Stuart Inquisitions of Depopulation were concerned with the decay of tillage, so that ploughs – or more specifically, their loss – functioned within public imaginations as a key symbol of depopulating enclosure and the conversion to pasture. Community action which assembled large numbers of ploughs within enclosed plots of land was thereby a clear critique of the newly individualised logic of property.

The fact that rioters sometimes also manured and seeded the ground underlines the fact that they expected to retain control of the land for some time.[[51]](#footnote-51) Mass ploughings visibly and materially resisted enclosure by returning the land to its pre-enclosure state. Much as with hedge-breaking, ploughing physically destroyed the landowner’s property (the herbage or pasture intended to be grazed by their sheep). Righting the ploughed up sods would have been a time-consuming and labour-intensive process, making it difficult and expensive for enclosing landowners to return the land quickly to sheep pasture. The newly ploughed field was also a visual marker of dissent that was visible far beyond the boundaries of the close: the plough literally inscribed resistance into the surface of the land. This idea of cutting or marking the land was evidenced within the equity court papers, as in the case of an interrogatory relating to illegal ploughing and riot at Cotton and Hardingstone in Northamptonshire, which asked if the tenants did ‘plough up, harrow and *deface* the lands’.[[52]](#footnote-52) At South Kettlethorpe (East Riding of Yorkshire), rioters were said to have ‘with force subverted’ the plaintiff’s land: that is, cut and turned over the pasture so as to make it unusable for grazing.[[53]](#footnote-53) Similar linguistic formulations were used at Speeton and Bishop Burton (both East Riding of Yorkshire) where rioters were said to have ‘subverted and tilled’ the ground.[[54]](#footnote-54) The term ‘deface’ was used in the Star Chamber papers in connection with damage to hedgerows too, as well as the destruction of documents and coats of arms, so that we might read both hedge-breaking and mass ploughings as examples of community-organised direct action which defaced the legibility of property. In other words, they disrupted the way property’s geographies could be read from the land.[[55]](#footnote-55)

While most hedge-breaking incidents and mass ploughings were primarily concerned to alter the allocation of resources within a single manor or parish, the connections between these outbreaks of unrest and wider radical attacks on property were on occasion made rather more explicit. For example, riotous ploughing was reported at Little Houghton in Northamptonshire in the wake of the Midlands Rising of 1607. Here a crowd pulled down a stone wall which bounded the close of an enclosing landlord and turned over the soil using spades. Later the same day, the crowd were joined by six other men and together they pulled up the hedges around another nearby enclosure, filled in the ditches then turned their ploughs on to the ground. According to the landowner, they said ‘that they would have soe done with all inclosures & turne their plowes into pastures, & make all comon for corne, as though they had beene owners or com[m]aunders’.[[56]](#footnote-56) The combination of spade husbandry and ploughing machinery is intriguing here, as is the plaintiff’s deliberate attempt to frame the ploughing as part of a radical – and dangerous – critique of property relations. The use of similar strategies to resist hegemonic property relations is documented too in other times and places. The spade husbandry practiced by the Diggers in the late 1640s was deliberately intended to subvert existing property relations, as were their plans to plough St George’s Hill and plant it with barley, while as Iain Robertson has noted in the context of the later Highland Land Wars, ‘the action of spade, plough and seed disrupts the land’s connections to class-based interests’.[[57]](#footnote-57) In other words, the presence of both human and animal bodies and plough gear within enclosed parcels of land disrupted property’s geographies, challenging the securitisation of these spaces. The presence of plough gear and plough animals within enclosed parcels was perceived as riotous, routous or disorderly precisely because they were ‘out of place’ within these newly securitised spaces. Thus these things were rendered problematic, even whilst their presence within the complex assemblages of people and material things that constituted resistance shaped both concepts of property as they emerged in pre-modern England and the landscape itself (on which see the penultimate section below).

**Animal bodies**

As well as physically bounding land, enclosure disrupted the seasonal movement of animal bodies around the landscape of the parish – between common pastures, meadows after the hay was cut, the open field stubbles and farmsteads – imposing new regimes on both commoners and their animals. Enclosing landowners sought to exclude both human and animal bodies from newly securitised spaces. Yet hedges – especially new ones – and other boundary features were relatively permeable and so always left open possibilities for transgressions. Complaints about hedge-breaking were often accompanied by complaints about illegally grazing animals, although commoners who turned their animals onto graze pasture might do so without breaking the surrounding hedges. In these cases, gates were left open or gates and gate posts removed so as to let animals pass into enclosed parcels of land, or bigger or smaller gaps in hedges opened up so as to drive sheep, cattle or horses onto enclosed land. Such gaps might be later secured in order to keep the animals on the land.

These planned incursions onto enclosed pasture are what I have termed elsewhere ‘animal trespasses’.[[58]](#footnote-58) The term trespass had originally signalled a general wrong against someone – including for example, rape – but by the mid fifteenth century had hardened and the notion of trespass against property as a civil offence had emerged.[[59]](#footnote-59) By the seventeenth century, the term trespass was widely used to refer to an encroachment or intrusion on property, specifically an illegal entry into property.[[60]](#footnote-60) It was used in the sixteenth-century Star Chamber papers in a number of senses, including in relation to cattle which strayed or were driven into another’s property.[[61]](#footnote-61) Like mass ploughings, animal trespasses were bodily occupations, a visible assertion of common rights. Common rights were usually seen as resting jointly on antiquity and continued use, so that the continued assertion of common rights was integral to efforts to defend them.[[62]](#footnote-62) As a strategy for resisting enclosure, animal bodies physically occupied the land in dispute, thereby disrupting the new geographies of private property.[[63]](#footnote-63) The court papers describing these incidents invariably offered contested readings of the animals’ presence: commoners asserted that their animals were exercising long-standing common rights, while landowners argued that the animals had illegally entered and grazed the close. In the landowners’ and their lawyers’ minds, the out-of-placeness of the animals functioned to refigure them as disorderly or riotous, like the men and women involved in resisting enclosure by direct action who were invariably represented in the court papers as ‘riotous, disordered and evil disposed persons’.[[64]](#footnote-64)

Yet it was not only the animals’ presence which proved disruptive: their bodily actions too were significant. By consuming grass or trampling crops, livestock reasserted common rights and affected a material change in the landscape, much as mass ploughings also did. The term ‘depasture’ meant to turn animals onto land so that they consumed its produce, usually grass.[[65]](#footnote-65) It was predominately used in the Star Chamber papers in the negative sense of *illegally* grazing land. In other words, the animals enacted a material change in the state of the land, removing grass and herbage, which the livestock were sometimes said to have ‘destroyed’.[[66]](#footnote-66)

The Star Chamber records demonstrate persistent concern that animal bodies – and specifically, the town herd – be kept ‘in place’. This meant grazing on land still open to common grazing and outwith the new enclosures. Landowners who found the common herd grazing on what they considered their exclusive property generally reacted by either driving the animals out of the closes – sometimes violently or with dogs – or by impounding the livestock.[[67]](#footnote-67) Tenants who found an enclosing landowner’s sheep grazing in the common fields did exactly the same.[[68]](#footnote-68) Both common law and manorial by-laws provided a legal basis for impounding animals that trespassed onto land on which their owners had no right to graze them. The usual practice was for animals to be taken to the village pound and kept there until their owners compensated those whose property was damaged by the livestock: in other words, poundage charges were paid. Perhaps not surprisingly, many owners attempted to rescue the animals themselves rather pay what they considered illegal or exorbitant poundage charges or rely on a lengthy legal process to recover wrongfully impounded animals. This might mean intervening as the animals were driven towards the pound, or removing them from the pound itself, sometimes chopping down the gates and gateposts of the pound in the process.[[69]](#footnote-69)

Landowners often struggled to deter rescue attempts and keep commoners’ cattle in the pound and out of newly enclosed plots. They might then react by impounding the animals within private pounds or farmyards, sometimes miles from where the animals had been found grazing (though this contravened the Statute of Marlborough of 1267). From the commoners’ point of view, landowners who did so confined the animals in an ‘unlawful’ place within the rural landscape, acting against both statute law and local custom, not least because the muck produced by the animals thereby benefited private individuals rather than the wider community. Numerous such complaints reached the Star Chamber courts.[[70]](#footnote-70) Those who impounded animals were legally obliged under the Statute of Merton to feed and water them and preserve them from danger, but commoners often complained that their animals had been beaten with sticks or died of starvation or from overcrowding and crushing in the pound.[[71]](#footnote-71) This amounted to material damage to chattel – a crime against property and potentially a felony under an act of 1449 – and commoners who reported this to the courts presumably hoped to underline the seriousness of transgressions committed by enclosing landowners against both communal farming arrangements and individual chattel.

Commoners thus relied on the agency of their livestock to resist enclosure: specifically, that livestock turned into a pasture close would both consume and trample the grass. In this sense, the animals were (unwittingly) acting on their owners’ behalves to occupy disputed property and reassert time-honoured common rights, and thus also defend those rights against future legal challenge. Yet cattle did not always behave as their owners expected: rather they had their own agency and sometimes resisted human attempts to compel them to behave in certain ways. Unlike most chattels, livestock were highly mobile, hence the need for hedges, fences and other barriers to movement. The motile nature of livestock as living chattel was reflected both in manorial law on waifs and strays and the numerous cases that reached the equity courts relating to animals which wandered – or were deliberately driven – over township boundaries and into neighbouring commons.[[72]](#footnote-72) The animals that were part of enclosure riots were usually being herded, most typically driven with staves and staffs by women or children. It is these implements that so often feature as the weapons of war named in the court papers – and discussed above – but they were needed precisely because large herds of cattle in particular could be hard to control and their movement difficult to direct.

The Star Chamber papers occasionally signal the difficulties that rioters had herding reluctant or resistant animals into enclosed parcels of land. At Adstone in Northamptonshire, commoners tried to drive more than 100 great beasts – that is, cows and horses – into a close but found that the entrance into the field was too narrow to do so successfully. They managed it only when additional people arrived with long staves and hooks which they used to push the animals forcibly into the close, thereby executing the planned animal trespass. Once within the close, the animals were said to have occupied it for some weeks – the gap in the hedge through which they were driven having been presumably stopped up in some fashion – and the rioters brought a minstrel to the close to celebrate their victory, accompanied by what the plaintiff termed ‘wild morris dancing’ in the village and gestures he felt were intended to mock him.[[73]](#footnote-73) Here, resistance to enclosure was enacted through a complex assemblage of people, animals and material things – billhooks to cut the gap in the hedge, staves and staffs to force the animals through, wood to stop up the gap, musical instruments to accompany the dancers – brought together in a particular place and time. Animal bodies were here utilised to disrupt the newly emergent geographies of property, even whilst the animals themselves might themselves be disruptive of human efforts to mobilise them in these ways. The Adstone case signals too the quandary faced by rioters between completely removing the hedge – and thus clearly signalling the illegality of the enclosure – and retaining the living barrier so animals could be effectively kept on the land so as to occupy it.

References in the Star Chamber papers to the impounding of animals often signal resistance to enclosure, but grazing animals – usually sheep – could also be utilised to *promote* enclosure. Landowners keen to convert common-field arable land to private pasture might turn sheep onto the crops in the common fields, so that they consumed the wheat or oats grown there by tenants.[[74]](#footnote-74) Again, the bodily presence of the animals and their material impact on the land – here consuming crops within the common fields – acted to promote land use change. Rabbits and deer which escaped from neighbouring warrens or parks to graze on common-field arable land also destroyed crops, making communal agricultural arrangements less viable and thereby promoting the extension of private property rights. At Kingsthorpe (Northamptonshire), the commoners complained that the under-keepers of Moulton Park deliberately made holes in the park wall in order to let the rabbits out to graze in the fields and meadows. They said the rabbits had destroyed 100 acres of grass and corn, and that a further 80 acres lay fallow because of them. The dispute raged on throughout much of the early sixteenth century, with the commoners twice turning their ploughs onto the warren in order to destroy the burrows.[[75]](#footnote-75) It seems unlikely the rabbits’ burrows would have been much disturbed by the ploughs, but by turning over the soil, the commoners not only destroyed the herbage but also signalled their intention to return the land to common-field arable (the warren having been previously part of the common fields). Once again, material change to the landscape and the presence or otherwise of animal bodies functioned to assert or disrupt property’s geographies.

Yet it was not only animal bodies that might act to resist enclosure and agricultural change. Human bodies too might be deliberately inserted into space so as to challenge property’s grid. This was sometimes done covertly under darkness, but more often it was undertaken by large groups of people in daylight hours: effectively, this was mass trespass aimed specifically at critiquing and challenging newly established property relations. Groups of men, women and children acted together to re-establish recently-closed footpaths or perambulation routes, trampling grass or crops underfoot, replacing boards that crossed streams, or opening newly-planted hedgerows which blocked established rights of way. Others continued to gather previously common resources like underwood, peat, turves, fish, berries or wildfowl, or dig lime and marl (which were used then to improve soil fertility and structure).[[76]](#footnote-76) In these cases, temporary but repeated bodily occupations of enclosed space signalled that the land was perceived to be subject to common rights and the resource in question thought of as common, at least as far as those involved in the incursions were concerned. On occasion, occupations might be more protracted, lasting weeks or even months, with cabins or rough cottages built or camps established. Here, rapidly assembled dwellings – most likely of timber beams and boards, straw, mud and dung, and other easily accessible materials – provided shelter for those living on the disputed land and helped concretise their claim to title or common rights.[[77]](#footnote-77) Here they drew on the emerging logic of possession as nine-tenths of the law – the phrase being first recorded in the sixteenth century – in order to challenge and subvert enclosing landowners’ claims to exclusive property in land.[[78]](#footnote-78) As the following section will argue, those who occupied land – whether via hedge-breaking, animals trespasses, mass ploughings or other kinds of mass trespasses – thereby contributed to the ongoing negotiations through which modern concepts of spatially exclusive property in land eventually emerged.

**Making things and space**

So far, this paper has examined the ways that a range of mundane and everyday agricultural things acquired new meanings as a result of spatial context and use. That is, being ‘out of place’ in relation to property’s boundaries rendered ploughs and other machinery, agricultural tools, livestock and other animals – including rabbits and deer – riotous, disorderly or otherwise disruptive of existing or new agricultural arrangements. It made them ‘disobedient objects’. Yet these were by no means the only *things* to be drawn into enclosure disputes. Boundary markers like mere stones might be moved or removed by those contesting particular readings of the local geographies of property, either in connection with disputes about where particular township or parish boundaries lay or in relation to quarrels over intercommoning arrangements.[[79]](#footnote-79) At Doddington (Northamptonshire) not only the mere stones but what were referred to as ‘deeper mark stones’ were removed in an enclosure dispute which also included complaints about a perambulation route blocked by a hedge.[[80]](#footnote-80) Water too might be co-opted into resisting enclosure and drainage. As Elly Robson has demonstrated, commoners in the Fens sometimes cut sluices and banks in order to allow the water back on to newly drained land, thus re-establishing former land uses and reasserting common rights.[[81]](#footnote-81) As the liquid transgressed the drainers’ banks and ditches and leaked back onto the land, it remade the landscape – or perhaps more accurately, re-established a waterscape – thus resisting the imposition of private property relations.[[82]](#footnote-82) As we have seen in the cases discussed here, household and personal items were also utilised in resisting enclosure. Musical instruments feature including drums and horns, as well as church bells, a reminder of the multi-sensory nature of enclosure protest. Clothing was also important, particularly the women’s clothing in which men were often said to dress up before taking part in enclosure protest. Even beds and bedclothes might be caught up in resistance, specifically where men attempting to avoid prosecutions for riot alleged that they had been asleep in their beds while their wives broke hedges.[[83]](#footnote-83)

In all these cases, material objects acquired new meanings as a result of their physical presence within specific spaces at particular moments in time. Yet the presence of these material things also *made* and *re-made* space itself. The two centuries between roughly 1450 and 1650 witnessed the emergence of property as an increasingly spatialised concept. The medieval Year Books had drawn a strict distinction between *properté* in chattels and *dreit* (rights) in land, so that the term ‘property’ strictly applied only to goods and animals rather than land. Only in the very late fifteenth century did this begin to change, as common lawyers began to apply a universal law of property to both land and chattels. At the same time, the medieval concept of property as a right in or claim to land or chattels gradually gave way to a new notion of property which directly equated it with the goods or land itself.[[84]](#footnote-84) This was paralleled by land-use changes in the sixteenth-century countryside where multiple-use rights were gradually replaced by more individualised and spatially exclusive forms of ownership: that is, as an absolute and exclusive right to title which allowed landowners to exclude unwanted people, animals and things.[[85]](#footnote-85) This process was not complete until the nineteenth century: even in the 1780s, those hunting vermin were not considered to be trespassing on private property and only in the early nineteenth century was it established that huntsmen pursuing foxes for sport across another’s ground could be prosecuted for trespass. [[86]](#footnote-86) Yet the sixteenth and early seventeenth centuries were a crucial moment in the history of property which witnessed the emergence, then gradual hardening, of the modern concept of spatially exclusive property in land.

Yet this did not happen purely in the realms of thought and law. Rather, the disputes and court cases discussed here – and the material objects, animals and people that made them up these assemblages – were a part of the complex and ongoing negotiations whereby new ideas about property and space eventually emerged. Just as hedges *made* property, so too ploughs, hand tools, and human and animal bodies inserted into newly securitised spaces had the potential to disrupt and remake property’s geographies, by articulating and concretising claims to land and resources and thus resisting the extension of private property rights. Each of the individual incidents analysed here not only contested the meaning of particular fields and closes, but in being litigated in the central equity courts, discussed in public houses and church pews, and providing a model for continuing efforts to resist enclosure, they also contributed to the much bigger (national) debate whereby new ideas about property eventually took hold. Thus we can point to ongoing negotiations about the meaning of property – and thus space – which took place both ‘on the ground’ in parishes across England, and in both the local common law courts and the central equity courts. As the examples discussed in the paper readily demonstrate, pre-modern communities utilised these *things* in their efforts to lay claim to and re-make space, though we might also note the paradox that occupation as a mode of protest practice borrowed the emerging logic of property – as exclusive physical possession – even whilst working to resist it.[[87]](#footnote-87) In this sense, ploughs and cows, pitchforks and spades, earth, water and stones were all part of history of modern property relations, just as much as maps, court rulings and legal treatises.

**Conclusions**

This paper has used a new body of cases litigated in the Court of Star Chamber between *c*.1490 and 1610 in order to examine the materialities and spatialities of enclosure protest in pre-modern England. As the range of examples explored in the paper clearly shows, negotiating enclosure and agricultural change – in the sense of both *promoting* and *resisting* the extension of private property rights – was dependent on particular assemblages of people, animals and material things, and their convergence within specific spaces and temporalities. The paper has paid careful attention to mundane and everyday objects – both animate and inanimate – entangled in enclosure protest, both in the sense of their being repurposed as ‘weapons’ used against people or property and in more conventional usages as part of action that was itself subversive (for example, ploughs used to ‘deface’ pasture closes and return them to arable cultivation). As the court cases show, these ‘tools of protest’ included implements like pitchforks, muckforks, hedging bills, spades, shovels and various kinds of staffs and sticks, as well as larger agricultural machinery like ploughs and harrows. Living chattel or animate property might similarly be co-opted into both promoting or resisting agricultural change: thus, cattle, sheep and horses were part of animal trespasses, while dogs, rabbits and deer also feature. Hedges and other field boundaries acted as both symbols of ownership and a physical means of excluding unwanted people and animals, defining the grid against which animal and human trespasses and occupations operated. Non-animate objects could also be an important part of the assemblages by which protest was brought into being, including things whose ownership was not clearly invested in a single individual such as stones, earth and water. These examples remind us too of the agency of non-human things. This is perhaps clearest in relation to livestock: that the sheep and cattle turned into private closes consumed or otherwise destroyed the grass provided a means for commoners to assert grazing rights, yet animal resistances – for example, their refusal to go through a gap in a hedge – might sometimes thwart human efforts. At the same time, we get hints of other kinds of eco-materiality and more-than-human agency in the records: the waters that overspilled their banks; the hedge roots so densely entwined that digging them up took several days.

The use of these animate and inanimate things within particular securitised spaces – specifically, within or at the boundaries of recently enclosed parcels of land – allowed Star Chamber litigants to frame these quotidian agricultural objects and eco-material things as threatening, troublesome or rebellious. As the court papers make clear, it was often the out-of-placeness of such objects in relation to property’s (new) boundaries which rendered them disruptive. Yet the meanings attached to particular objects were not fixed, but rather changing and often contested. Not only did the different parties in a case construct the meaning of objects differently according to their own experience, viewpoint and motivations – sometimes in binary and oppositional ways – but these meanings could change according to the time of day or night, over the seasons or through time. In this sense, the meaning of things was constructed in the court papers as well as on the ground, before, during and after episodes of anti-enclosure rioting. Moreover, in repurposing material things as disobedient or disruptive objects, groups and communities might also repurpose and re-make space, concretising or resisting particular claims to access, possession and ownership. Yet as the section above has argued, local disputes over enclosure and common rights were always nested within and contributed to the national politics of land and property, so that the presence of these material things within newly securitised spaces – and the associated litigation within courts like the Star Chamber – also contributed to the ongoing debate by which new, individualised and spatialised concepts of property eventually took hold. The emergence of these new ideas, and the physical re-making of the landscape which accompanied them, was neither a rapid nor a straightforwardly progressive process, but rather contested, halting and at times uncertain. As the paper has argued, the complex assemblages of animate and inanimate objects, people and animals, things and spaces, were crucial to the making of modern property relations. Put simply, materiality mattered in the pre-modern world, just as it also does to protestors today (including those featured in the V&A’s *Disobedient Objects* exhibition). But this goes beyond simply noting continuities across time and space: rather, paying attention to the more-than-human historical geographies of enclosure and enclosure protest in late medieval and early modern England – itself a crucial period in the history of property relations – helps us to rethink the makings of our modern, neo-liberalised, property-obsessed world.

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   The following abbreviation is used in this article: TNA: Kew, The National Archives.

   Catherine Flood and Gavin Grindon, ‘Introduction’, in *Disobedient Objects*, eds. Catherine Flood and Gavin Grindon (London: V&A Publishing, 2014), 1–25 (6, 9). [↑](#footnote-ref-1)
2. Flood and Grindon, ‘Introduction’. [↑](#footnote-ref-2)
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15. On the long and sometimes halting process of enclosure, see Briony McDonagh and Stephen Daniels, ‘Enclosure Stories: Narratives from Northamptonshire’, *Cultural Geographies* 19, no. 1 (2012): 107–21. [↑](#footnote-ref-15)
16. On the Midlands Rising, see Briony McDonagh and Joshua Rodda ‘The Midlands Rising and Its Pre-History: Landscape, Memory and Protest, 1500–1607’ in *Remembering Protest in Britain Since 1500*, eds. Griffin and McDonagh, 53–79. [↑](#footnote-ref-16)
17. Briony McDonagh, ‘Subverting the Ground: Private Property and Public Protest in the Sixteenth-Century Yorkshire Wolds’, *Agricultural History Review* 57, no. 2 (2009): 191–206; eadem, ‘Making and Breaking Property’, 32–56. [↑](#footnote-ref-17)
18. R.W. Hoyle and H.R.T. Summerson, eds., *A Handlist of Star Chamber Proceedings before 1558 for Northern England*. List and Index Society 299 (Kew: List and Index Society, 2003), xvi–xvii; McDonagh, ‘Making and Breaking Property’, 34. [↑](#footnote-ref-18)
19. For more on the Star Chamber, see John A. Guy, *The Court of Star Chamber and Its Records to the Reign of Elizabeth I* (London: H.M.S.O., 1985). [↑](#footnote-ref-19)
20. ‘How to Look for Court of Star Chamber Records 1485–1642’, The National Archives, <http://www.nationalarchives.gov.uk/help-with-your-research/research-guides/court-star-chamber-records-1485-1642> (accessed 28 October 2018). [↑](#footnote-ref-20)
21. See Roger Manning, *Village Revolts: Social Protest and Popular Disturbances in England, 1509–1640* (Oxford: Oxford University Press, 1988), and John Martin, *Feudalism to Capitalism: Peasant and Landlord in Agrarian Development* (London: Palgrave Macmillan, 1983), 161–215. Both scholars assume that the incidence of enclosure rioting grew significantly in the 1590s and 1600s, but because of the methodological challenges of STAC 5 make little reference to later sixteenth-century cases. [↑](#footnote-ref-21)
22. This material appeared in volumes of transcripts – sometimes in full, sometimes in precis – published by local record societies. The societies for Staffordshire, Sussex and Yorkshire appear to have published all the surviving STAC 2 suits, while that for Cheshire and Lancashire published only the first 21 of 35 bundles and that for Somerset the first 13. *Lancashire and Cheshire Cases in the Court of Star Chamber*, ed. Ronald Stewart-Brown, Lancashire and Cheshire Record Society 71, 1916 [hereafter *Lancs*]; *Somerset Proceedings in the Court of Star Chamber*, ed. Gladys Bradford, Somerset Record Society 27, 1911 [hereafter *Somerset*]; *Staffordshire Suits in the Court of Star Chamber*, ed. William K. Boyd, William Salt Archaeological Society 31, 37, 43, 1907–12 [hereafter *Staffs*]; *Abstracts of Star Chamber Proceedings Relating to the County of Sussex*, ed. Percy Mundy, Sussex Record Society 16, 1913 [hereafter *Sussex*]; *Yorkshire Star Chamber Proceedings*, ed. William Brown, Hardy Bertram McCall and John Lister, Yorkshire Archaeological Society Record Series 41, 45, 51, 70, 1909–27 [hereafter *Yorks*]. Comparisons with the original documents suggest the transcripts are largely accurate, although especial care needs to be taken about dates – particularly regnal years – and names. Where necessary, the transcripts have been checked against the original documents at TNA. A further 27 cases from various counties were published by the Selden Society (*Select Pleas of the Court of Star Chambe, 1509-1544*, ed. I. S. Leadam, Selden Society 25, 1910], but have not been used here. [↑](#footnote-ref-22)
23. Useful search terms include: e/inclosure; common; sheep; cattle. [↑](#footnote-ref-23)
24. Martin, *Feudalism to Capitalism*, cites some of the STAC 8 cases used here but makes little reference to the STAC 5 material, while Manning, *Village Revolts*, refers to only three Elizabethan cases from Northamptonshire, Leicestershire and the other East Midlands counties. [↑](#footnote-ref-24)
25. For an analysis of women’s role in enclosure rioting using some of the same material, see Briony McDonagh, ‘Landscape, Land and Home’ in *Sage Handbook of Historical Geography*,eds. Mona Domosh, Michael Heffernan and Charles Withers (London: SAGE, forthcoming). [↑](#footnote-ref-25)
26. For a discussion of the former see Delman and Boeles Rowland’s introduction to this special issue. [↑](#footnote-ref-26)
27. *Oxford English Dictionary* [s.v. chattel, *v*. II, 4, a, b, c.]. See too Blomley, ‘Private Property’, *passim*, on hedges as private property. [↑](#footnote-ref-27)
28. Blomley, ‘Private Property’, 5; Matthew Johnson, *An Archaeology of Capitalism* (Oxford: Blackwell, 1996), 71. [↑](#footnote-ref-28)
29. For example, *Yorks*, III, 161; TNA, STAC 2/28/126. [↑](#footnote-ref-29)
30. STAC 5/M2/19. The perch was a unit of linear measure that varied locally, but was later standardized as 5½ yards (*Oxford English Dictionary*) [s.v. perch *v.* II, 2.]; TNA, STAC 2/17/396, 2/26/250, 2/26/359, 2/28/133, 2/30/138 and 2/32/70. [↑](#footnote-ref-30)
31. *Staffs*, II, 53. [↑](#footnote-ref-31)
32. For discussions of the Rising, McDonagh and Rodda, ‘Midlands Rising’, 61–7; Martin, *Feudalism to Capitalism*, 161–215. [↑](#footnote-ref-32)
33. For example, STAC 2/23/34, 2/23/39, 2/28/111, 2/28/119, 2/28/126, all from Rushton (Northamptonshire). For other early August cases, see STAC 2/33/66, 5/B88/25, 5/G38/19, 5/K1/16, 8/5/21, 8/121/20, 8/145/7, 8/171/2 and 8/295/22. See too STAC 5/B70/40 and 5/B83/31 for a hedge-breaking incident at Guilsborough (Northamptonshire) which involved land enclosed from the common fields, supposedly by agreement. [↑](#footnote-ref-33)
34. Yorks, III, 68–9; *Somerset*, 186–7. Hedges were also burned at in Harley, Shropshire (TNA STAC 2/30/32, 2/30/49), cases discussed briefly by James Bowen, ‘“Before the Breaking of Day in a Riotous Manner and with Great Shouts and Outcries”: Disputes over Common Land in Shropshire in the Sixteenth and Seventeenth Centuries’, *Rural History* 26, no. 2 (2015): 133–59, especially 143. One suspects ditches filled in this way would have been subject to later settlement and presumably left material traces on the ground even where they were not replanted. [↑](#footnote-ref-34)
35. STAC 2/30/132, 4/6/47, 5/A2/34, 5/A13/25, 5/K3/16, 5/S34/22, 8/5/21, 8/148/7, 8/152/20, 8/157/18 and 8/159/16. See too STAC 2/15/97–8 from Watton, Norfolk, which referred to a landowner who ‘causid a greate dyk to be cast to invyren [environ]’ a parcel of land. [↑](#footnote-ref-35)
36. *Oxford English Dictionary*, s.v. level *v*.1, 1. [↑](#footnote-ref-36)
37. TNA, STAC 8/148/7. Precise gender ratios in the group cannot be calculated as most of the rioters are unnamed. [↑](#footnote-ref-37)
38. Whitney R.D. Jones, *The Tree of Commonwealth 1450–1793* (Madison: Farleigh Dickenson University Press, 2000), 133; Blomley, ‘Private Property’, 14. The Warwickshire Diggers referred to themselves as ‘poor delvers and day labourers’ in their broadside of early summer 1607: London, British Library, Harley MS 787/11. [↑](#footnote-ref-38)
39. For example, TNA, STAC 5/K6/21 and 5/M2/19. [↑](#footnote-ref-39)
40. Andy Wood, *Riot, Rebellion and Popular Politics in Early Modern England* (Basingstoke: Palgrave Macmillan, 2002), 41 and 47. [↑](#footnote-ref-40)
41. Wood, *Riot*, 41. [↑](#footnote-ref-41)
42. Guns: TNA, STAC 5/A12/37 and 8/168/14; swords and daggers: STAC 2/27/111, 5/D19/13, 5/B61/25 and 8/61/33. [↑](#footnote-ref-42)
43. STAC 5/M2/19; 8/102/15, 8/160/16. [↑](#footnote-ref-43)
44. STAC 5/K3/16. [↑](#footnote-ref-44)
45. James C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven: Yale University Press, 1987); idem, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1990). [↑](#footnote-ref-45)
46. TNA, STAC 5/J10/37; 4/6/47; see also 2/16/94 and 95; 5/A12/37; 5/S17/22. [↑](#footnote-ref-46)
47. STAC 8/58/20, 157/18 and 152/20. See Nicola Whyte, “‘With a Sword Drawne in Her Hand”: Defending the Boundaries of Household Space in Seventeenth-Century Wales’, in *Women, Agency and the Law, 1300–1700*, eds. Bronach Kane and Fiona Williamson (London: Taylor and Francis, 2015), 144–55 for an example of women wielding arms in defending home. Note too that women were often employed to remove stones from the ploughed fields. On the gendered division of agricultural labour, see Keith Snell, ‘Agricultural Seasonal Employment, the Standard of Living, and Women’s Work in the South and East 1690–1860’, *Economic History Review*, new series 34, no. 3 (1981): 407–37; Amanda Flather, *Gender and Space in Early Modern England* (Woodbridge: Boydell Press, 2007), 87–8. [↑](#footnote-ref-47)
48. See McDonagh, ‘Making and Breaking Property’, 47–50, for further discussion of the geographies of mass ploughing incidents and supporting manuscript references. For additional references, see TNA, E 134/26Eliz/Trin8; STAC 2/30/80, 2/25/299, 2/28/31, 5/K6/19, 5/K10/17, 5/K15/13, 8/295/22. [↑](#footnote-ref-48)
49. STAC 2/26/139 and 28/96. [↑](#footnote-ref-49)
50. McDonagh, ‘Making and Breaking Property’, 47–50. [↑](#footnote-ref-50)
51. For example, TNA, STAC 2/28/96, 8/121/20 [↑](#footnote-ref-51)
52. E 134/26Eliz/Trin8, my emphasis. [↑](#footnote-ref-52)
53. STAC 2/28/96. [↑](#footnote-ref-53)
54. STAC 2/19/244 and 2/20/195. [↑](#footnote-ref-54)
55. That the same terminology was used in the Star Chamber records to refer to the destruction of both the material landscape and documents and maps is suggestive of contemporary attitudes to the two. [↑](#footnote-ref-55)
56. TNA, STAC 8/295/22. [↑](#footnote-ref-56)
57. McDonagh and Griffin, ‘Occupy’, 5; Robertson, *Landscapes of Protest*, Chapter 7. [↑](#footnote-ref-57)
58. McDonagh, ‘Making and Breaking Property’. [↑](#footnote-ref-58)
59. *Oxford English Dictionary* [s.v. trespass *v.* 2 and 3, c]; P. Schofield, ‘Trespass Litigation in the Manor Court in the Late Thirteenth and Early Fourteenth Centuries’, in *Survival and Discord in Medieval Society: Essays in Honour of Christopher Dyer*, eds. R. Goddard, J. Langdon and M. Müller (Turnhout: Brepols, 2010), 145–60; William Blackstone, Commentaries on the Laws of England, Book 3, Chapter 12, available at <http://www.lonang.com/exlibris/blackstone/bla-312.htm> (accessed 11 March, 2015). [↑](#footnote-ref-59)
60. McDonagh and Griffin, ‘Occupy!’, 3. [↑](#footnote-ref-60)
61. See TNA, STAC 2/27/21 and 2/30/70 for examples of trespasses with beasts. [↑](#footnote-ref-61)
62. Edward P. Thompson, *Customs in Common* (London: The New Press, 1991) 97; McDonagh, ‘Making and Breaking Property’, 39. [↑](#footnote-ref-62)
63. See for example, *Lancs*, 72, where by putting his cattle and horses into disputed pasture the local vicar was said by deponents in the case to ‘occupieth’ the land. [↑](#footnote-ref-63)
64. See TNA, STAC 8/157/18 for this exact formulation, but there are numerous examples throughout the Star Chamber records. [↑](#footnote-ref-64)
65. *Oxford English Dictionary*.[s.v. depasture v. 3]. [↑](#footnote-ref-65)
66. See, for example, *Lancs*, 121. [↑](#footnote-ref-66)
67. For dogs, see STAC 2/20/364, 2/20/357, 5/B88/25, 5/D23/23, 5/H48/4. For interesting parallels drawn between dogs and other weapons in a park breaking incident, see STAC 5/T5/8. [↑](#footnote-ref-67)
68. For example, STAC 2/17/221, 2/19/160, 2/24/362, 2/26/139. See also Briony McDonagh ‘Negotiating Enclosure in Sixteenth-Century Yorkshire: the South Cave Dispute, 1530–1536’, in *Landlords and Tenants in Britain, 1440–1660*,ed. Jane Whittle(Woodbridge: Boydell and Brewer, 2013), 52–66, for further discussion of the last case. [↑](#footnote-ref-68)
69. For example, TNA, STAC 2/23/34, 2/24/362, 2/26/250, 5/D19/13, 8/102/15. *Lancs*, 92–4, 114 and 120–36. See also TNA, STAC 3/3/58. [↑](#footnote-ref-69)
70. STAC 2/23/29; 4/9/23; 8/75/19; *Staffs*, Vol I, 120, 128–32, and 172; *Somerset*, 30–31; *Lancs*, 29 and 109; *Yorks III*, 45–7. [↑](#footnote-ref-70)
71. TNA, STAC 2/23/29, 2/31/149, 8/145/7 and 8/102/15 (which referenced the beating of a pregnant cow). STAC 8/152/20 for the beating of cows and horses and 2/7/4–14 for accusations against the park keeper at Moulton (Northamptonshire) who was said to have killed the sheepdogs tending the tenants’ cattle. [↑](#footnote-ref-71)
72. For some discussion, see McDonagh, ‘Subverting the Ground’; Whyte, ‘Inhabiting the Landscape’. [↑](#footnote-ref-72)
73. TNA, STAC 5/D19/13. [↑](#footnote-ref-73)
74. For example, STAC 2/1/42 and the cases at note 69 above. [↑](#footnote-ref-74)
75. STAC 2/7/4–14, 2/25/299 and 2/30/80. [↑](#footnote-ref-75)
76. For examples, see STAC 2/16/94, 2/23/39, 2/28/119, 2/29/151, 2/21/240; *Lancs*, 94–5; *Staffs*, Vol I, 125–7. [↑](#footnote-ref-76)
77. See, for example, TNA, STAC 8/121/20. A camp was established at Newton during the Midlands Rising: McDonagh and Rodda, ‘Midlands Rising’, 53 and 63. [↑](#footnote-ref-77)
78. McDonagh, ‘Making and Breaking Property’, 5; Amy L. Erickson, ‘Possession – and the Other One-Tenth of the Law: Assessing Women’s Ownership and Economic Roles in Early Modern England’, *Women’s History Review* 16, no. 3 (2007): 369–85. [↑](#footnote-ref-78)
79. On this, see Whyte, *Inhabiting the Landscape*; William D. Shannon, ‘The Survival of True Intercommoning in Lancashire in the Early Modern Period’, *Agricultural History* 86 (2012): 169–91; idem, ‘Adversarial Map-Making in Pre-Reformation Lancashire’, *Northern History* 47, no. 2 (2010): 329–42, especially 338. [↑](#footnote-ref-79)
80. TNA, STAC 5/H6/36, 5/H80/28 and 7/23/40. [↑](#footnote-ref-80)
81. Eleanor Dezateux Robson, 'Improvement and environmental conflict in the northern fens, 1560-1665' (Unpublished PhD Thesis: Cambridge, 2018) on resistance to drainage works; see also Keith Lindley, *Fenland Riots and the English Revolution* (London: Ashgate, 1982). [↑](#footnote-ref-81)
82. See too *Lancs*, 104–5 for a case relating to riotous turning of a mill leet. There are analogies here with sluice-breaking and, conversely, the damming of waterways, as a military tactic: see James A. Patrick, *Renaissance and Reformation* (New York: Marshall Cavendish, 2007), 279; Briony McDonagh, ‘Rebellious Hull’, in *Hull: Culture, History, Place*, eds. David J. Starkey and others (Liverpool: Liverpool University Press, 2017), 78–9, for examples. I am grateful to one of the anonymous reviewers for drawing my attention to the parallels. [↑](#footnote-ref-82)
83. # For example, TNA, STAC 5/A2/34, 5/A14/10, 8/147/19, 157/18; see also McDonagh, ‘Landscape, Land and Home’ for further discussion of these cases. On cross-dressing, see too Christina Bosco Langert, ‘Hedgerows and Petticoats: Sartorial Subversion and Anti-Enclosure Protest in Seventeenth-Century England’, *Early Theatre* 12, no. 1 (2009): 119–35.

    [↑](#footnote-ref-83)
84. D.J. Seipp, ‘The Concept of Property in the Early Common Law’, *Law and History Review* 12 (1994): 29–91, especially 32–3 and 35–51; M. Sampson, ‘“Property” in Seventeenth-Century English Political Thought’, in *Religion, Resistance and Civil War: Papers Presented at the Folger Institute Seminar*, eds. G.J. Schochet, P.E. Tatspaugh and C. Brobeck (Washington, D.C.: Folger Institute, Folger Shakespeare Institute, 1990), 259–75; McDonagh, ‘Subverting the Ground’, 192. [↑](#footnote-ref-84)
85. McDonagh, ‘Making and Breaking Property’, 15; Blomley, ‘Private Property’, *passim*. On the English experience in a wider global context, see Andro Linklater, *Owning the Earth: the Transforming History of Land Ownership* (London: Bloomsbury, 2014). [↑](#footnote-ref-85)
86. Matthew Cragoe and Briony McDonagh, ‘Parliamentary Enclosure, Vermin and the Cultural Life of English Parishes, 1750–1850’, *Continuity and Change* 28, no. 1 (2013): 27–50, especially 41. [↑](#footnote-ref-86)
87. On this, see McDonagh and Griffin, ‘Occupy!’, 3. [↑](#footnote-ref-87)