

At noon on Sunday, 17th December, 2006 a small rabble made up of walkers, locals, journalists, two shire horses and TV crew met on Marsh Lane Fields, E10, one of the remaining green spaces between Leyton and Hackney marshes. Whilst the numbers may be insignificant in terms of recent public protest (2 million at the largest Stop the War march in 2003), the meeting may turn out to be a historic event worth noting.[1]<!--break-->

Those convened were there to protest the planned seizure of one of the remaining sections of ancient Lammas Land; land bequeathed to the commoners of Leyton by Alfred the Great and assured by customary use as commons possibly as far back as since pre-Roman times. The land we stood on was neither as well kept as a park nor quite as wild as a true wilderness, but rather something in between - containing a playing field, a children's playground, a stream, two cottages and two horses - a savage oasis of urban pasture.

I grew up in Waltham Forest on spaces like this, playing football, exploring, walking, drinking, meeting girls and getting into trouble. This is nothing like the managed spaces of London's parks, no manicured beds or paths, this is somewhere you could potentially let yourself go. The day before we visited one of the group had watched gypsies riding horses bareback here. As we walked we were interrupted regularly by a gentleman giving his name as Lawrence of Leyton ringing a bell and bellowing 'Oh Yea Oh Yea, they're giving our land away!'. Thus, this brief perambulation of an obscure field in East London connects my own personal history to several hundred years of history, a history of enclosures old and new, past and present.

Following the draining and enclosure of parts of Hackney Marsh, the industrial revolution came to Leyton in the form of the railways. The Waltham Forest Guardian report states it was the East London Water Works Company who attempted a land grab in 1892 whereas our guide on the day asserted it was a railway company, whose tracks had intruded into Lammas land and were therefore thrown off and effectively destroyed by a crowd of 2000 local inhabitants joined by councillors of Leyton Borough. The riot that ensued is commemorated by a plaque at the entrance to Marsh Lane Fields that remembers the arrest of two councillors by the police during the successful defence of the fields from the railway company's attempted expropriation. Not much chance of the current councillors of the borough acting in concert with the will of its constituents, oh no.

Now, Marsh Lane playing fields have been identified by the London Development Agency (LDA) as a prospective site to relocate the Manor Garden allotments, which fall within the 2012 Olympic park, from Waterden Road, Hackney. In a typical gesture of divide and rule, the LDA has chosen to transplant one problem onto another – the Lammas Land Defence Committee and The Manor Garden Allotment Holders are two of the groups contesting the current Olympic plan. However, the allotment holders do not wish to move at all from the site they have occupied now for over 80 years, preferring to be incorporated as part of the so-called 'green' Olympic site. So the two groups have a common cause. Angry locals and members of the New Lammas Lands Defence Committee contend that the proposed site is common land and therefore should be preserved as such for the use and enjoyment of all, not by a few.

The current proposals would involve significant works on the land to make it viable for vegetable cultivation, fencing surrounding the prospective allotments, the closure of the cycle path that runs through the fields and widening of the path to allow for high volume traffic to and from this and other 'regeneration' sites in the area. The

Lammas land is technically 'owned' by Waltham Forest Council only to the extent that it looks after the interests of the inhabitants of Leyton and maintains the land as open space for the enjoyment of all in perpetuity. Who is to say whether the Council would still have rights to the land once it having reneged on its responsibilities?

A brief history of the commons of Hackney and Leyton :

'The original licence granted to Stratford Abbey in 1248 to inclose the wood of Leyton, later known as Wallwood, reserved free passage in and out for the deer.'

'Thenceforward the forest waste in Leyton appears to have been gradually whittled away, an acre or rood or two at a time, to build a cottage or house, or enlarge a garden or forecourt. Between 1700 and 1850 31 grants and inclosures of waste in Leyton manor amounted to little more than 10 acres., and 12 grants in Ruckholt to under 3 acres. But it was enough to rouse anxiety in the inhabitants, and by the mid 18th century the vestry's consent to inclosure was required, as well as licence from the lord of the manor and the forest court. An inclosure made in 1766 against the wishes of the vestry cost the offender £100 in compensation to the poor, and in 1767 the occupant of a recent inclosure was warned to remove his pales and level his ditches if he did not wish "the proper persons having common right on the forest" to do so for him. In 1805 the vestry resolved that satisfactory payments to provide bread for the poor should in future be a condition of consent.'

'In 1843 there still remained 237 acres. of common or waste in the parish.' [2]

Hackney Marshes

'Most common and Lammas lands were then preserved by an Act of Parliament and passed to the control of the Metropolitan Borough of Hackney, but the marsh remained excluded from the MWB scheme because many of the lammas rights were still exercised, predominantly grazing. This was a period of increasing arguments between landowners and groups, such as the Eton Manor Mission, who were trying to use the marsh for recreation. The 337 acres of marshes were finally preserved by the LCC in 1890, by purchasing the rights and landowners' interests for £75,000'

'Part of the London Olympic park for the Summer Olympics of 2012 will be built on Hackney Marshes. This has caused some controversy with local residents' groups who have expressed concerns that East Marsh is to be tarmaced and used as a coach park for the games. This is a temporary measure, and promises are in place for their complete restoration, after the games, together with considerable investment to improve facilities for amateur sport on the marshes.'

'Arena fields, however, will be taken by the games permanently; this area is to be replaced by parkland of comparable size and value, on the Hackney side, at the end of the games.'

'It will not be possible to reinstate the loss of mature and varied trees that the plans entail; or to compensate for the disruption caused to wildlife by construction.'[3]

In 1905 much of the existing Lammas land remaining in Leyton was incorporated by a vote in which inhabitants of the then borough of Leyton agreed to transfer their grazing rights to the Borough in exchange that they be held in perpetuity as open space to be used for sports and leisure activities. The fields at Marsh Lane however did not come under this agreement, instead remaining Lammas land. Each year after Lammas Day - Lughnasadh (roughly August 1st) local inhabitants perambulate the borders of the land to ensure there are no new building works or fences impinging on the common land.[4] On this occasion walkers sang a song written by Rosemary F. Johnson for the current campaign (an excerpt):

THE LAMMAS LAND SONG

(to the tune of 'Marching Through Georgia')

Sing a song of Open Space and sing it far and wide,
Sing of ancient Lammas rights and justice on our side.
Let the voice of reason rise above this looney tide,
This is the land of the people!

Chorus:

The Land! (* *) The Land!! (* *)
- our ancient Lammas Land,
The Land! (* *) The Land!! (* *)
- the ground on which we stand.
We will not be robbed when there's a ballot in this land,
This is the land of the people!

It is important that the 'land' related in the song is not necessarily 'our land' as that would depend on who the WE is in this construction - it is the land of its users and its defenders. The land, and all historical commons, should not be understood as static and unchanging open space. Much of the commons in the Lea Valley were the seasonal home of Gypsies, fairs, markets and circuses (under agreement with its commoners). As well, the changing geological composition of the land in question should be payed attention to, the Marsh Lane Lammas Land was used to dump asbestos and rubble from the wreckage left by bombing raids on London during World War II and this condition provides a good technical reason for why it is not a suitable site for allotments:

'Mr Spears [chairman of Waltham Forest Allotment Holders and a resident of nearby Manor Road] says the site is contaminated with asbestos, full of Second World War rubble and would need 8,000 tons of clay and top soil to make it suitable for allotment use.'[5]

The Lammas Land then is part of the historical commons that was gradually eroded from the 12th Century onwards and Marsh Lane Fields is one of a number of historical commons being annexed for the Olympic developments.

Other sites to be annexed by the Olympic plans include White Hart Field, Weekes Field, Morris Field and Arena Field, 'all constituent parts of Hackney Marshes and all properly registered as Common Land and Metropolitan Open Space and given to the people of London in 1894 for their enjoyment and recreation and that to be "in perpetuity"'. [6] What is it that links these two forms of enclosure the historical and the one commencing presently?

The customary use-rights associated with the commons were fiercely asserted by commoners throughout history and became a battle-ground for class warfare as the UK industrialised during the 18th Century. In fact, so successful were the commoners forms of contestation that into the 18th Century 'all or most householders in forest, fen, and some heathland parishes enjoyed the right to pasture cows or sheep.' [7]

The commons were seen as a challenge to the evolving concept of 'private property' which was the cornerstone of a growing landowning and capitalist class. The enclosure of the commons was the means not only to ensure growing pasture for sheep and cash crops for the market, but also to ensure the availability of labour for this growing industry. The poor subsisting by their customary access to rights of herbage, piscary, estovers and so on were unlikely to work for a landowner or factory boss while they could survive on their own off the land and occasional casual work. Thus at the end of the 17th Century landowners including the church resorted to Parliamentary Acts to ensure the enclosure of their land and defeat of the assertion of customary use-rights in their parishes. The old enclosures become constitutive of a cementing and absolutist conception of property, one which the growing field of criminal law was to engender and protect. The new enclosures we see at work in the Olympics and other regeneration projects such as the transfer schemes of public housing are part of the neoliberal transformation which would reduce all state, shared or public assets to the resources of a new class of developers wishing to privatise these assets and profit from their transformation into property. Yet again 'arguments of property and improvement are joined to arguments of class discipline.' [8]

The object of the new enclosures is to destroy existing resources of subsistence (housing, water, cheap food, free entertainment) available to the population and instead produce the perfect environment for us to become wage labour at significantly reduced local wage levels. It is couched in an understanding of under-regulated green space as 'disused'. It is legalistic, yet its authority has more to do with political economy than legal precedent. It is driven by the necessity for a stream of high-profile 'events' and 'projects' to project a vision nationally and internationally of the UK and its government as capable, prosperous and tolerant. And yet the Olympics follows on from a series of public projects that have left huge public costs, divestment of public assets, failure, disaster and gentrification in their wake: The Clissold Park, Stoke Newington swimming pool, Wembley Stadium, The Millenium Dome ... not to mention the growing housing crisis which the Olympic led 'regeneration' is supposed to, but will not, allay.

When you think of 'new enclosures' think not of a specific space or area, but rather any given freedom, something habitual or common that is imminently removed – think of a lunch break shortened or an amateur sport professionalised and privatised, it is as much by small 'cuts' as by Acts of Parliament that these new enclosures are made.

The original enclosures by Act of Parliament depended on the legal fiction that commons were granted by generous Saxon or Norman landlords, or a King and were therefore 'less of a right than by grace' and this fiction

guarded against 'the danger that these use-rights might be seen as inherent in the users.'^[9] Now the LDA's challenge to these venerable use-rights are not so much dependent on legal fiction as upon the political efficacy of Labour councils in both Hackney and Waltham Forest. The perceived obscurity of the legal status of these parcels of land being matched by the very real obscurity of the planning process around the Olympic sites under the highly questionable jurisdiction of the LDA and ODA.

Thus, in the increasingly frequent scene of young offenders obliged to carry out improving environmental work on the canals, paths and open spaces of the Lea Valley in preparation for the Olympics, we pass from the seizure of land and sites understood as 'waste' to the invocation to work, to integrate with the dominant value system. The gypsies who have a long (but soon to be curtailed) history in the Lee Valley are not welcome at the debating table. Gypsies are villified in this case (and in just about every other) precisely because they stand outside the wage and private property relation, or at the very least they stand for the potential to remain outside it.

It is fitting that in the legacy plans for what remains after the Olympics, where formerly stood a housing co-op of really affordable housing (Clays Lane) as well as gypsy and traveller sites, the design for the site is covered with numerous 'new neighbourhoods' - areas given over to developers for luxury apartments. Tessa Jowell has countered inflammatory statements about the cost of the games by proudly touting the (short term) revenue gained from this real estate gold rush. On top of this, the LDA's gift to the communities they are displacing is an 'Employment Centre' intended to corral the newly 'deprived' of Hackney and Tower Hamlets into service work, hospitality and other jobs more suited to the projected new economy of the area.

If we are to resist the deterioration of our lives and environment that the Olympic plans are predicated upon, all 'commons' whether historical or not must be defended. Whilst avenues of legal contestation should be pursued, it is necessary to remember that the law remains the tool of the powerful. The tool of the commoner, however, is anything that can be found at hand and that includes the ceaseless invention and re-invention of use-rights and pleasure lands new and old that no enclosure can contain.

FOOTNOTES

[1] 'SAVE MARSH LANE FIELDS' (announce for day of action)
<http://libcom.org/forums/events-and-announcements/save-marsh-lane-fields>

[2] All above quotes from
'Leyton: Economic history, marshes and forests'
<http://www.british-history.ac.uk/report.asp?compid=42769>

[3] All above quotes from Wikipedia article on Hackney Marshes
http://en.wikipedia.org/wiki/Hackney_Marshes

[4] Guardian Waltham Forest 'A Wet Beating of the Bounds'

http://www.guardian-series.co.uk/news/walthamforest/walthamforestnews/display.var.787428.0.a_wet_beating_of_the_bounds.php

[5] 'Opposition is growing to Lammas Land proposals'

By Mark Killiner

http://www.guardian-series.co.uk/olympics/olympicsnews/display.var.678355.0.opposition_is_growing_to_lammas_land_proposals.php

[6] Paul Hodge comment for

'Loss of Common Land, historic landscape'

<http://www.gamesmonitor.org.uk/node/167>

[7] J.M. Neeson, 'Commoners: Common Right, Enclosure, and Social Change in England, 1700-1820' (Cambridge, 1993), p. 317

[8] E.P. Thompson 'Customs in Common' p163, Penguin, 1991.

[9] Ibid

Anthony Iles <anthony_iles AT metamute.org> is assistant editor of Mute magazine www.metamute.org