Both Mill and Edgeworth used the specificity of the Irish situation to imagine how property in Irish land might come to be a unifying rather than an atomizing force, a force that would bring people together even as it barred the state from its precincts. But they employed two competing narratives of property, whose radically different implications made the concept of property itself unstable in nineteenth-century Britain. Edgeworth was working with a model of property as an estate, a model that accommodated a sense of community; the owner of an estate was connected by mutual ties to his dependents and had responsibilities to them, not just rights to his property. The paradigm of property at which Edgeworth aims her comedy is similar to Samuel Coleridge’s understanding of the landed estate as the connective tissue of a national community—those “fastenings and radical fibres . . . by which the Citizen inheres in and belongs to the Commonwealth” (199). When Edgeworth wrote tales that emphasized the uncertain title to any property, hidden in the forgotten past, she worked to undermine the sense of hierarchy such a community implied, but she did so with the aim of keeping a sense of communal connection intact. Landlord and
tenant might be interchangeable in the dim mists of a property’s history, but they were irreducibly tied together.

Mill aimed to revise a much different narrative of property, one that emphasized not interconnections underwritten by property but the absolute individual nature of such property. Mill critiqued a paradigm of property more aligned with jurist William Blackstone’s eighteenth-century celebration of property as “that sole and despotic dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe” (2). This definition of property as absolute control over a concrete thing emphasizes exclusivity as the central experience of being an owner. Mill’s vision of Irish land ownership as creating community connections was one that challenged property’s attributes of complete isolation and control.

The two models of property Edgeworth and Mill critiqued were perhaps the two most prominent ways of thinking about property during the nineteenth century, even though they emphasized almost opposing characteristics. The Coleridgean paradigm highlights property’s capacity for holding together a social order while the Blackstonian definition holds individual autonomy above all else. Nonetheless, both paradigms served equally well as imaginative bulwarks against the threats of an increasingly market-driven society. The notion that property in land was the basis of community among the classes suggested that at least some forms of property might be safe from the isolating effects of the marketplace and from a myopic absorption in individual interests. Conversely, the idea that property in land marks out the space in which an individual might exercise complete control provided a reassuring means to safeguard individual agency at a time when an increasingly complex and overdetermined economy made such agency less available.

The fact that landed property appeared to offer simultaneously the experience of community and the experience of individual agency made the experiences themselves seem less contradictory. Yet fault lines between these two versions of proprietary power often caused tension in nineteenth-century British narratives of property. This friction was compounded by yet another development in proprietary thinking, one that framed property rights as competing claims among people rather than as person-thing relationships. The first part of this chapter dwells on how these conflicted conceptions of property were never quite resolved in nineteenth-century literature and culture. British thought about property in land was not a coherent, unified whole beside which the
more localized practices of traditional Irish society looked fragmentary and irrational.

The second part of the chapter argues that Irish celebrations of localized practices might have attracted Britons troubled by their own culture’s proprietary paradoxes. Focusing on the rhetoric surrounding the midcentury Young Ireland nationalist movement and on the subsequent passage of the Irish Land Acts of 1871 and 1881, this chapter shows that British commentators perceived Ireland as a more elegant and unified proprietary terrain than Britain. For them, property in Ireland united, rather than divided, its owners, and Irish proprietary rights might be discerned simply by paying attention to the authentic emotions of those who felt themselves to be owners. This perception of Irish property has complex roots and even more complex consequences. On the one hand, this was a vision of Irish property crafted by Irish nationalists who advocated for an independent Irish nation-state. On the other hand, the vision strongly attracted the British politicians most responsible for crafting a means to keep Ireland and Britain united.

The Problems with British Property

In order to understand some of the problems with British property, it helps to go back to the father of modern thought regarding property. In his second *Treatise on Government*, John Locke crafted a theory about the origin of government in the consent of the governed that conflated the moral, economic, and political functions of property. “Every Man has a Property in his own Person,” Locke’s familiar assertion runs. “This no Body has any Right to but himself. . . . Labour being the unquestionable Property of the Labourer, no Man but he can have a right to what that is once joined to” (287–88). From this premise he draws the conclusion that men’s interest in preserving their property led them to voluntarily subject themselves to the authority of a government. Such a government necessarily saw property owners as the only persons who counted, since it had been called into being exclusively to serve them. The Lockean government formed by consenting property owners also had a clear and obvious limit on its own power. Because its entire purpose was the preservation of property, it could not take property away from those it governed. Property necessarily marked out a space where the subject was free from government interference.

Locke’s famous line of reasoning, in which personhood leads to property and property leads to community, gave rise to a tradition of political theory in
which political power, economic wealth, and personhood all operate along similar lines. This conflation became disturbing in the face of an increasingly pervasive concept of property as freely circulating and fully alienable. Suddenly, personhood and community seemed subject to the fungibility of commercial property. Political theorist C. B. MacPherson offers perhaps the most famous formulation of modern property’s disruption of community ties when he observes that beginning with Locke’s theories, the English political subject was conceived as a person fully self-possessed—one who might think of himself as “proprietor of his own person or capacities, owing nothing to society for them” and thus “free inasmuch as he is proprietor of his person and capacities” (3). Conceiving of their personhood as property entirely theirs, these subjects have no reason to understand themselves to be under any permanent social ties or obligations.

MacPherson’s critique suggests that modern concepts of property attenuate community ties. An equally familiar critique of modern property’s role in political and economic thought indicts it for the effect it has on modern selfhood. In a world where relationships are determined by temporary market relationships of exchange, this critique points out, having a propertylike self is not necessarily an advantage. Formulating what she sees as “the paradox at the heart of liberal property ideology,” legal theorist Margaret Radin observes that in a commercial economy, “To consider him/herself free and autonomous, a person must be free to sell his/her property, but property is necessarily identified with the person, so that alienation breaks the link between the property and the person, which breakage threatens to transform ‘freedom’ into ‘estrangement’ ” (197). For Karl Marx, the estrangement of one’s identity, along with the alienation of the property in one’s labor, is the founding injury of an industrialized capitalism. Subdividing each worker’s contribution to the making of a commodity, capitalism dims the worker’s recognition of what is his own. The worker thus cannot recognize that society’s wealth is of his own making. Such a state of estrangement unmoors the worker’s true identity.

Anxiety about property’s disruption of community and its threat to a stable selfhood plagued the nineteenth century. Their appearance together, however, suggests one more problem with property: the impossibility of clearly conceptualizing property’s boundaries. Anxieties about private property’s socially disintegrating effects and its potential to alienate even the self were, at root, anxieties about the power of property as a bounded entity. The fear of social atomization in a world of absolute property was a fear that the boundaries of
property worked entirely too well, that private owners absorbed in their private property would be sealed off forever from concerns with, or obligations toward, anything beyond the boundaries of that property. At the same time, fear that dealing in a world of alienable property might result in the alienation even of one’s self was a fear that the boundaries of property could never be established, that there could be no part of the self or identity marked off for privacy and safe-keeping that would not, in the end, also be subject to the rules of alienable property. The possibility that property might be too easily and fully controlled by individuals and the possibility that individuals might never be able to control even the property they claimed in themselves seemed equally likely. Clear boundaries around property and their absence appeared equally poised to do damage.

This situation was created by two competing narratives about property’s boundaries, yet the British drew from both as if there were no substantial difference between them. For centuries the British looked to the English tradition of property as a zone of complete liberty for an owner. This narrative, best characterized by Blackstone’s definitions, might be invoked against the threat that property no longer was a stable enough entity to shield its owner from the wider world. But even as this idea persisted into the nineteenth century, Victorians also embraced a competing narrative in which property in land acted as the repository of communal and eternal traditions immune to the encroachments of a market culture. This narrative of property, one I associate with Coleridge and Burke, was a favorite defense against the fear that property’s strict boundaries ultimately filtered out even the possibility of community ties.

In what follows I outline the basic features of both of these narratives of property, emphasizing their fundamental differences and examining how Victorian culture tried to manage those differences. I then turn to one substantial commonality: both narratives depended on property in land as the archetype of property. With land as their model of all property, Victorians could assume property rights always to be anchored in material and in space. As a result, both also occluded the development of more modern paradigms of property as a mere matter of rights and expectations, agreed on and subject to revision among a limited group of owners.

Blackstone’s Autonomous Zone

Blackstone’s conception of property as the zone of exclusive control has a genealogy that stretches back to before the English Civil War. Along with their
estates, Victorian landowners inherited a legal narrative from the pre–Civil War era in which landed property imparted rights of resistance against a feudal and absolutist monarchy. By the 1700s, this anti-Royalist assumption took on more classical tones, drawing on republican thinking that celebrated landed ownership as the necessary condition for the development of an independent personality. This republican ideal cast landowners as the exemplary leaders of society. The estate from which the landowner drew his living guaranteed him both the leisure to become engaged in larger political affairs and the opportunity to develop the free will that would qualify him for public service.2

This zone of autonomy was not necessarily the large landed estate. Alongside the ideal of the large-scale landowner as citizen-leader flourished the similar ideal of the English yeoman, the sturdy freeholder of a small estate, beholden to no one. Radicals toward the end of the eighteenth century incorporated the yeoman ideal into their campaign for an increased political franchise. They argued that the independent personality and civic responsibility that the large landowner cultivated could also be cultivated in the more limited spaces of the small freehold. But just as often, conservatives used the republican ideal to defend the status quo of the English constitution, which, they pointed out, allotted exemplary independence to both large and small owners. This conservative rhetoric treated the individualizing power of property as allowing all property holders to partake in the same identity. If the freedom of the Englishman consisted of the right to have everyone leave him alone on his own property, then it was a right that made every individually owned property in England, in effect, a smaller England; each landowner was connected to the nation through his ability to represent the freedom of the entire nation in microcosm.

In this model of property as autonomous zone, property existed to foster the individual owner’s development of an independent will. The absolute nature of this independence can be read in jurist William Blackstone’s eighteenth-century celebration of property as “that sole and despotic dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe” (2.2). While Blackstone’s Commentaries (1766) showed the laws of real property to be anything but absolute and perfectly under the control of one individual, his assertion of its powers of total control (“sole and despotic dominion”) over objects of a concrete nature (“the external things of the world”) reflects the strong influence the narrative of property as zone of autonomy had over the eighteenth-century legal thinking he summarized. In reconciling the intricacies of English law to the paradigm of
property as absolute control over an external thing, Blackstone encountered all sorts of property—a right to appoint a parish clergyman or the right to draw water from a stream—that was far from concrete and that imposed limitations on others’ rights to their own property. He remedied these inconsistencies by treating that right like a thing in itself, an *imaginary* thing over which the identified owner was said to have complete control. For instance, the scenario in which one man held a right of easement to cross another man’s field would be treated as a scenario involving two owners of separate property—one the absolute owner of an easement, the other the absolute owner of the field.3

While Blackstone’s account of English property was not the Lockean narrative of primordial first owners, banding together to form a government, it nonetheless imagined the current state of English law to affirm Locke’s vision of government with naturally built-in limits, formed by and for property owners. Blackstone’s emphasis in the *Commentaries* on the easing of older feudal structures and his sparse reference to English legislative interventions into the laws of property made his narrative one of an oppressive government power that had gradually withdrawn in order to let owners enjoy their natural liberty. One of Blackstone’s major accomplishments in crafting the *Commentaries*, in fact, was his ability to marry a constitutionalist vision of a historically and culturally determined English law with a more theoretical, liberal account of law. What Locke had offered as an account of the state of nature, Blackstone offered as an account of the organically emerging logic of the English law.4

But whether constitutionalist or liberal, the freedom from interference that property guaranteed depended on property’s thinglike quality, its quality of having clear boundaries. This was not just Blackstone’s innovation. As legal theorist Jennifer Nedelsky points out, property’s persistent rhetorical character as “specific, identifiable, knowable” goes hand in hand with a modern liberal political theory in which “individual autonomy was conceived of as protected by a bounded sphere—defined primarily by property—into which the state could not enter” (qtd in Underkuffler 132). Recognizable boundaries play a major role in this equation. After all, one holds no rights good against all the world—either to personal autonomy or to property—unless all the world can easily recognize those rights and understand their corollary duty not to trespass upon what is clearly privately controlled.5 Justice Joseph Yates rejected an author’s entitlement to perpetual copyright reasoning from a spatial premise: because ideas “have no bounds or marks whatever, nothing that is capable of visible possession,” they thus have “nothing that can sustain any one of the qualities or incidents of
property” (qtd in Rose, “Author as Proprietor” 60). This eighteenth-century pronouncement sounds to the modern ear like a hopelessly naïve inability to imagine property as anything other than corporeal. But in refusing to entertain the idea of property without bounds, Yates hews closely to the principle that liberty itself might be outlined by the spatial boundaries of property.

In the narrative of property as zone of autonomy, then, landed property operated as an archetype of all property, marking out the coherent selfhood of its owner through its demarcation of space over which the owner might be understood to have complete control. But, in the eighteenth century at least, what the owner claimed that control against was the state, not the alienating and atomizing forces of the market. J. G. A. Pocock argues convincingly that property’s politically crucial separation in the eighteenth century was not the separation of owner from marketplace but the separation of owner from too much dependence on the centralized government and its system of patronage (51–72). Raymond Williams also points out that far from celebrating the estate as refuge from the market, country house poems of the eighteenth century are often forthcoming about their involvement in a broader economy and not shy about mentioning the breaks in lineage and commercial transfers of property that united an owner with a particular estate (56–57).

When Victorians inherited this narrative of property from the eighteenth century, they inherited it from a culture less troubled by Radin’s paradox of liberal ideology—in which a person must be free to sell property, but in doing so risks losing all claim to personhood. The autonomous landowner’s liberty was not dependent on his insulation from the free market. It rested instead on his freedom from dependence on the state. Thus, instead of mourning the loss of personhood involved in commerce, Adam Smith’s Theory of Moral Sentiments (1759) celebrates commercial culture as allowing for the development of a broadly sympathetic personhood. Much as one borrows and trades on the market, Smith’s commercial subject expands his powers of sympathy through the temporary borrowing of other mindsets and the ability to imaginatively observe oneself as if from the outside. Such practices did not require a self to operate according to the model of the spatially bounded subject of Nedelsky’s liberal ideal.6

However, in the last third of the century a new discourse emerged that framed land as a space that insulated its owner from the market. Agricultural writers saw estate owners as trapped by tradition, barred from applying capitalist principles to their estates. Evangelizing the idea that land should be treated like any
other resource whose productivity ought to be maximized for the general good, writers on agricultural improvement suggested that owners needed to break free from practices specific to their own estates. In his survey of Suffolk, commissioned by the Board of Agriculture, improving writer Arthur Young notes that his purpose is to describe “the most interesting features of the local practices” as well as “the most remarkable deficiencies” so that the productive practices might be introduced elsewhere, while the deficiencies might be corrected by practices originating elsewhere (vii). In his tours of agriculture in England, Ireland and Scotland, Young treated all manner of customary practices surrounding the land not as evidence of a tradition of perfect liberty but as interfering with the landowner’s freedom to maximize his wealth. In his estimation, land was too isolated from a wider commercial culture, an isolation that needed to be overcome to allow the owner the exercise of complete freedom. For many writers on agricultural improvement, the eighteenth century’s vision of the landowner’s perfect liberty was a myth that needed actualization in the free market—a market from which owners’ land separated them, saddled as it was by long leases, entail, and the accretion of traditional practices.

Burke’s and Coleridge’s Space of Communal Inheritance

In the limited context of eighteenth-century improving agriculture, then, the landed estate’s status within a long English tradition was no longer one of underwriting individual power that could be exercised against the state. Instead, owning land began to symbolize being tied to the past, being committed to practices one did not create and could not destroy or control, and thus being isolated from the market. Landed property became the site on which an owner experienced obligations to a cultural heritage, rather than his own perfect control and freedom. And while within the limited discourse of improving agriculture this meaning was decidedly negative, the twin calamities of the French Revolution and the Napoleonic wars generalized the communal connotations of land to the wider culture and gave it a more positive valence. With these two events, land’s role as symbolic guarantor of individual liberty was gradually upstaged by its symbolic function as the material that ensured communal and historic ties. First the French Revolution’s upheavals came to associate the rhetoric of liberty with a violence far from English notions of respect for property. Next the severe food shortages Britain suffered during the blockades of the
Napoleonic wars changed improving agriculture from a moneymaking tactic for individually ambitious farmers to a patriotic duty to maximize food production to feed the nation.⁷

Edmund Burke led the charge in reconnecting the ideas of property and liberty in a way that might be both exclusively English and explicitly antirevolutionary. The result was something other than Blackstone’s imagination of all property as a “complete and despotic dominion.” Sidestepping the idea of individual property altogether, Burke connected a specifically collective English liberty to the inalienable traits of the landed estate: “It has been the uniform policy of our constitution to claim and assert our liberties, as an *entailed inheritance* derived to us from our forefathers and transmitted to our posterity; as an estate specially belonging to the people of this kingdom” (33). In Burke’s scheme, property becomes less an enabling platform for individual ownerly liberty than a solemn duty and prescribed role for an entire people. The principles on which the laws of the commonwealth are based, he claims, are fashioned to make sure that “the temporary possessors and life-renters in it [are not] unmindful of what they have received from their ancestors, or of what is due to their posterity” and thus be led to act “as if they were the entire masters; ... think[ing] it amongst their rights to cut off the entail, or commit waste [ie, permanently change the land] on the inheritance” (95). Of course, these are the very actions improving agriculturalists felt should be open to improving landlords if land was to be made more productive.

Burke’s vision of a national heritage that operated like an estate influenced those looking for a way to mitigate the social upheavals of industrialization. They attributed industrialization’s disintegrating social effects to what they now saw as a relatively recent rejection of the old model of inalienable and communal ties modeled by property in the land—the same rejections that in the eighteenth century had been celebrated as marking the death of a patently un-English feudalism. Thomas Carlyle denies any validity to the Scottish Enlightenment’s concept of benevolent commerce as a potentially sympathetic medium. His thunderous declaration in *Past and Present* (1843)—“Love of men cannot be bought by cash-payment; and without love, men cannot endure to be together”—indicts market society for its atomizing effects (269). Carlyle’s workers are a far cry from the mercantile subjects of Adam Smith’s philosophy of moral sentiments, gaining in experience and sympathy as they circulate cheerfully in the marketplace. While Smith’s subjects acquire a broader ability to understand those who they encounter, participants in Carlyle’s “cash nexus” lose basic skills
of distinguishing inner essence from outer appearance. Convinced that money is property without understanding the source of its value, Carlyle’s industrial citizens mistake the sign of currency for the essence of human well-being. Their mistake can only be corrected, Carlyle implies, by the less mediated subsistence offered through property in the land. In his essay “Chartism” Carlyle argues that before “the Supreme triumph of cash,” the low and high were intertwined “[n]ot as buyer and seller alone, of land or what else it might be, but in many senses still as soldier and captain, as clansman and head, as loyal subject and guiding king” (58). Without such feudal connections underwritten by the landed estate, Carlyle sees all of society as operating according to the aloof principles of laissez-faire political economics, free only for the purposes of leaving each other alone.

Carlyle was in good company when imagining forms of landed property outside of commercial exchange as the antidote to a completely atomized market society. The years after the 1832 Reform Bill, when questions about competing interests among the classes were at their most intense, saw Benjamin Disraeli’s unabashed nostalgia for a church and aristocratic property that he imagined to have been always communally beneficial, and the Young Englanders’ nostalgia for a class-inclusive “Merry Olde England” of maypole dances on the commons and Christmas celebrations in aristocratic great halls. Joseph Nash’s fashionable Mansions of England in the Olden Times, serialized throughout the 1840s, offered engraving after engraving of such scenes, reiterating literal landed property as central to the interconnection of the classes. Meanwhile, John Clare’s poetry and John Constable’s etchings celebrated the communal country life of an agrarian village. A capitalist society in which individual owners controlled their individual property was, according to these texts, an impoverishment of an earlier social order in which social interconnectedness was underwritten by tangible property in the land.

This change in symbolic registers can be detected even in the analogies made between literary property and landed property during debates about copyright law. Exactly contemporaneous with Smith’s and Blackstone’s works, the 1774 court case of Millar v. Taylor ruled against a previously established law that had made copyright perpetual. The debates leading up to the decision hinged on how rights might be recognized in a property that was by its nature so easily copied and disseminated. In arguing that original ideas and style were the readily recognizable property in a literary work, Blackstone refuted the assumption that consent to publication was consent to permanent alienation. Rather, he argued,
permission to publish “is more like making a way through a man’s own private grounds, which he may stop at pleasure; he may give out a number of keys, by publishing a number of copies; but no man who receives a key, has thereby a right to forge others, and sell them to other people” (qtd in Rose, “Author as Proprietor” 64). Edward Young’s *Conjectures on Original Composition* (1759) bears a similar understanding of property as always about bounded space when he claims that the writer committed to original ideas will have “the sole Property of them,” the writing of which he can consider as “not only a noble Amusement, but a sweet Refuge” (qtd in Ross 14–15).

These analogies attribute qualities of total privacy and right to absolute and even whimsical control to both landed and literary property. Such notions are missing from similar analogies made during the copyright debates in the nineteenth century. In these debates literary property is once again compared to land, but this time land that, like Burkean property, is more held in trust than owned. William Dougal Christie’s 1840 *A Plea for Perpetual Copyright* imagines that the recognition of an author’s permanent right in his work will result in a situation in which “[t]he child [of the author] with filial reverence will guard the sacred bequest [of the copyright], and transmit it uninjured to his child. . . . there will exist a class of men holding their hereditary estates not in broad lands but in books” (qtd in Vanden Bossche 60). Chris Vanden Bossche and Mary Poovey both argue that these debates employ the rhetoric of the landed estate to claim for the author a sort of property that is organically interwoven with the national culture. That the authors could use the example of the landed estate to make such claims reflects a shift from an eighteenth-century understanding of Britain as composed of individual landed properties that might microcosmically mimic the totality of the nation in their independent operations to an understanding of the landed estate as those Coleridgean “fastenings and radical fibres . . . by which the Citizen inheres in and belongs to the Commonwealth” (199.)

Such shifts in landed property’s symbolic register were not the product of substantial alterations in real property law. With the exception of the spate of enclosure acts in the late eighteenth and early nineteenth centuries, which gave landowners total individual control over land previously open to usage by locals, very little about landownership changed from the eighteenth century to the mid-1880s. The complicated logistics behind the alienation of land stayed the same between the eighteenth century and the bulk of the nineteenth century. In both centuries, however, those who made fortunes in commercial endeavors
were motivated to and succeeded in removing those obstacles in order to become proprietors of great estates. In both centuries, too, all landowners enjoyed much the same political influence because of their property. Despite the nineteenth century’s dramatic expansion of the franchise, those who owned land continued to hold the majority of elected positions in rural local government and in both houses of Parliament.

Paradoxically, the rise of free-trade activism at midcentury amplified land’s cultural status as the type of property that protected ancient custom and inalienable interconnections, even though the movement was wholly opposed to the idea that a stable community depended on a special status for landed property. Advocates of free trade saw themselves as battling for individual liberty guaranteed by the free market against landed opponents protected by deeply entrenched legal structures that made the transfer of land rare or impossible. In this battle, free traders tended to exaggerate the legal barriers to land’s alienability when they castigated landowners as opponents of individually owned, fully marketable property. In their repeated introduction of bills to revoke the laws of entail and primogeniture, free traders contributed to a public perception that land was bound in the protective web of legal inalienability far more tightly than it in fact was, since both entail and primogeniture were voluntary practices, which landowners could choose to end at will.¹²

Proprietary Dissonance and the Problem of Thingness in the Victorian Novel

The fact that landed property appeared to offer a means both for catalyzing community in the Burkean and Coleridgean frame and for exercising total individual control in the Blackstonian paradigm made these goals themselves seem less than contradictory. The Victorian cult of domesticity, itself dependent on the idea of a space that at least operated like property, even if it was not in fact owned, might be seen as drawing on both these narratives, ignoring their contradictions. On the one hand, domesticity’s powers aligned with the narrative of property as autonomous zone, and the home was celebrated as a space of separation and privacy. On the other hand, domesticity’s powers aligned with the narrative of property as communal heritage, and the home was seen as a unique space that generated the spirit of generosity, self-sacrifice, and intergenerational connection. When Victorians spoke about domesticity, they often
contrasted it with the alienating and atomizing powers of the market, thus making it seem as if domesticity itself operated in one unified way against the market’s encroaching ethic of selfishness and self-division.

But evidence that the two narratives of property did not precisely dovetail with one another can be traced in the small plot tics that shape the Victorian novel’s narration of a character’s progress toward something that might be called home. *Jane Eyre*’s (1847) archetypal narrative of its heroine’s journey toward property allows its heroine to experience home both as a space of communal connectedness and as a zone of autonomy, but it allots those experiences serially rather than simultaneously. The novel furnishes Jane with two sites where she might experience attachment to property. At the Rivers’s cottage, Moor House, Jane grounds her inheritance in rent and furniture, creating a house where she might coax her cousins to be her siblings and family connections for life. As if to make amends for the atomistic self-possession she has practiced up to that point—contracting for her own labor, coldly controlling her desire for companionship—she insists on giving one-fourth of her inheritance to each cousin, keeping only a fourth for herself: “I am not brutally selfish, blindly unjust, or fiendishly ungrateful,” she explains to St. John in a litany of possible accusations leveled against the propertied at the time. “I am resolved I will have a home and connections” (391).

But if the moral of Moor House is that property is only good for connecting you to others and saving you from a life of isolated self-interest, a different lesson takes hold at Thornfield. Jane’s proposal to her cousins inaugurates a type of affiliation less hierarchical in nature than the gothic feudalism that broods over Rochester’s estate, but the logic of the plot does not directly replace an old patriarchal control with this new, more egalitarian model of connection. Instead, Rochester, the character who suffers most from the limits that family property and prestige place on individual autonomy, is healed by a completely isolating form of individual property, separated from all communal ties. When we are introduced to Rochester, we are given to understand that his own lack of self-discipline stems from his father’s tragic manipulation of his life, all in the name of keeping up the family estate. The book clearly offers Jane’s example of independent self-possession as the model for Rochester’s reform. In fact, so clearly does it prescribe an autonomous self-possession as the source of his reform that it ultimately removes Jane from the scene of her sibling affiliations in order to achieve it. Burned out of the family estate, Rochester is reunited with Jane at the hunting lodge of Ferndean, “deep buried in a wood,”
where Rochester’s property features no apparent tenants and no family ties of any sort (435).

The novel, then, reveals a split consciousness about what property in land does for its owner, even as Brontë’s work manages the split by supplying Jane with two properties. That management, however, depends on the novel’s vision of property as a spatialized object. The *Jane Eyre* two-estate solution solves none of the complications introduced by a new paradigm that rejected property’s conceptualization as a material thing. In this new paradigm, frequently called the “bundle of rights” paradigm of property, property shed its associations with the physical bounds of space and its “natural” existence came to appear much less sure. As a result, the state’s intervention came to seem much more necessary. Additionally, with the normalization of the idea that property was no longer a thing, the physical objects of property took on new and dangerous fetish-like qualities.

At the opening of the nineteenth century, utilitarian discourse issued a high-profile challenge to the notion that property marked out a recognizable zone that either all of the world was obligated to leave solely to its owner or that might act as a vessel of communal culture. Instead, utilitarians attacked the idea that property could ever be instantly recognizable at all. Jeremy Bentham saw in metaphors of property’s thingness a denial that humans had the power to create and revise rights of property. In his *Theory of Legislation* (1789), Bentham begins his discussion of property by insisting, “Property is nothing but a basis of expectation. . . . There is no image, no painting, no visible trait, which can express the relation that constitutes property. It is not material, it is metaphysical: it is a mere conception of the mind” (137). While his brief sketch of property still hews closely to the notion of property as absolutely under the control of one owner, Bentham implied that even this trait was up for grabs in his categorical rejection of the notion that a right to property was available to humans in the state of nature. “Property and law are born together, and die together,” he maintained. “Before laws there were no property; take away laws, and property ceases” (138).

Bentham’s argument that property was brought into being entirely by human legislation, rather than the Lockean theoretical model in which legislation was brought into being to protect preexisting bonds of property, paved the way for a legal and political paradigm of property that was on the rise as the century progressed. In this paradigm, property was not distinguished by its resemblance to a thing. Instead, it was seen as a modular “bundle of rights,” whose
exact configuration could vary greatly according to the wishes of those involved in its contractual definition. Conceived as a bundle of rights, property’s nature is no longer absolute and good against all the world. Instead, it becomes a set of variables open to negotiation. The relationship of owner to thing owned—indeed, the identification of any absolute owner at all—is secondary to sorting out different claims and uses whose existence might not be grounded clearly in a “thing.”

Thus, Bentham’s attack struck two deeply interwoven assumptions about property. The first, which Bentham attacked explicitly, was the notion of a natural law of property that allotted inalienable rights to individuals and that a state must respect in order to be legitimate. Bentham’s insistence that no property existed prior to law invoked a positivist conception of law as a mere construction of human legislation, a construction that can always be altered by legitimate governments. But a second assumption also came under attack as a result of Bentham’s dismissal of a natural rights version of property: the conventional English conception of property as a relationship between a person and a thing, a notion Bentham wanted to replace with the idea of property as a relationship among people. This replacement would come to dephysicalize the concept of property, making it an affair of rights and expectations. This model of property also made it extremely difficult to imagine property as existing independently of the state. Discarding the idea that property is universally recognizable, the bundle-of-rights model of property leaves open the question of how one might enforce rights that are not instantly apparent to all the world.

The spatial model of property, after all, helped naturalize the notion that property would be an instantly recognizable right. The freedom from interference that property guaranteed depended on property’s quality of having clear boundaries. After all, one holds no rights good against all the world—either to personal autonomy or to property—unless all the world can easily recognize those rights and understand their corollary duty not to trespass on what is clearly privately controlled. Bentham challenged this implicit link between spatial models and individual liberty with his objection to the thingness of property. In fact, his dismissal of the “visible traits” of property raised the possibility that conceiving of proprietary attachments as attachments to a thing might reveal ownership to be not the subjection of a thing to a person but instead the subjection of a person to the power of a thing—in essence, a fetish. In this line of thinking Bentham had a surprising ally: Thomas Paine, the radical committed to the argument that property in one’s labor was itself a
natural right. Paine’s earlier radical indignation—that an English appeal to
traditional symbols assigns to things the rights that properly belong to people—
aimed directly at Burke and his defense of English liberty as an estate. Arguing
that the right to engage in war and declare peace rests in the nation’s body of
people, not in the constitutional entity referred to as “the Crown,” Paine rages
that “this right is said to reside in a metaphor, shewn at the Tower for sixpence
or a shilling a-piece” (Rights of Man 128). To imagine a right to be inherent in
a thing is to fail to imagine a person as the rights holder. To imagine a right to
inhere in landed property, for Paine, is equally a failure to acknowledge a wider
population’s claim to it. Paine rails against the irregular English system of
granting parliamentary representation on different conditions to towns, uni-
versities, and all manner of rotten boroughs. “The custom of attaching rights
to place, or in other words, to inanimate matter, instead of to the person,
independently of place, is too absurd to make any part of a rational argument” (qtd
in Rickman 258).

For Paine, if property is attachment to a thing, there always lurks the pos-
sibility that the thing is actually the powerful party in the relationship. This
possibility looms larger to more people as the century wears on and full mastery
over an object of property becomes more thoroughly equated with the power
to alienate it. Inalienable property gradually became that which controlled its
owner, rather than yielding to ownerly control. In their wariness of property’s
thingness, both Bentham and Paine suggest a property fetishism different from
Marx’s commodity fetishism. In Marx’s fundamentally economic vision of the
fetishized commodity, objects made by humans take on their own agency in
the marketplace, acquiring value that appears independent of the labor that went
into their manufacture, of the usefulness they offer to society, and even of their
material existence in the world. But Paine and Bentham offer primarily political
critiques of English property law. For them, the fetishization of property attaches
rights to physical space, deanimating the humans who hold the rights and instead
animating the object with political agency.

While the Victorian novel is preoccupied with commodity fetishism, rou-
tinely pointing out the strange control commodities exercise over their own
value in a world of mass production, it is equally preoccupied with this other
type of fetishism, the fetishism that animates property that cannot be alienated
and that subordinates owners, turning them into mere attachments to the more
permanent thing. Following Paine and Bentham, Victorian authors under-
stood this sort of ownership to be the opposite of autonomy. Property in an
object offered two equally undesirable possibilities. Either one’s power and identity, once embedded in material, would be alienated in the market, or one’s power and identity, as derived from a piece of property, left one hopelessly subjected to an inanimate object. To have alienable property and to have inalienable property were two equally undesirable prospects. Thus, the true and oft-repeated tale of the Victorians’ horror that the market might alienate even their property in their selves often leaves out the equally true tale that inalienable property might also threaten an owner’s sense of stable and autonomous selfhood. Even imagining oneself as inalienably possessed by oneself posed this threat. To imagine oneself without recurring to the model of landed property, as both Carlyle and Marx imply, is to lose oneself in a complex economy where one’s claims can never be clear. But to imagine a self as holding property that does operate according to such metaphors of property in land is no clear guarantee of stability. As the vehicle in a metaphor expressing the tenor of selfhood, landed property points in more than one direction: toward clearly demarcated ownerly liberty and also toward a communally available enduring tradition of which an owner can be only guardian.

Writers in the nineteenth century rarely succeeded in characterizing property as a mere incorporeal right, but they were also wary that treating the powers of property as anchored in a thing might be a primitive habit that placed owners in subordination to the thing they owned. Thus, landed estates also begin to show up in Victorian novels as sources of constraint rather than platforms for agency. In *Middlemarch* (1871), Dorothea Brooke’s inability to do almost anything useful with her late husband’s estate is matched in restrictiveness by the rider in his will that forbids her marriage to Will Ladislaw. In *Our Mutual Friend* (1865), John Harmon finds himself the heir to a dustheap estate only on the condition that he marry the woman his father has picked out for him. Faced with such an inheritance, he pretends he has drowned, preferring to shed his own identity rather than be owner to such an agency-compromising piece of property.

In this environment, in which the thing one owns just might own the owner and even full inalienable self-possession posed threats of instability, the interference of the state in property comes to look more desirable. This is a lesson brought home by Mr. Wemmick, in *Great Expectations* (1860), whose pride in ownership and belief in the powers of property are unparalleled among Victorian characters. In fact, it is an index of the threats of property-owning at midcentury that the character so clearly marked out as the archetypal owner is
already reduced to minor status in the novel, playing only a supporting role in the more central plot of the hero’s radical loss of self-possession. Pip, at the center of the novel, is a character who not only has no clear claim on any property, he also has no clear claim on himself. Appropriated first by Miss Havisham, who seeks him out as a plaything for her adopted daughter, Pip finds himself forever estranged from the rural yeomanlike roots of his brother-in-law Joe’s iron forge. His deracination is only intensified when he is moved to London by an unknown patron. Controlled by a benefactor’s whims, Pip’s gain in property is a loss of agency, leaving him incapable of acting in accordance with his own will. In London he proves unable to stick with his moral resolutions to be decent to Joe or with his financial resolutions to keep his expenditure within his budget. His lack of self-possession is compounded when the basis of his expectations turns out to be not property but theft—a theft that might be repeated on his own self. When the felon Magwitch reveals himself as Pip’s patron, he makes it clear that he is a patron who genuinely believes he has taken possession of his beneficiary. Congratulating himself on his creation of Pip, Magwitch crows, “If I ain’t a gentleman . . . I’m the owner of such” (339).

In contrast, the clerk Wemmick would seem to offer the clear lines of self-possessive boundedness that Pip lacks. The deep divides between Wemmick’s work life and home life promise recognizable bounds of privacy marked off by property. At the office, he is a “harder and dryer” man. At home he undertakes the rituals of tea and toast, and caring for his father, the Aged Parent. Wemmick insists that “the office is one thing, and private life is another” and “they must not be confounded together” (231, 310). As if to invoke the lineage of the privacy his property affords, he marks off the literal borders of his home with all the accoutrements of the English aristocracy. His house literalizes the maxim that a man’s home is his castle with its false roof “painted like a battery mounted with guns,” “decorated with the queerest gothic windows,” and surrounded by a miniature moat whose drawbridge Wemmick raises every night. Showing Pip the kitchen gardens and poultry, Wemmick suggests “If you can suppose the little place besieged, it would hold out a devil of a time in point of provisions” (229).

But the deranged scale of Wemmick’s property suggests Dickens’s uneasy awareness of property as fetish, not power. Indeed, the fact that it seems to be a home the son has secured for the father’s comfort, rather than a home established for Wemmick’s dynastic future, suggests a certain backwardness to the whole
space. Like a man driven by compulsion, not an agent acting from independent will, Wemmick performs a myriad of repetitive rituals that suggest him to be more slave to his property than free agent dwelling in it. In fact, he seems a lot like Mill’s peasant proprietor, animated into action by his property, capable of intensive attention to small spaces out of which he can coax a surprising productivity.

Also like the peasant proprietor, Wemmick’s status as owner places him in a relationship with the state that intervenes to insure the legitimacy of even his most curious property. He is, after all, a man dedicated to the gradual accumulation of “portable property.” He accepts payment in all forms—roasted hens, carrier pigeons, brooches—from the clients he deals with at the law offices. “I always take ’em” he explains. “They may not be worth much, but, after all, they’re property and portable.” His fidelity to this “guiding-star” results in his transformation of criminally tainted objects into the upstanding domesticity of the house he calls “the Castle.” But the nature of the items Wemmick considers property—mourning rings are mentioned prominently in this category—are often identified with the personality from which they have been taken, suggesting that rather than being a bastion against the alienated self, a domestic property such as Wemmick’s might just be an accumulation of other alienated selves, a process the former owners’ larcenous careers firmly associate with theft.14

What absolves Wemmick from the possibility that his property is actually theft is his involvement with the law. The personalities and crimes that might cling to stolen property as it wends its way through market exchanges are evacuated from the objects by the operations of the state, which has the power to deem an object to be either a piece of property or a stolen good. Wemmick’s status as a clerk in service of the law, rather than as an entrepreneur in service of the market, suggests that the state plays a major role in legitimizing his property. While few characters perform the rigid separation of work and home as thoroughly as Wemmick, he does not seem able to keep the state separate from either side of his life. Like “the proprietor of a museum,” he showcases to his domestic guests the criminal confessions and locks of hair that are souvenirs of his career. And just as the state seems responsible for legitimizing his claims to his property, the state appears ready to intervene and relieve him of a too permanent attachment to it. At least that is what Wemmick’s Aged P anticipates when he informs Pip that his son’s home is “a pretty pleasure ground” that “ought to be kept together by the Nation, after my son’s time, for the people’s enjoyment” (231). In this, Wemmick’s servitude to the rituals of his own property might have the same
escape valve Pip ultimately has when his enjoyment of Maggs's property threatens to turn him into a criminal himself: state intervention stands ready for both men should their property prove too overwhelming.

In his reading of *Great Expectations*, Bruce Robbins argues that the novel makes the most sense to readers when read through the filter of the modern welfare state, whose bureaucracy of distributive justice was barely embryonic at the book’s publication. Robbins argues that it is through this filter that Pip’s act of using his “expectations” to buy his friend Herbert Pocket a living makes the most sense. Pip, like the welfare state after him, engages in the redistribution of funds that are not technically his own, in the name of a more just distribution of opportunity among the deserving population. Pip’s “property” and Wemmick’s “property” both ward off the incursions of the market by providing a home for those—Herbert and the Aged P—who might otherwise be at the mercy of an unfair capitalism. What I would add to Robbins’s argument is that a redistribution of property might serve more than just those left dispossessed by the uneven development of capitalism. State redistribution might be necessary to ward off what would otherwise be property’s agency-draining potential of a too-secure ownership.15

**Property, Land, and the State: Chartists and Land Reformers**

Dickens is not the only Victorian who began imagining new relationships between property and the state, especially when that property was land. The long process of franchise reform in the nineteenth century gradually dislodged the right to participate in national politics from its imagined location in the substance of the land. Rotten boroughs, controlled by single property owners, were eliminated, and elective districts were redrawn based on census reports so that equal populations might receive equal representation. Each reform moved the state closer to Paine’s and Bentham’s vision of a government that resisted territorial models of a nation, recognizing rights in people rather than property. Michel Foucault argues that such a turn is characteristic of the development of a modern governmentality. The premodern ruling power, once conceived of as a one-on-one relationship of prince to principality, was replaced by a modernity in which state power constituted itself primarily through population (“Governmentality”). With the widening circle of men to whom the right to vote was granted, political power came to be located not in estates but in persons. But
once the idea of a franchise was detached from territory, it became much less clear what a nation’s proper relationship to the actual material of the land was.

A quick examination of the competing Chartist plans for restoring the working class to the land illustrates Victorians’ confusion about the relationship between land and state. In challenging the current distribution of political power according to landed property, the Chartists retained the centrality of the category of property by describing their fitness for participation in government in terms of their own property—property in their own labor. This insistence on property as the category that legitimized participation in the government generated many of the same confusions about the powers and genealogy of property made apparent by Brontë and Dickens. In suggesting that the aristocracy had created “artificial” rights by legislating power only to those who owned land, Chartists also raised the question of what could ever be imagined as a “natural” right to property, a question that persisted in the second half of the century in a series of land reform proposals and campaigns.

Chartists based their claims to political rights on the argument that property in one’s own labor was a natural right, in contrast to the more artificial property of land. Labor, after all, a writer in the Chartist paper the Northern Star argued, was the source from which “every description of property arose, and therefore, . . . the only property of real value.”16 But because Chartist understandings of property were founded ambivalently on arguments both about natural rights and about traditional rights guaranteed by the English Constitution, they were always grappling with questions of government’s role in making property in one’s own labor manifest through property in the land. William Cobbett’s pro-working-class constitutionalist claim that “there is no principle, no precedent, no regulations . . . favourable to freedom, which is not to be found in the Laws of England, or in the example of our Ancestors” was echoed decades later by Chartist leader Feargus O’Connor’s assertion that universal male suffrage was “formerly a portion of the boasted constitution of our country” (both qtd in Epstein 556). But this constitutionalist interpretation required the rejection of huge swaths of constitutional history. Workers’ constitutional equality, Chartists argued, had been disrupted by an aristocratic monopoly of property in the land that was at root an “artificial” type landowners had legislated into being according to their own biased inclinations. But if legislation produced an artificial type of property for the upper-class members of parliament, it remained unclear what guarantee existed that Chartist participation in legislation would produce any more natural property. Such questions were difficult to settle
without at least an implicit appeal to the idea of a natural, and not merely traditional, right to property.

The disparity between the plans of Chartist leaders Feargus O’Connor and Bronterre O’Brien to restore the working class to the land provides an index of a Chartist failure to concoct a unified theory of what might characterize artificially constructed property, in contrast to natural property. O’Connor told his audiences that all agitation for the Charter would be useless “if we [are] not prepared with a solid social system to take the place of the artificial one we mean to destroy” (qtd in Armitage 93). For him, the less artificial system involved returning to a society of landed owners of small plots, where their individual self-control and political worth might be made apparent through their independent cultivation of the soil. This recognition of their consequence, he believed, could be brought about, not through government intervention, but through private initiatives such as his own idealistic Chartist Land Company. That O’Connor proved disastrously unable to understand the abstract financial calculations and expectations involved in his own operation is perhaps fitting given his fixation on land as the instantly recognizable medium that would persuasively establish to the world the working man’s natural rights in property. Urging his audience to rid their heads of theories of property that justified the status quo, he instead urged them to keep their minds focused on the spatial and thing-like reality of property. He warned the Land Company’s first cottagers that “A foolish reliance upon those fascinating principles has diverted your mind from the reality—THE ACTUAL POSSESSION OF THE THING ITSELF” (qtd in Howkins 13, capitalized in original).

O’Connor gravitated toward the idea of natural rights in property that were visible, obvious, and tied to an owner by labor and private enterprise, not by government intervention. This was a concept entirely at odds with Bronterre O’Brien’s advocacy of land nationalization. In O’Brien’s plan, the state would act as trustee, guarding property in the land that belonged to a whole people, not to individual owners. For O’Connor, natural rights in property were given their freest expression in the relationship between owners and their small freeholds. For O’Brien, property was naturally a relationship among people, not a relationship between owner and thing owned. Natural property in land could only be collective; what was artificial was not the current arrangement of property but the idea that the land of a just society could belong to individuals at all. O’Brien argued that only the collective intervention of “a just and enlightened Legislature” could correct the artificiality of individual property (qtd in Plummer 79).
O’Connor’s and O’Brien’s competing notions about the proper way to restore a natural order in landed property prefigured the next half century of debate about precisely how property in the land should work in a society that aspired to distribute more widely the political prerogatives once reserved for landowners alone. In some sense, they also initiated a conversation explicitly recognizing that state power could potentially define, and possibly even redistribute, property in land, rather than merely protecting a preexisting natural right. Proposals for land nationalization, laws enabling the freer alienation of land, laws forbidding the transfer of land to anyone but the state, privately funded cooperatives to aid individuals in purchasing small freeholds, government-subsidized loans to those purchasing small freeholds, restoration of commons rights, and a blanket tax on the profit a landlord realized in rising property values all circulated as possibilities for land reform in the second half of the century. These proposals had roots that went as far back as the Levellers of the seventeenth century. They drew on Robert Owen’s socialist experiments and Thomas Spence’s plans for land communally owned and controlled at the level of the parish. But as the century progressed, schemes for land reform changed from utopian plans drawn up by disenfranchised radicals to serious plans proposed by parliamentary members as the basis for legislation. All were pitched as possible solutions to something dimly perceived as “the land problem”—a problem most apparent to urban, middle-class professionals of a reforming mindset who derived very little of their income directly from the British land.17

The profusion of these plans, and the frequency of their proposals in the wake of the second reform bill, signaled the increasing confusion over property caused by the widening of the franchise. A growing tendency to see property in terms of rights rather than objects had given the ownership of objects a mildly threatening quality. The Reform Acts worked similar effects on the land. Once political participation was no longer pegged to landownership, it no longer was clear how property in the land ought to be imagined. Land’s aura of exceptionality persisted, but as the model of simple thing-ownership was contested by the model of property as a bundle of rights, the nature of its exceptionality changed. Free traders at midcentury had argued that land’s exceptional status as property was purely a product of artificial laws. But they were succeeded in the 1860s by economic thinkers who now insisted that land was a property unlike any other because it was not, and never could be, artificial; it could not be created through human labor. The spatial qualities that had made landed property the archetype of all property and personhood in the eighteenth century
came to be a hallmark of its exceptional status as property since a nation composed entirely of exclusive individual property in land could never provide for the whole population what Carlyle referred to in *Past and Present* (1843) as “Earth-room for this Nation” and what Herbert Spencer more prosaically called in *Social Statics* (1851) “room for the soles of their feet.” As Great Britain began to think of itself in terms of population, statistics, and economic indicators rather than in terms of territory, landed property came to seem a stubborn trace of materiality that impeded conceptualizing the nation as a whole.

**Irish Ownership**

British property in land, then, was far from a settled concept in the nineteenth century. Property in land operated on two different models at once: first, a space of individual autonomy for the owner, a space into which the state could not penetrate, and second, a site of communal heritage, where local face-to-face relationships obviated the need for a more centralized or bureaucratized state system. Victorians relied on both of these concepts of property in land, often without acknowledging the difference between them, when they imagined land as a haven from market relations. The nineteenth century also witnessed a new tension in paradigms of property in land. The notion that property was a bundle of rights, a relationship among people rather than a relationship between person and thing, discredited Victorian habits of imagining all property to be defined in terms of space, universally recognizable and prior to the organization of any state. The paradigm of property as a bundle of rights challenged basic British assumptions that property was the fundamental natural right the state existed to protect. It also created a situation in which, when property was imagined to be a spatialized thing, property itself came to be the fetish that might control the owner, rather than something an owner could control.

Read against the backdrop of British confusion about property, Irish rhetoric concerning property rights emerges as less troubled. This claim is a bit counterintuitive, given the complicated proprietary landscape of Ireland. The main body of landowners were the Anglo-Irish, Protestant descendants of English conquerors. Their tenants were primarily Catholic Irish. Considered to be foreigners by their tenants and extravagant, irresponsible, and unreliable by the British state, landowners in Ireland fell wide of the mark as keepers of a communal heritage and were no better models of autonomous individuals whose experience in controlling their property empowered them for wider rule. But
it is precisely for this reason that Irish nationalists were able to imagine that both roles might be filled instead, and without contradiction, by an Irish population whose national consciousness would be awakened through a proprietary relationship with the land. And in doing so, Irish nationalists conceptualized Ireland as potentially a more elegant proprietary landscape than Britain was.

For this reason the Irish nationalist view gained the attention of those at the very top of the British government. In 1870, William Gladstone, proposing to change the laws of landed property in Ireland, voiced a sentiment that was at that moment gaining ground among liberal politicians and thinkers. Property, he contended, meant something entirely different in Ireland and in Britain. “All the circumstances, all the associations, and all the accretions that have grown around the native ideas are different in the one country from what they are in the other” (qtd in Healy 115). Gladstone’s assertion feels a bit disingenuous; given the gathering force of proposals for land reform in Britain, it was hard to ignore the fact that “all the circumstances, all the associations, and all the accretions” of native British ideas about property were hardly unified or settled. But in focusing on a need for Irish reform over a need for British reform in land, Gladstone described the Irish situation as one in which a form of property proved culturally resistant to state incursion—and thus was resistant to both the alienations of the market and the interference of the state. Irish property in land extended the promise that such property existed, in a way that found no analogy in British property in the land.

Even the briefest sketch of Irish history under English rule makes it clear that the conditions that gave rise to contradictory meanings of landed property in Britain simply did not exist in Ireland. In its centuries’ long involvement with England, an involvement marked by violent conquest and draconian suppression of Irish political power and cultural identity, Ireland proved singularly exempt from any historic tradition that the natural rights of property had led to the formation of a state that guarded the liberty of its owners. Likewise, the upheavals in the distribution of property repeated by several English invasions made impossible any illusion that existing property relations manifested a uniquely Irish character. In successive English plantations, England sent settlers to Ireland to establish political and economic control over sections of northeastern Ireland. Cromwell’s brutal conquest in the seventeenth century, his relocation of huge numbers of people to the west of Ireland, the subsequent reassignment of confiscated estates to English soldiers, and the next 200 years
of penal laws that prevented Irish Catholics from holding significant amounts of property also merged property arrangements with the subjection of the native Irish in a way that accentuated Ireland’s status as a conquered country.

Perhaps for this reason, commentators in the nineteenth century explained Irish character in terms of economic conditions. This was a logic that closely aligned national character with property, implying Ireland’s material impoverishment to be its main cultural trait while Britishness was defined by a certain pride of ownership. In 1834 a writer in the conservative Protestant organ the Dublin University Magazine argued that within Ireland the Protestant population was “all on the side of England, and of property and law”: “They have never forgotten that they are the descendants of the original English and Scottish settlers, inheriting their names, their language, their habits, and their religion, and they are, therefore, in all their feelings and interest, attached to British connections. . . . The Protestant requires decent clothing, good feeding, and a certain portion of education for his family. He cultivates cleanliness in his house and person and displays an independence of mind and conduct in all things” (qtd in Boyce, “Weary Patriots” 23).

The native Irish relationship to property was similarly an index of national character. Writing in the same publication in 1845, Samuel Sullivan argues that the Irish landlord cannot undertake his job as paternal guide of the Irish people because of a culture of absolute poverty. After a long history of possessing barely anything at all, such peasants do not even possess the inner self-respect necessary for improvement. He observes that “in many districts their only food is the potato, their only beverage water . . . a bed or a blanket is a rare luxury, and . . . their pig and manure heap constitute their only property” (477). Their lack of conventional outer property is evidence of an even greater inner lack. Sullivan contends, “Much of what is lamentable in their condition arises out of their insensibility to miseries which would be felt by the corresponding class in England or in Scotland.” He concludes, “the great want in Ireland, as regards the labouring classes, is the want of wants.” If a landlord is to succeed at any improvement at all, he will have to “raise the standard of personal and domestic comfort in their own minds” (477–78, emphasis in original).

These oft-repeated “truths” about Irish and British character provided, in addition to an explanatory framework for Britain’s treatment of Ireland as less than equal, a reassuring vision of property as visibly, recognizably, and meaningfully attached to a particular owner. Sullivan’s estimation of the Irish peasant’s inner poverty as marked by his outer lack of possessions appeals to the
belief that outer possessions, even in the age of political economy’s abstractions, still index an inner worth. That British writers made conventional the figure of the spiritually impoverished, materially bereft Irishman suggests that the presence of the Irish actually reinforced what was otherwise a waning belief in property’s thinglike qualities. If the Irish were a dispossessed lot, the British encounter with Irish dispossession reassured the British of the visibility and irreducible correspondence between inner identity and outer property. The neat homes and clean clothes of the British working class might stand as proof of their respectable and propertied inner selves.

The Irish presence in England also sent commentators scrambling back to the idea of property in things as the basis of their economic analysis. This happens perhaps most famously in Friedrich Engels’s *The Condition of the Working Class in England* (1845), which enumerates the outer signs of Irish dispossession in a list much like Sullivan’s: “The worst dwellings are good enough for them; their clothing causes them little trouble, so long as it hold together by a single thread; shoes they know not; their food consists of potatoes and potatoes only . . . What does such a race want with high wages?” (102). Engels’s analysis generalizes to a national level Sullivan’s observations on Irish dispossession. He speculates that, on the whole, Irish labor power belongs not to Ireland but to England. After all, English industry could never have grown so quickly “if England had not possessed in the numerous and impoverished population of Ireland a reserve at command” (101). But if Irish labor is an English possession to be commanded, it is one that, like all objects of property, has the potential to change the character of the owner. Engels treats Irish poverty as dangerously contagious in the levels of dispossession it introduces into the general population of the industrial cities where the Irish flock for employment. Forced to compete with the Irish, whose inner lack of self-possession leaves them without a need to display their respectable selfhoods in material property, the English find themselves forced to adjust ever lower their own understanding of what subsistence-level wages are. As Engels observes: “The Irish have as Dr Kay says, discovered the minimum of the necessities of life, and are now making the English workers acquainted with it” (103).

**The Property of Irish Nationalism**

Already implicit in these negative assessment of Irish relationships with property was the sense of an astonishing Irish autonomy, resistant to outside interference.
Irish nationalists who aligned themselves with the Young Ireland movement honed in on British statements about Irish dispossession and exploited them for what they might prove about Irish autonomy. At midcentury, nationalists began to associate an Irish sense of dispossession with what they asserted to be a coherent and organically constituted Irish cultural character, the product of a collective, indigenous memory immediately palpable to the native Irish. This nationalist vision had the effect of making Irish dispossession paradoxically similar to the spatialized conception of property as a clearly recognizable relationship between person and thing.

The transition from the early-century Irish nationalism headed up by Daniel O’Connell to the more separatist rhetoric of the Young Ireland nationalists in the 1840s might be characterized as a transition whose more open resistance to the British state evolved with the state’s increasing comprehensiveness. O’Connell, a devout Catholic landlord and fervent disciple of Jeremy Bentham, led a nationalist movement primarily geared toward increased civil rights for Irish Catholics, who he hoped might then integrate more fully into British politics and society. O’Connell coordinated large-scale campaigns for Irish Catholic political rights based on the idea that no profound cultural barrier existed that might bar them from full membership in the British state. While tirelessly advocating for increased political rights for Catholics—he headed the campaign that finally resulted in Catholic emancipation in 1828 and, as a result, was the first Catholic to take a seat in Parliament since the Civil War—O’Connell did so under the cloak of a utilitarianism that treated all men as equal, rather than as alienated by intractable cultural divides. His nationalism was geared toward concrete action for increased Irish civil liberties and away from the cultural associations that might suggest the Irish to be anything other than unmarked British citizens, equal to all others. His apathy toward any sort of cultural nationalism that might be used to exclude the Irish from a broader British public sphere can be read in his markedly unsentimental comment on the decline of the Irish language: “The superior utility of the English tongue, as the medium of all modern communication, is so great that I can witness without a sigh the gradual disuse of Irish.”

O’Connell’s stance was almost the polar opposite of that taken in the 1840s by Young Ireland, a group of loosely associated Irish nationalists. Young Ireland espoused a more romantic vision of Irish culture and a more rigid rhetoric of separation from the British state. Its leaders were more comfortable invoking a unique Irish culture as the grounds of Irish agency, and they were able,
surprisingly, to turn the stereotype of dispossession to good account. They were all at one time involved in writing for the *Nation*, a paper whose motto was “to create and foster public opinion, and to make it racy of the soil” (qtd in Duffy 63). But in imbuing their writing with the native flavor of Ireland, they implicitly agreed with critics like Engels and Sullivan, who imply that what the Irish do not have is what they are. The landlessness that signified Ireland’s degeneration to the British was to Young Ireland a clear rallying point around which all the Irish could unite in a nationalist agenda. In fact, their sense of dispossession from the land allowed them to depend on its symbolic valences in ways that British land, with its nineteenth-century contradictions, could never be deployed. After all, with the British state distanced from the Anglo-Irish landowner whose legitimacy it called into question, land in Ireland stood neither for the individual liberty of its owners (who were often absent from it and disidentified with its locality) nor for the communal heritage of the nation. The split that had troubled the meaning of land in Britain never touched Irish land. Thus, Irish nationalists could do what no British writer could do unproblematically and assert land as the site of a national autonomy that gave liberty to individual owners but might also be shared nationally without any disruption of cultural unity or privacy.

Thomas Davis, one of the founding members of Young Ireland, adhered to a specifically Irish logic of property in land when he recommended acquisition of land as the measure that would restore a sense of collective national identity to the Irish. He condemns as fantasy those who imagine the absentee landlord returning to “deal out justice, economy, and seed oats to his wondering tenants who learn from him farming, quiet, loyalty, and Church-of-Englandism.” All schemes for the improvement of Ireland are fruitless, he asserts, “while the very land, ay, *Ireland itself, belongs not to the people, is not tilled for the people!* Redress this and your palliatives will be needless, your projects will be realized” (“Udalism” 145, emphasis in original).

Even though he primarily addressed an urban middle class, he envisioned Ireland’s true character as a self-sufficient agrarian culture able to resist integration into British economic and political networks, which worked in concert far more obviously in Ireland than they did in Britain. In the years before Union, England’s prohibition on Irish exports to all but British ports and its systematic discouragement of the development of Irish manufacturing had made the Irish economy as much a matter of law as of political economy, and Young Ireland advocated a resistance to both. In his columns for the Young Ireland
paper *The Nation*, Davis returns repeatedly to the virtues of home manufacture, both in the sense of goods produced in domestic privacy and in the sense of goods made and consumed within a national community whose economic boundaries are enforced by taxes on imports and exports. For Davis there is no difference. Davis’s home can resist the well-integrated British state and market at once. Davis’s focus on homes bounded by self-sufficiency and nations bounded by their own systems of exchange also emphasizes property’s ability to signal to others where it begins and ends—and thus where it belongs. Even portable property made within the home space of Ireland can be a source of inalienable identity. Commending the textiles produced through “home industry,” Davis contends, “Clothes manufactured by hand-work . . . are more natural and national than factory goods” (“Commercial” 135).

Davis’s Young Ireland compatriots echoed this idea of an Ireland whose material products signal a national identity. If the Irish commodity could be properly recognized as a “home product,” its theft could also be made recognizable. In his writing on the Irish midcentury famine, James Fintan Lalor assumes the possibility of such recognition, contending that the British “took the whole of the harvest and left hunger to those who raised it” (“Letter” 62). John Mitchel, who tirelessly propagated the thesis that the famine arose from Britain’s conscious genocidal intention to wipe out the Irish, accused the British of perverting the circulation of Irish goods and thus making home products unrecognizable to the Irish: “Irishmen have been taught to look so long to England as the ruler and disposer and owner of all things Irish, that we scarce know our own plunder when the plunderers send a small pittance back to us in the form of alms” (*Last Conquest* 133).

Mitchel’s scrutiny of the famine mirrors a Marxist analysis of the worker estranged from the product he has made, no longer able to recognize the rights he has to it. But this Irish version of consciousness-raising does not lead to global revolution—in fact, it leads nowhere. Irish property can only point back to a bounded Irish community whose attachment to it resists the chronology of either a Lockean narrative of the founding of the state or a Marxist vision of class warfare leading to the end of history. Mitchel’s indictment of British relief efforts during the famine illustrates how Irish property could exist somewhat outside of history. “The reason why we want relief and they can give it,” he argues, “is just that our substance has been carried away, and they have it” (133).

His evocative phrase—“our substance”—implies that the British have taken what belongs to the Irish, and that they have taken the essence of what the Irish
are. That both are the same admits of no Lockean moment where a mixing of persons with the external world created property. And having been taken, it has not stopped being “our substance.” The British, in his analysis, participate in an event in time—there clearly was a before and an after marked by the taking—but it is an entirely British event with no final impact on the Irish. Chartists might argue that they needed land to make them recognizable as persons of consequence deserving the same political rights as those who already held land. But Irish rhetoric of the same period resisted the Lockean timeline in which labor in one’s self comes first and its mixture with the outer world comes next. Instead, Young Ireland fused Irish identity, Irish possession of the land, and even Irish dispossession from it into one irreducible bond.

Perhaps the most influential formulation of this idea came from Lalor during the high tide of the famine. Responding to members of Young Ireland who had grown impatient for the repeal of Union, Lalor argued that a “mightier question” than repeal loomed. For Lalor, the nationalist struggle was not about attending to history at all; instead it meant heeding the autonomy that was both property and nation. The fundamental struggle is about “Ireland her own—Ireland her own, and all therein, from the sod to the sky. The soil of Ireland for the people of Ireland, to have and to hold from God alone who gave it—to have and to hold to them and their heirs for ever, without suit or service, faith or fealty, rent or render, to any power under Heaven” (“To the Editor” 57). Without even the structure of subject and predicate, “Ireland her own” resists placement in time. Trading in the abstraction of “repeal” for the materiality of “soil,” Lalor subordinates all political questions to an intense bond between Irish people and the land. His assertion of national autonomy refuses the disaggregation of powers that Irish landlords suffered, just as it refuses the notion that the state might define this property: “The entire ownership of Ireland, moral and material, up to the sun, and down to the center, is vested of right in the people of Ireland; . . . they and none but they are the land-owners and lawmakers of this island; . . . all laws are null and void not made by them; and all titles to land invalid not conferred and confirmed by them” (60–61). His assertion also insists on the powerful thingness of property in Ireland, which foils even attempts to represent it with signs that substitute for its thingness. For Lalor, “the enjoyment of the people . . . of first ownership of the soil” is a more essential fact than the “mock freedom” promised by “constitutions, and charters and articles and franchises” whose substance is mere “paper and parchment”
In establishing the organic interconnectedness of people, land, property, and language, Lalor emphatically denies that Ireland is subject to the complicated chain of market exchanges. In fact, he calls into question whether land can even be represented by linguistic signifiers at all.

Lalor’s insistence on a rhetoric of landownership can in part be attributed to political strategizing. Young Ireland and the nationalists who followed them sought ways to merge the urban intelligentsia’s concerns about self-government with the popular force of the more pragmatically minded rural population to whom questions of land were also questions of survival. Rural interest in repeal, Lalor argues, is not “native or spontaneous” and so a desire for it can not be naturally impressed on rural minds as desire for land can (“To the Irish Confederate” 72). Implicit in his assessment about what will work among the untaught Irish is an assumption about property’s instant and universal recognizability. Property, always anchored in the thingness of the land, could be read and understood by the majority of the population, even if abstractions about political rights could not. For Lalor, this leads to a vision of government that always begins—in a fundamentally Lockean way—in the land.

But in imagining Irish land as outside of a chain of economic, legal, or linguistic signifiers, Lalor also taps into a nationalist logic that goes beyond mere strategic recruitment of rural constituents for the nationalist cause. His sense of how attachment to the land works—as a timeless and material fact unmolested by chains of economic or linguistic exchange—is a common motif in Irish nationalist discourse. Davis’s essay on “Our National Language”—an essay whose advocacy for the use of the native Irish influenced Douglas Hyde’s efforts to de-Anglicize Ireland later in the century—ties the irreducibility of Irish as native language to the Irish land’s own self-referentiality. Urging his readers to recover the Irish language as a way to experience solidarity with the Irish nation, Davis equates the particularity of the Irish language with the particularity of land: “The hills, and lakes, and rivers, and forts and castles, the churches and parishes, the baronies and counties around you, have all Irish names—names which describe the nature of the scenery or ground, the name of founder, or chief, or priest, or the leading fact in the history of the place” (102). The complete coincidence of sign and signified, he argues, is in fact the nature of both language and land in Ireland. Referring to the Irish-language definitions that lurk within their names, he argues of the Irish landscape, “Meath tells its [own] flatness, Clonmel the abundant riches of its valleys, Fermanagh is the land of the Lakes” (103).
Davis associates a profound cultural self-referentiality with an autarkic national economy: both the intellectual and real property of such systems exclude outsiders. In other writing, he attributes this dual impenetrability to Norway, a nation of peasant proprietors that he sees as a potential model for an independent Irish nation. Norway, he argues, needs to be known by all who are interested in national systems of smallholding, but knowing Norway can be a challenge because its very system renders it nobly inaccessible: “Norway sits alone self-revering, not dependent on fame, nor urged to complain—nearly silent”—as silent as Davis saw the Irish land to those unacquainted with the Irish language (“Udalism” 138).

Inalienable Dispossession

Davis’s vision of an entirely autonomous Ireland was a vision of property that was also culture. He imagined this property as resistant to a state whose control over both the economy and citizens’ day-to-day lives was more absolute than the same state’s control on British soil. There are two particularly relevant features of this imagined resistance of Irish property to the British state. The first lies in the fact that both Irish and British came to imagine Irish property to be secured as property through the feelings of its owners, independently of all law. This independence from law creates the second, more paradoxical, feature of Irish property—the fact that the British despoliation of Ireland created the occasion that allowed the Irish to assert their native attachment to the land to be more forceful and more enduring than a British attachment could ever be.

Young Ireland maintained they had property that gave them privacy from the state, as well as shelter from the endless circulation of the market. They did so in arguments in which the notion of cultural and economic autarky mattered more than the native status of those who enjoyed such autarky. They described Irish national property as one whose ownership was determined largely by what seemed to be self-willed affect. While they insisted that Irish property bore a meaningful relationship to its owner’s identity, they also treated it as an identity that came, not from the owner’s lineage, but from the owner’s proprietary attitude toward the property. In the course of his revolutionary rhetoric, in which he threatens to strip landlords of their “robbers’ rights,” Lalor declares that all will be considered tenants of the nation so long as they “bear full, true, and undivided fealty, and allegiance to the nation, and the laws of the
nation” (“To the Editor” 61). He declares that “to all who own land or are living in Ireland, Ireland henceforth must be the Queen-island” (“To the Irish Confederate” 17). The simultaneously absolute and action-free requirement of allegiance to a “Queen-island” by which all Irishmen must hold their land makes the condition of ownership a feeling, rather than a matter of entitlement assigned from an outside authority. And it is a feeling in no way biologically racial. Taking up this theme, Davis makes the very condition of being native depend on emotions: Landlords who make Ireland their queen can be sure that “Ireland is yours for ages” because they “will be Irishmen, in name, in faith, in fact” (“A New Nation” 38).

Lalor’s and Davis’s avoidance of racial or nativist rhetoric is of a piece with Young Ireland’s cross-sectarian ambitions. They hoped to create a sense of Irish national character that transcended Catholic and Protestant divides; thus, they sought to avoid implying that the Catholic peasant might claim a more native status than could the Anglo-Irish landlord or members of the very small Catholic and Protestant urban middle class to which many of them belonged. In using the rhetoric of ownership, rather than the rhetoric of nativism, to imagine an Irish nation, Young Ireland does for the Irish nation what anthropologist Marilyn Strathern asserts all claims of ownership can do: “Ownership re-embeds ideas and products in an organism. . . . Ownership gathers things momentarily to a point by locating them in the owner, halting endless dissemination, effecting an identity” (177). In asserting “Ireland her own—Ireland her own, and all therein, from the sod to the sky,” Lalor might be seen as calling Ireland into being, a ritual the patriots of the 1916 Easter uprising repeated when they announced, “We declare the right of the people of Ireland to the ownership of Ireland.” Such an ownership was supposed to animate the people on whom it endowed identity, inspiring them to acts of martyrdom in its name. Framed in national terms, Irish property in land was far from the potentially agency-draining fetish that it was in mid-Victorian British novels. Instead, it was a genuinely life-sustaining property, animating its owners both physically through its agricultural powers and spiritually through its national powers.

In Young Ireland’s account of the ownership of Ireland, what makes Irish property, nation, and people mutually self-generating, self-identifying, and resistant to all state and economic interference is the impenetrable nature of their attachment. Rather than being about deservingness proven over time or essential identity, Young Ireland depicted Irish property as a zone of fiercely
deployed emotion, whose exact nature was opaque. Indeed, constant reference to Irish “native feeling” in the remainder of the nineteenth century dwelt on both the difficulty of interpreting it and the extent to which it determined a real Irish relationship with the land. But its opacity was also what made it such an inclusive criteria for imagining membership in a nation.

Possessive Irish native feelings were seen as organizing the social structure of the rural Irish peasantry. Ireland was often characterized in the press as a violent landscape of secret societies and grassroots associations that sprung up among the peasantry—White Boys, Ribbon Men, Rockites—who enforced through extralegal means a moral economy of Irish rights. Informal “soldiers” in the tithe wars made sure that fellow tenants collectively refused to pay tithes and that those who collected them would regret their cooperation with the National (Protestant) Church of Ireland. Secret brotherhoods resisted unfair rents with coordinated refusal to pay. Native feeling equaled native right in nineteenth-century Ireland, not just in nationalist rhetoric, but in the day-to-day resistance of Irish peasants to economic exploitation. That this resistance grew from the ground up, in secret, among men who were uneducated and often illiterate gave all nationalist assertions of Irish right and Irish feeling a durable aura. “Deep and dark in the inmost soul and in the inner life of the peasant,” the Irish Protestant parliamentary member Isaac Butt says, “lies the ever present remembrance that the whole soil of Ireland was wrested from its rightful possessors” (Land Tenure 47). In the dim recesses of Irish memory, Butt imagines a landed inalienability that comes entirely from feelings.

Butt was hardly alone in this view of the Irish attachment to land through cultural memory. Lord John O’Hagan, who would later serve as a Gladstone-appointed head of the Irish Land Commissions, announced to the Social Science Association that the ancient Brehon laws of Ireland “manifest the principles and peculiar notions which guided the Irish in their dealings with the land, and which to this hour, have not ceased to operate, through dim tradition, on our actual state.” Friedrich Engels, too, commented that the Irish system of law that had once been “forcibly broken up by the English” nonetheless “still lives today in the consciousness of the people” (both qtd in Laird 22). A writer for the Fortnightly Review categorized the condition of Ireland as a “chronic social war in which one side relied upon the letter and the power of the law, and the other upon an instinctive sense of justice” (“Irish Land Question” 393). Matthew Arnold echoed this sentiment that an instinctive memory of what came before conquest never precisely dissipated: “The sense of prescription, the true security of all
property never arose. The angry memory of conquest and confiscation . . . have continued to irritate and inflame men’s minds” (“Incompatibles” 279).

As Arnold’s comment begins to suggest, this common wisdom about the persistence of Irish attachment to property through an internalized cultural memory, contains within it one of the most dizzying contradictions of Irish nationalism in the nineteenth century: the British conquest of Ireland came to prove the Irish possession of an inviolable national character. Located in a group folk memory, the sense of what the Irish might rightfully call theirs could not be addressed or dismantled with legal or economic precision. Instead, the persistent sense of having had something taken from them might outdo legal possession in sheer durability. It certainly allowed the Irish and British alike to imagine a bond indissoluble by state power. In fact, it was a bond that was only made more palpable by state power’s repeated attempts to disrupt it. In defending the idea that “the ordinary Irish peasant is by no means an unhappy man,” Anthony Trollope cites this superior Irish sense of ownership, made discernible through disruption: “[The Irish peasant’s] cabin, small, smoky, ill-conditioned, is his own, with a feeling of ownership that rarely belongs to the English cottier. We know that he may be ejected,—and we know, too, what he may do when ejected; but the very violence of his proceedings in that emergency shows how strong within him was that sense of possession” (“What Does Ireland Want?” 287). Even in writings such as Trollope’s, not fully sympathetic to Irish grievances, the respect for private property that was supposed to be the native characteristic of the English paled in comparison to the possessiveness of the Irish. Unlike the English vision of a constitution forever evolving toward a more perfect respect for private property, Young Ireland’s vision of Irish national property depended on no history at all. The national character of Irish attachment to property variously called “Ireland,” “the land,” and “the soil” was perpetually present and perpetually made apparent by British attempts to pull Irish land into a history of conquest.

The Young Ireland formulation of Irish cultural property proved persuasive even to the British public, which after midcentury increasingly sympathized with legislative measures designed to legally restore what was assumed to be an Irish attachment to the Irish land. Abruptly reversing what had been a forty-year legislative trend toward making Irish land more alienable, the Irish Land Acts of 1871 and 1880 codified into law a “tenant right,” also called “Ulster Custom,” whose long persistence in custom, proponents of the Acts argued, aligned it with long-lived native sentiment. In the north of Ireland this tenant right was used routinely as security for loans to a tenant, and in many parts of Ireland,
the right was willed to a tenant’s survivors or auctioned to pay off a tenant’s debts. Precisely what the right was, however, was a matter of controversy. Some said it was a transaction that ensured the incoming tenant had the neighbors’ goodwill; some said it was compensation for improvements the outgoing tenant had made; some said it stood for the tenant’s right to stay in that property undisturbed as long as he paid the rent. Its presence at least in the Ulster informal economy, however, suggested that customary arrangements recognized a tenant’s right to his property to operate in at least an analogous fashion to the landlord’s right. The tenant’s ability to buy and sell some right associated with the property he rented signaled his status as a sort of co-owner of the land.19

In debating the measures contained in both Land Acts, legislators and nationalists alike dwelt on the difficulty of articulating the precise nature of the attachment, which seemed to be nourished in equal parts by both possession and dispossession. Documenting Irish agitation for land rights, the nationalist Charles Gavan Duffy explained the Irish Land League as the product of the peasantry’s “living claim as the descendants of those who had owned the land in common with the Celtic chiefs and had been wrongfully deprived of their property” (qtd in Steele, Irish Land 19). Even Prime Minister William Gladstone, in proposing the bill that would change Irish land laws, proved confused about whether the British state had ever affected Irish property at all. In Ireland, he noted, “the old Irish ideas and customs were never supplanted except by the rude hand of violence and by laws written in the statute book, but never entering into the heart of the Irish people” (qtd in Steele, Irish Land 41).

In this emphasis on the impenetrable nature of the attachment that appears as both possession and dispossession, British and Irish alike imagined that rather than being about essential identity, Irish property was a zone of fiercely deployed emotion. Located in a group folk memory, the sense of what the Irish might rightfully call theirs could not be addressed or dismantled with legal or economic precision. However, the fact that British, Anglo-Irish, and Irish all understood an Irish sense of right to the land as founded in Irish dispossession from it also suggests a vision more complicated than raw native attachment. The British conquest of Ireland came to prove the Irish possessed an inviolable national character. It allowed for the imagination of a bond indissoluble by state power. In fact, it was a bond that was only made more palpable by state power’s repeated attempts to disrupt it.
The Irish Land Acts and the British Advantages of Dual Ownership

At first glance the Irish Land Acts appear designed to shatter the absolute and thinglike nature of the ownership of Irish land that Young Ireland celebrated. After all, the staggered passage of the two bills formalized the different treatment of land in different parts of Ireland. The First Land Act of 1870 only affected a limited number of properties in the north, where Ulster Custom was already observed. The Second Land Act of 1881 extended the practice to all of Ireland. Together, the two acts emphasized property as a relation among people rather than a one-on-one relationship between owner and thing owned. They guaranteed tenants a right to remain at will on the land they rented, provided that they continued regular payments to the landlord. This recognition of a tenant’s right to remain on property legally owned by someone else—and the accompanying acknowledgement that a tenant might also sell that right or even borrow against it—was understood as instituting a legal co-proprietorship of the land. That commentators largely greeted the acts as a startling violation of a landowner’s “sole and despotic dominion” in his estate suggests that the measures integrated Irish land into the “bundle of rights” model of property, in which different owners might have competing abstract rights. But the rhetoric the British used to describe their motives for passing the bills emphasized instead the holistic nature of Irish property and the policy of noninterference the new laws espoused.

Aware of the brewing demands for British land reform at home, Prime Minister William Gladstone sought a solution to the Irish land problem that would allow the state to intervene in Ireland without creating any sort of precedent for state interference with English property. He was particularly attentive to thinkers who argued that the precedent for allowing tenants the fixity of tenure that agrarian organizers were demanding lay in Ulster Tenant Right, a right bought from outgoing tenants by incoming tenants, without reference to the landlord. It was the ostensible historical and cultural specificity of this arrangement that Gladstone latched onto in trying to allot fixed tenure to insecure Irish tenants, and he emphasized the acts’ status as preservation and conservation, rather than innovation. The Bessborough commission, appointed in 1879 to investigate the workings of the 1870 Land Act, recommended its extension in the name of “giving legal recognition to the existing state of things” (qtd in Bull 89).
That the Land Acts even passed through Parliament was largely due to the rather new popularity gained by Henry Sumner Maine’s historicist maxim that all property proceeded from status to contract. For the legal theorist Maine, the original unit of society was the family, not the Lockean man mixing his labor with the land: “ancient law knew nothing of individuals” (Ancient 214). The movement of history, he argued, gradually tended toward a more contractual model, in which individuals might exercise proprietary power independently of their political or family positions, but only in limited ways and over a limited category of things. The traces of more primitive property arrangements could still be found alive and well in cultures where the basic social unit is the village community, “an assemblage of co-proprietors” who assume themselves to share a common origin and who allot property rights to individual families only with the understanding that when families became extinct, their property would return to the village unit. Absolute property, controlled wholly by one individual without social interference, was entirely a modern invention, one that reached its fullest development in the feudal aftermath of modern England. And while Maine strongly felt that the attainment of a contract society was the apotheosis of civilization and a thing to be strongly desired, he pointed out that it was also rare enough to make British mercantilism the exception, not the rule.

John Stuart Mill and, even more prominently, the former Indian administrator George Campbell saw in Maine’s theories an explanation for all of Ireland’s ills. Maine’s own investigation of the ancient Brehon laws of Ireland in the mid-1870s openly disputed the uses to which these men put his theories in regard to Ireland; in Maine’s scholarly estimation, there had been no violent Norman imposition of absolute ownership onto an archaic communal Irish law and thus there existed no need for any return to less individuated forms of property. But Mill and Campbell, and most importantly Gladstone, found explanatory powers in Maine’s dual model of, on the one hand, an ancient society in which all powers of property had been aggregated in one communally defined unit and, on the other, an advanced society in which the functions of proprietary power had disaggregated across several domains (family, government, the marketplace) and into the hands of individuals. George Campbell, who had seen Maine’s notions of a primitive “village community” style of ownership put to the purpose of land reform in India, argued extensively that in Ireland, too, native ideas of property had little resemblance to what the English meant by property. Exhorting his readers to remember Maine’s maxim “that in
certain stages of society things depend rather on ‘status’ than on contract,” Campbell argued that “Great Britain is almost the only country in the world” that has brought the notion of contract to bear so extensively on land.

The Maine-ite analyses of Irish land by Campbell, Mill, and Gladstone won in the end, but the political effects of the Irish Land Acts were negligible. The acts did almost nothing to defuse an increasingly aggressive separatist sentiment in Ireland. By 1879 the Land League in Ireland had already launched its Land War to agitate for lower rents and occupier-owned farms. Headed by former Fenian Michael Davitt and leader of the Irish Parliamentary party Charles Parnell, the National Land League combined the Irish tradition of clandestine organized resistance with more official government channels to work toward their broadly stated goal of “[t]he land of Ireland for the people of Ireland.” Buying and redistributing land, rather than sharing it, quickly took center stage in the Irish land question, and by the early 1880s the question of Irish Home Rule had upstaged even land agitation. The political climate in Ireland, especially after 1880, had little use for a rhetoric of shared ownership. Given this new direction in the nationalist agenda, the First Land Act stands as a historic milestone mainly for its Bright Clauses, which encouraged full tenant ownership through a government program that purchased land from the landlords and sold it to tenants at reasonable rates. This rather minor codicil took on retrospective importance as a faint forerunner of the 1903 Wyndham Acts, which made such programs the central administrative policy of Irish land.

But revisions in Irish land law hardly yield a straightforward history in which attempts in the 1870s and 1880s to appeal to customary law were inevitably overcome by the naturally more autonomous arrangement of absolute property in the land and its analog, an independent nation-state. Instead, the acts provided legal channels through which tenants could, and increasingly did, call on the state to intervene in rent disputes. The short-term outcome of the Land Acts’ passage was that tenants became more immediately enmeshed in the apparatus of Union government in order to obtain individual property rights. For the Irish, wresting ownership away—stick by stick from the bundle, as it were—from the Anglo-Irish meant submitting to British-created land courts. Repeating the mantra that they had misunderstood the Irish cultural relationship to property, the British in the last three decades of the century established these courts to assign legal title to native claims. The land courts were set up to translate into law what a writer in The Economist called at the time “an undetermined sort of property” based in native feeling (qtd in Steele 263). The tenant under British
law was treated as experiencing a deep ancestral attachment to the land, which the state would recognize in an imprecise translation into a right to what were called the 3 Fs—fixity of tenure, fair rent, and freedom to sell the right to the first two to another tenant. The establishment of the land courts enmeshed Irish subjects further into the British state, requiring Irish tenants to turn to the British state to make a legitimate title out of the possessive feelings they experienced. The emphasis on the impenetrable nature of Irish feelings, which proved the property’s existence prior to state interference, also cleared a space for the relationship to proceed without any natural endpoint. Since both sides acknowledged that the legal language of Britain could only asymptotically approach the ineffable feeling of Irish right, the process would always be in need of revision and fine-tuning.

Such a situation falls wide of romantic interpretations of Irish history, in which nineteenth-century nationalism is seen as informed by a racial memory of tribal ownership, a memory that made contractual possessive individualism incoherent to most Irish. Such interpretations might be found in historian Oliver MacDonagh’s assessment that “two world-pictures (or at least two societal pictures) of great power and range were in collision, whenever property[,] and in particular landed property, was being considered” (34). Drawing on Henry Sumner Maine’s maxim that the progress of all societies moves from status to contract, MacDonagh argues that, having moved from status to contract, the British could only understand possession as “an absolute condition,” whereas “the Irish tenant was pursuing a line of reasoning that never intersected the atomistic contractual” (34, 45). For MacDonagh, this rule of thumb explains the clash between Irish and British viewpoints; it also offers him the vantage from which to survey both the Irish tendency toward status and the British tendency toward contract. However, he fails to acknowledge that this rule was already available to those thinking on the Irish question. MacDonagh downplays the fact that the British administration called on Maine’s authority to address British-Irish tensions. He only invokes Maine’s notion of early societies dominated by status and late societies structured by contract to explain why there were tensions at all. Terry Eagleton’s explanation of the First Land Act as “founded on a whole series of misreadings” between “two texts, the [English] one written and contractual, the [Irish] other tacit and traditional” similarly elides the long history that such theories had in dictating the official terms of the Irish debate. He recapitulates Campbell’s announcement that “in Ireland a landlord is not a landlord and a tenant is not a tenant—in the English sense”
without acknowledging that such an understanding was the instrument used by both Irish nationalists and the British state to think about ownership (Heathcliff 140; Campbell 5).23

MacDonagh’s and Eagleton’s accounts leave out the fact that Maine’s was a form of cultural tolerance that came at a high cost. In imagining a natural Irish tendency toward group property, the British exempted themselves from accusations of infringement on Irish rights, since those rights were clearly not based on contract. Thus, even though Mill, Gladstone, and ultimately the British state used Maine’s historicist explanation of property to recognize a significantly enhanced proprietary right for the Irish, proprietary historicism could be—and was—also used to excuse the British from any obligation to participate in fair and equal material dealings with the Irish because it treated ideas of individual contractual obligations as absent from Irish culture. Campbell’s advocacy of Irish tenant right, like Maine’s approach to theorizing and administering the law in India, removed the need to reconcile an external policy of rule by conquest with an internal policy of civil rule by consent. Through the logic of culturally relative degrees of ownership, a country could now be under British administration and simultaneously belong—in its own way—to its own people. One can see this in Campbell’s vision of the Irish population as one that naturally craved only limited forms of dual ownership. Campbell contended that no Irish land purchase scheme was necessary since, as his exposition has shown, “[i]t really seems that the Irish peasantry scarcely desire to own land in our sense—it is contrary to the custom of the country” (75). Instead, he assures his readers that tenants prefer to hold their farms under customary tenures, when it is permitted. Such declarations add up to a narrative in which the British government can give up its desire to impose British ideas of property on Ireland and still not really lose anything at all. The Irish might own the land in their own way, and the British might go on controlling the same land in theirs.

Campbell’s observations were marked by the same sense that the British government—both colonial and at home—needed to distinguish itself by its forbearance in imposing its norms on other cultures. George Campbell, much like John Stuart Mill, argues that “part of our own proper strength must be put aside to keep Ireland,” including the proper strength of an English proprietary power (4). Part of the ease with which Campbell recommends such forbearance is due to his conviction that what the British surrender matters far more to the Irish than to the British. Because property for the Irish resembles British property in name only, Campbell predicts that “a reasonable surrender of some of
the extreme legal rights of property” will affect Anglo-Irish landlords only as a matter of “sentiments” (15).

The idea that one might experience ownership as a sentiment rather than as a legally assigned right haunts not just the discourse most explicitly connected to the land acts but also fiction only loosely associated with it. My next chapter shows how Anthony Trollope divides the labor of ownership in the British Isles into legal ownership and affective enjoyment. His vision is haunted, I argue, by the structure of the Irish Land Acts, whose possible features were just beginning to be discussed in 1865, as he began his six-novel Palliser series, centered on the everyday lives of characters at the heart of the British state—in Parliament. It is Trollope who provides the most vivid redirection of the Irish Land Acts’ scheme of Anglo-Irish landlord and the Irish tenant harmoniously dividing between them rights to, and feelings about, the same property in land. In the Palliser series, he takes this dynamic and projects it onto the entire structure of the British state.