

SCOTCH AND OTHER TOWNSHIPS.

IN order to obtain a clear idea of the past, present, and possible future of Scottish townships, I think it would be of some utility to compare this archaical form of holding property with similar institutions to be met with elsewhere. In the report of the committee appointed by the British Parliament to inquire into the economic condition of the small tenants of the north of Scotland, we find details concerning this primitive form of property, offering no little interest to both economists and legislators. In my book entitled *Primitive Property*, I endeavour to prove that everywhere, before civilisation commences, besides the habitation and its surrounding plot of ground, which is transmitted in hereditary succession from father to son, land is owned collectively by the tribe or clan, and subjected periodically to redistribution among its members. The more remote parts of Scotland, and principally the islands on the north-west coast, which are peopled by a branch of the Gaelic race, have preserved, up to the present day, traces of a similar agrarian régime. A greater or less number of small cultivators, called crofters or cottars, cultivate a certain amount of land in common, which they look upon as a farm. This is let to them by the proprietor directly, or by an intermediate person known as the *middleman* or *tackman*. The arable land is then equally divided among the association of crofters for one or two years, but always on the understanding that another division will be made after a certain lapse of time. The pasturage of this collective plot, the *Scathald*, is not divided, and every member of the group may send his cattle to feed there, sometimes under specified conditions.

These groups or communities (the latter is the term employed by the Parliamentary Committee) are called *townships*, and are a sort of cross between the Jougo-Slav *Zadruga* and the Russian *Mir*. They resemble the *Zadruga*, because the families composing them are all of the same race, and they resemble the *Mir*, because the arable land is not cultivated in common as in the *Zadruga*, but is periodically re-divided among all the members, and each one cultivates for himself. Townships may also be compared to the Swiss *Allmends*, only the former possesses no legal existence, and, consequently, no corporative rights whatever. They exist, but the feudal system introduced from England, which completely destroyed all rural communes, wholly ignored their existence. Another very important point which renders the crofter's condition hard is that the land does not belong to them, as in the *Zadruga*, the *Mir*, or the *Allmend*. It is owned by a non-resident landlord, to whom rent must be paid.

Sir Henry Maine, in his book called *Village Communities* (pages 95 and 97), draws a picture of the typical organization of a primitive township as it exists at Leuder, in Scotland. A hundred and five houses possess a dependency of as many plots of ground called burgess-acres. Out of 1717 acres owned collectively by the inhabitants one-seventh, that is to say about 240 acres, are each year set apart to be cultivated, and are divided into 105 plots, for which the 105 proprietors of the burgess-acres draw lots. They each retain their plot for the space of a year. The remaining six-sevenths of the common estate is reserved for pasture land; each inhabitant is entitled to send two cows and fifteen sheep to graze there. This agrarian régime is quite in conformity with that reported by Grimm as established by this ancient Scandinavian and Germanic formula: "The compt (*i.e.* the dwelling) is the mother of the field; it determines the allotment of land; the land determines the amount of pasturage; the pasturage the share of the forest; the forest the needs for roofing the house, and the reeds the water for fishing according to the nets."

In order to give a clearer notion of the characteristics of this collective agrarian régime in the Highlands I will quote a few extracts from the report of the Parliamentary Committee and other publications. Mr. Alexander Carmichael gives a very accurate picture of this system as now still in force in the Hebrides. He tells us that the English word township represents the Gaelic word *baile*. He, however, prefers the word *townland*. (*V. Origines Parochiales*, by Cosmo Innes, and Martin's *Western Isles*, 1703.) Mr. Carmichael maintains that the *baile* or *townland* has a collective existence in various ways—by tradition, by usage, by the condition of the people, and by the treatment of the proprietor. At all events, he says, the word *townland* is recognised by law. The successive redistributions of the land owned collectively among the families forming part of the community is called *run-rig*, a corruption of the Gaelic words *roinn ruith*, "division run." In Gaelic the system is, however, usually spoken of as *mor earann*, or great division.

The crofters of the Hebrides practise *run-rig*, but after three different methods, of which Barra and North and South Uist will furnish us each with examples. In the island of Barra, the custom is fast disappearing. The grazing grounds only are held in common, each townland being confined to its own grazing limits. An assembly of the inhabitants take the management of this, and appoint a shepherd to superintend the care of the entire herd turned out to pasture. This system is a prelude to the modern system, and might be called the neocene collective system. In South Uist, we find the intermediate or miocene system. The district of Tocar contains nine townlands and an aggregate of eighty-eight crofters. Each of these crofters

has a distinct croft of his own in his townland, and a share in the arable land common to all the crofters of the district. In addition to this, an extensive plain, locally called *machair*, belongs to them collectively. For the equitable allotment of this plain, the eighty-eight crofts are divided into four sections of twenty-two each, and these sections or wards are presided over by constables, elected by the people in the general meeting, *moot*, and the whole district by a "Maor" appointed by the landlord. The undivided ground, the *clar* or *leob* as it is called, is divided into four quarters, and these quarters are balloted for by the constables for their respective constituencies. When this is done, the constables, aided by the Maor and the people, subdivide their sections into the requisite number of rigs or ridges, *iniream* in Gaelic, for which the crofters cast lots, and the "rig" which falls to a man is his for three years; at the end of that time the cultivated land is abandoned, and fresh ground broken in as before.

This is exactly the system described by Caesar and Tacitus: *Agri pro numero cultorum ab universis in vices occupantur. Arva per annos mutant et superest ager.* (Germania xxvi.) *Sed privati ac separati agri apud eos nihil est, neque longius anno remanere uno in loco incolendi causa licet.* (De Bello Gallico, iv. 1.)

During summer and winter, the flocks of the entire community, herded by one or two herdsmen, as need be, are allowed to graze over the machairs, as also on the cultivated ground after harvest time.

In North Uist, nearly all the crofter land is held and worked on the intermediate system of *run-rig* as in South Uist; but three large farms held collectively are still worked on the old primitive system, which may be called the pliocene collective landholding system. They are probably the only examples to be met with in the British Isles. "I cannot help," says Mr. Carmichael, "heaving a sigh of regret on seeing a system, once and for ages the land system of millions of the human race, now discarded and disappearing for ever. It reminds one of those melancholy lines which, mingled with the dirge-like strains of the waves, so aptly render the wail of Celtic sorrow—

'*Chia tìll, chia tìll, chia tìll mi tuille.*'

'I return, I return, I return never more.'

These three agrarian townships are called Hosta, Caolas Paipil and Heisgir; the latter will serve as an example. This island is three miles in length, and a mile and a third in breadth at its broadest. All the land is held in common by the ten tenants. There are no crofts, therefore no part of the land is held permanently. The tenants meet once a year to decide upon the piece of ground to be broken up for cultivation, and to divide it. To effect this, the constable takes a rod and marks off the land, after which lots are drawn by the

herdsman, who places them one by one in a line on the ground, and this order is the one in which the occupiers of the lots will stand to one another in the shares. These arrangements are carried out quickly and quietly. As the Gaelic proverb says, *Gun ghluh mor gun droch fhacal*, "without a loud voice, without an evil word." A lot called *Imir a Bhuacaille*, "the rig of the herdsman," is generally reserved for the herdsman; it is, as a rule, the outside ridge, bordering on the grazing, to induce him to keep the other ridges safe, as they lie behind it. In English villages, in the Middle Ages, as in Indian villages, at the present day, certain fields were awarded as remuneration to those persons who provided such requisite implements as the agriculturist himself could not supply. In the Gospel, we read of Judas' pieces of silver being employed to purchase "the potter's field." The soldiers and officers of the in-delta army in Sweden, receive as a portion of their pay the revenue of a small farm. In Heisgir, a lot is reserved also for the poor, and is called *Imirean nam boc*. Such is the system of *roinn ruith* or *run-rig* in its most archaic form. When the communities break up marshy land for culture, they divide it into narrow strips about five feet wide, and separated by trenches for the purpose of drainage. Often in England one still sees traces of these strips of land or *Baulks*.

The seaweed, which is useful as manure, may be collected by every one when it is deposited on the beach in large quantities, but when the deposit is small, it is divided into *feighinneam* or *pennies* and drawn for in lots, like the land, so that each may have a share, and that the possession of an indispensable article may not be monopolised or seized upon by the strongest or the most agile. The sentiment of distributive justice regulates the division of the means of subsistence and of well-being, even to the very minutest details.

In the island of Tyree, which has belonged for generations to the Duke of Argyll's family, arable land was held and worked on the *run-rig* system, called in Ireland *rundale*. The common parcel of land destined for cultivation was divided into a number of plots for which lots were drawn every one or two years by the cultivators of each agrarian community or township. This system was exceedingly general in the North of Scotland, says the Duke of Argyll, from whom we borrow these details.

"It was, of course," says the Duke, "the interest and duty of proprietors to put an end to this system and by no other agency than proprietary power and right could it have been abolished."—*The Croft and Tiarms in the Hebrides*. By the Duke of Argyll. Pages 7 and 8.

From a great number of records of the last century we may deduct that the townships system with *run-rig*, or *rundale* as they call it in Ireland, was then everywhere in existence in the Highlands.—(Vide Spence, *Celtic Scotland*, vii. p. 129; iii. pp. 369-71; A. Campbell, *The Grampians Disolate*, 1804, pp. 769-70; Pennant, *Tour in Scotland*, ii. p. 315.)

Now the common possession and administration of rights of pas-

ture constitute the essential characteristic of Highland townships. In this manner an agrarian system which, as far as law is concerned, exists merely as a popular fiction, and as such is tolerated by the proprietor, possesses a reality recognised by custom, and which could not be destroyed without exciting extensive opposition and indignation. The Parliamentary Commissioners add that they are of opinion that this organization of townships, although very rudimentary, possesses certain special advantages, which would tend to avoid special evils and, on the whole, perhaps secure better results than if mere individual interests were called into play. It cannot be denied that the crofters regret the old primitive system which has disappeared principally, as the Duke of Argyll shows, through the action of the landlords and their agents. An Act passed in the year 1695, concerning the division of agrarian communities, was judged applicable to the whole of Scotland, and this considerably facilitated their destruction.

Here are some of the advantages of this collective agrarian ownership, according to the Commissioners' Report. As small cultivators have more land at their command, they can subject it to a system of rotation more in keeping with the rigour of the climate. And on the collective grazing ground, each family could send many more cattle to feed, than on the tiny slip of land now allotted to them. They could more easily dispose of the river, of the moorland, or of the seaweed. They did not live in constant dread of an increase of rent, but felt safe in a sense of an hereditary right of succession, which procured for them what the law has just granted the Irish tenantry, *security of tenure*.

The Parliamentary Commissioners propose the granting of a legal existence to these townships, so that they may retain their common pasture lands, and ameliorate it and construct roads and bridges, at the common cost, thus imitating the communes of the Continent. In this way a check would be put on the actions of landlords, who have, in many instances, during more than a century and a half, been gradually incorporating portions of these common lands into their own sheep farms. It is proposed that the inhabitants of townships should have the right gratis, to cut turf, collect seaweed for manure, and grass or reeds to repair the roofs of their dwellings. Any township of too restricted proportions shall be permitted to claim from the landlord an additional concession of territory. The sheriff shall decide whether or not this demand be acceded to, and shall fix the rental to be paid to the landlord. No township can under any circumstances be suppressed without the assent of at least two-thirds of its members.

In reply to the objection that it is contrary to economic principles to establish a law opposed to liberty of contract, for the purpose of prolonging the existence of an old-fashioned institution, which must ere long succumb to the natural effects of competition, the Com-

missions argue that their suggestions are justified by the special conditions of the soil, of the climate, and of agriculture in the Highland. The working classes and agriculturists cannot rely for food on the cereal crops, which are far too uncertain. They depend for subsistence on their flocks of sheep and cattle. Grazing grounds are therefore absolutely necessary; but the surface of the soil is too irregular and rugged, and vegetation is too backward and too poor in these isles, swept by Atlantic gales, and deprived of the sun by too much rain and fog, for each owner of a plot of ground to possess also separate pasture land, which would also be, in all probability, far up on the mountain. The choice lies, therefore, not between individual or collective grazing-grounds, but between the latter or none at all, and it must not be forgotten that their suppression would imply the utter ruin and enforced emigration of the crofters. In a study on property in the Marche, in Italy, Mr. Ghino Valentini employs precisely the same argument. He proves that communal grazing grounds up on the mountains could only answer as individual property, if they were owned as *latifundia*, by one large proprietor.

In addition to the numerous examples of townships where the collective property periodically experienced redivision, which I cited in my *Primitive Property*, there are many other such examples to be met with in Europe. In an Essay on *Common Fields in Salem*, Professor H. B. Adams mentions that the earliest plantations in the United States were generally common fields administered on the system of the Scottish townships. In an American review, entitled *The Nation* (10 Jan., 1878), there is an article on the remarkable prosperity of the township of the island of Nantucket, where, in spite of the prevalence of great riches, collective property held its ground until 1820. Mr. E. Belot has, more recently, published a pamphlet on this same subject. According to two very distinguished economists, the one Portuguese, M. Oliveira Martins, the other Spanish, M. de Azcarate, in the Iberian Peninsula, amongst a population whose race, religion, climate, soil, economic conditions are wholly different, the same agrarian system is to be found as with the Highland townships. If traces of this primitive custom are to be met with at points so distant from each other, may we not conclude that it was formerly general? To do this we have but to follow the line of argument of botanists who, when they find the same plants on the Swiss and Norwegian mountains, and not on the plains between, deduct the conclusion that they formerly were also spread over the intermediate regions.

In the examples hitherto mentioned, we have seen the collective régime as a mere declining institution, but throughout Southern Germany it may be met with in full vigour, as also in German

(1) *Atti della Giunta per la Inchiesta Agraria, Provincia di Ancona Ascoli, Fermo, Macerata e Pesaro.*

Switzerland, which is more vast than half of England, and where it occupies a most important place in all rural economy under the name of *Allmend*.¹ This word which is sometimes written *Allmend* is, according to Grimm, derived from *Allgemeinde*, "the thing belonging to all." Synonyms full of instruction, the same word *Gemeinde*, in Dutch *Gemeente*, means the political and economic community, in Latin *communitas*. Both the word and the institution it designates may be found more or less well preserved in the entire Germanic world, even as far north as Scandinavia. In Norway the term employed is *Allmendingar*, and in Sweden *Allmanning*.

The Allmend is generally composed of forest, meadow, and pasture land (*Wald, Weide und Feld*). The forests provide the inhabitants of the village with wood for fuel and also for building purposes, in case of necessity, and subject to certain specified rules. The arable land is divided among the villagers, sometimes for a space of nine or twelve years, but as a rule for life. The general regulation is that each individual is allowed to turn out on the common pasture all the cattle he has kept at his cost through the winter. The lots of cultivated ground are sometimes all the same size, but in many localities they are most unequal, and when this is the case they are divided into three, four, or five different categories. The youngest members are allotted the lowest category, and then, as the elder ones die off, they rise, step by step, until they, in their turn, attain the first category. In some Allmends, as soon as a young man attains his majority he is provided with a lot, but as a rule he must have a house, or hearth, of his own, *eigenes Feuer*, or at all events be a married man. The great disadvantage of this latter system, which has not unfrequently caused it to be abandoned, is that it induces men to marry for the purpose of obtaining a portion of the collective lands. It would perhaps be a means of encouraging an increase of population in those countries where, as in France, this is estimated to be not sufficiently rapid. In some communes certain lots are held in reserve for young couples, and are let until they are allotted. In others they must wait until the death of an older member leaves a lot ownerless; then all the members mount a step and the newly-married pair commence with one of the smaller lots at the bottom of the ladder. Formerly, no rental whatever was claimed for this land; now a small one is demanded for the purpose of keeping the entire Allmend in a state of proper repair, or, if this be not needed, the money is spent in supplying the general wants of the commune.

In Switzerland the Allmend generally belongs to the descendants

(1) See my book on *Primitive Property*, and more especially with respect to the *Allmend* in Germany, the interesting chapter by Professor Karl Bücher, which he added to his translation of it into German, entitled "*Ursprung der Allmend*," see the very complete work of Professor Von Miasrowski, *Die Schweizerische Allmend*.

of the original members of the community, who form thus a separate corporation, from which not only mere residents, but even those who have received only the freedom of the city or commune, are excluded. In Germany, and especially in Baden, Hesse, and Wurtemberg, the Allmend is looked upon as the right of all citizens. This is comparatively a modification of the old system, but it is already clamoured for in Switzerland, and the intervention of the Canton legislators is even requested, because the number of inhabitants excluded is ever on the increase.

In old Germanic law, as in Switzerland in the Middle Ages, the right of Allmend went with the dwelling, and was therefore a real right, which was transmitted with the property. It must not be supposed that the Allmend is at all an exceptional institution only to be met with in some few villages lost among the mountains. It exists, on the contrary, in full vigour in the admirably cultivated plain of Basle, and even on the very banks of the Rhine, in Hesse; that is to say, everywhere where the dissolving action of the French Civil Code and the systematic hostility of communal or government authorities, have not enforced its being abandoned. The question has been more than once debated in the Chambers of Baden and Wurtemberg, and the State has already issued general edicts on the subject. This has not been done in Switzerland, where the communal authorities have been hitherto sovereign (*vide* Wurtemberg: Edict for the administration of communes and foundations, March, 1822. Law as to the absolute rights of citizens and communes, 1833. Hesse: Communal regulations, 1832. Baden: Law as to commune and the rights of citizens, 1831. Hohenzollern, 1837). In all this part of Germany not only the peasantry possessing common lands and the different administrations, but also economists such as Rau, Hoffmann and Knaus, were in favour of the preservation of the Allmend, and several wise and well-meaning regulations have corrected mistakes which previously existed, such as the too great splitting up of lots of land, so that the smallest lot must now consist of about two-thirds of an acre.

The extent of the Allmend varies from one locality to another. As a rule the communal forests supply enough wood for fuel for all the families of the village, and in Switzerland the mountains afford sufficient pasture for very large herds of cattle or goats. The arable land is generally divided into several fields. The nearest home is, as a rule, reserved for fruit and vegetables, and in the others potatoes and cereals are grown. In Germany the cultivated Allmend is of recent origin. It has been formed by the cutting down of forests or the tilling of some meadow land, during the last century, or at the commencement of the present, when the growth of population has necessitated a more intensive system of cultivation and permanent stabulation. In the two principalities of Hohenzollern, out of 84,000 "morgen"

50,000, or more than three-fifths, belong to the Allmends. Baden is the only country which has published an official statistic of communal property, and this appeared in 1854. We find here that 1,250 communes, that is to say two-thirds of the total number, distributed among the inhabitants in wood alone (523), in wood and arable land (727); 95,098 families received plots of land, the average size of which was about an acre. The size of these plots nevertheless varies very considerably. It is estimated that in 208 communes they are inferior to a Baden morgen, *i.e.* less than an acre, and this serves merely for a kitchen garden. In 376 communes they vary from one and a half to two morgen; in this case some cereals are cultivated; and in 18 communes the plots vary from seven to ten morgen. The Board of Communal Affairs in the canton of Berne published in 1882 statistics from which we learn that the property owned by the Allmends and Communes in 1880 was worth 102,955,680 francs, although many villages no longer possessed any at all. In Germany even very large communes and towns, situated in the best cultivated and most fertile districts, Heidelberg and Worms for example, still preserve their Allmend.

The advantages of a system of collective communal property appear to me to be very great. In the first place it assures to each family in the village a plot of ground, and thus maintains small landowners. During the early centuries of the Middle Ages the successors of the old chiefs of tribes transformed their political authority into a sort of right of domain of the soil. In Switzerland, on the contrary, the peasantry gradually shook themselves free of the yoke of the great lords, and drove them from the country. They thus reconquered altogether full and complete ownership over the collective territory, and each cultivator secured for himself undisturbed individual possession. In England the reverse took place: the manor destroyed the commune, which no longer exists even in name, and converted the chieftain's limited domain into an unlimited right of proprietorship, much as if Louis XIV. had concluded from the formula that "France belongs to the King," that he had the right to retain all the revenues of all the land for himself.

The Allmend, that is to say, the communal domain, allotted for each one's lifetime, attaches the villager to his village, and prevents the population crowding off to the slums of great cities, thus opposing an obstacle to misery, as each family possesses a lot of arable land where a portion, at least, of its necessary subsistence can be obtained, and which can never be alienated. Is not this far superior to unions and workhouses, which, as in England, provide for the poor? Each individual attached to the *alma parens* in his own commune feels that he has a home. That word possesses a true meaning for him; he has land which he can call his; he is not like the worker without capital, for whom the words fatherland and home are but too often.

at the present day, mere abstract terms. The members of this old agrarian association, who take part in the administration of the collective domains, serve an apprenticeship for political life, and become in this way accustomed to the direction of public affairs. They are present at deliberations, and are allowed to take part in the debates. They choose their own president, secretary, and keeper; they see the annual accounts given in, which they have the right to discuss and approve or criticise. Thus they become initiated into the mechanism of free institutions, and the administrative aptitude, so necessary to each individual in a democratic country, becomes developed. We must not forget that American democracy also took root in the *township*.

It might be thought that the temporary tenure is less favourable to cultivation than hereditary property. And certainly the latter is the best possible stimulus to labour when the owner himself cultivates; but when land is let, however long the lease may be, the guarantee is less secure than the tenure for life in the Allmend.

There is another more important consideration. Individual property admits of the monopolisation of land, and then tenants become wholly defenceless against the hard law of competition. With communal property divided among all the inhabitants, the land remains in the hands of those who make it yield what it does, which is at once more just and more favourable to social interests. What a contrast between the condition of the inhabitants of a Swiss village and that of the tenants of a village belonging to an English landlord! Certainly many large landed proprietors in England and in Scotland have done much for the improvement of the soil, and invested in it immense capital, which gives them only a very small or no return. But the Swiss peasants enjoy the integral fruits of their labour; they have wood from the forest, hay from the meadows, fish from the streams, and the entire harvests; whereas the Scotch crofters are forced to deliver up the entire net produce of their labour, which is spent in large capitals or abroad. Village communities are a sort of co-operative agricultural societies, which have been preserved since the most primitive ages, and which are based on hereditary customs. The object pursued by certain reformers is therefore attained here.

As the two most eminent politicians of ancient and modern times, Aristotle and Montesquieu, demonstrated, the greatest danger which menaces the maintenance of democracy is the too great inequality of fortunes. Machiavelli expresses this truth very clearly:—"In all republics, when the struggle between patricians and plebeians, between the aristocracy and the people, is at an end, and democracy has gained the upper hand, there remains still a state of opposition, which finishes only with the republic itself—the strife between the rich and the poor, between those who have and those who have not." By giving to each family in the village a share of the collective estate,

the Allmend prevents excessive inequality opening an abyss between the upper and lower orders of society. The strife between rich and poor cannot, under these circumstances, bring about the ruin of democratic institutions, because no one is very poor and no one very rich. Visit the canton of Unterwalden, or the Black Forest, or Norway; property is in no danger. Why should it be? Who would be likely to threaten it? Every man is himself a landowner. In the United States, in Servia, and in some few other countries, efforts are being made to attain a similar result by the enactment of laws insuring to each family a homestead not liable to seizure or confiscation under any circumstances; but the Allmend is preferable, for as it belongs to the commune, any general ameliorations or improvements are carried out under its direction, and the whole is regularly supervised and kept in proper order.

When private property is concentrated in a few hands, by entail and laws such as in England leave intestate's property to the eldest son, the principle of ownership in land comes to be violently assailed, and leveling legislative measures are proposed, as I have shown in my essay of the Cobden Club volume on *Land Tenure in various Countries*. If, on the contrary, the inheritance is equally divided between all the children, as in France or Belgium, properties may become so cut up that they may be said to crumble to ashes. When the commune regulates divisions it prevents excess in this "chopping-up" process. A limit has been fixed in this way more than once in both Baden and Wurtemberg. Careful cultivation of the Allmend can also be encouraged, on the one hand by offering every year prizes for the plots the best cared for, and on the other by exacting a fine or a diminution of their share from those who have neglected their land.

I do not myself go so far as to believe that the Allmend would prove a complete solution of what is called the social question, for I do not think a receipt exists capable of at once curing humanity of the evils and iniquities with which it is afflicted, and which are the unhappy consequences of a long past of violence, usurpation, and misgovernment. Improvements can only be made slowly and progressively, and it would be an important step in the right direction, if an institution which secures a more equal distribution of property, and opposes an obstacle to pauperism and to agricultural labourers abandoning their villages, were to become generalised. But it will be objected that humanity will not admit of archaic customs, which characterized the earliest days of civilisation, being re-established. My reply to this is that democracy and direct government, which are to all appearance the latest stage attained by the present social evolution, are a mere return to the political organization of primitive societies. *Multa quæ cecidere renascentur.*

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