

50190

SERVANTS OF INDIA SOCIETY'S LIBRARY,
POONA 4.

FOR INTERNAL CIRCULATION

To be returned on or before the last date stamped below

23 MAR 1958

Dhananjayrao Gadgil Library



GIPE-PUNE-050190

THE ORIGIN OF PROPERTY IN LAND

By FUSTEL DE COULANGES

TRANSLATED BY MARGARET ASHLEY

WITH AN INTRODUCTORY CHAPTER ON
THE ENGLISH MANOR

By W. J. ASHLEY, M.A.

PROFESSOR OF POLITICAL ECONOMY IN THE UNIVERSITY OF TORONTO,
LATE FELLOW OF LINCOLN COLLEGE, OXFORD



THIRD IMPRESSION

LONDON
SWAN SONNENSCHN & CO., LIM.
NEW YORK: CHARLES SCRIBNER'S SONS

1904

X9(U): (23, 211)

D4

50190

PREFACE.

THE Essay by the late M. Fustel de Coulanges, here translated, appeared in the *Revue des Questions Historiques* for April, 1889. It seemed especially suitable for translation; since it presented in a comparatively brief compass all the main arguments of that great historian against the various attempts which have been made to support the theory of primitive agrarian communism by an appeal to historical records. The translation has been made with the consent of Madame Fustel de Coulanges; and it has benefited by the suggestions of M. Guiraud, an old pupil of the author, and now "Chargé de Cours" at the Sorbonne. The presentation of the Essay in an English dress has been deemed a suitable occasion to estimate the bearing of its arguments on early English social history, and to review in the light of it the evidence now accessible as to the origin of the English manor.

W. J. A.

M. A.

TORONTO,
January 21, 1891.

50190

CONTENTS.



	Page
THE ENGLISH MANOR - - - - -	vii
THE ORIGIN OF PROPERTY IN LAND - - - -	i
THE THEORY OF MAURER AS TO COMMUNITY OF LAND AMONGST THE GERMANIC NATIONS -	3
THE THEORY OF M. VIOLLET AS TO COMMUNITY OF LAND AMONGST THE GREEKS - - -	73
THE THEORY OF M. MOMMSEN AS TO COMMUNITY OF LAND AMONGST THE ROMANS - - -	100
OF THE COMPARATIVE METHOD - - - -	106
THE THEORY OF M. DE JUBAINVILLE AS TO COM- MUNITY OF LAND AMONG THE GAULS - -	132
CONCLUSION - - - - -	149

INTRODUCTORY CHAPTER.

THE ENGLISH MANOR.

IN spite of all the labour that has been spent on the early history of England, scholars are at variance upon the most fundamental of questions: the question whether that history began with a population of independent freemen or with a population of dependent serfs. Nothing less than this is at issue in the current discussions as to the existence of the "mark" and the origin of the manor; as well as in the discussions, at first sight of less significance, as to the character of our mediæval constitution. Neither for the government of the parish nor for the government of the nation is it possible to construct an historical theory which does not rest, consciously or unconsciously, on some view as to the position of the body of the people.

The opinion almost universally accepted four or five years ago was to this effect: that the English people, when it came to Britain, was composed of a stalwart host of free men, who governed themselves by popular national councils, administered justice by popular local assemblies, and lived together in little village groups of independent yeomen. It was, indeed, recognised that there were gradations of rank—*eorl* and *ceorl*, and the like,—and that some indi-

viduals were unfortunate enough to be slaves. But these and similar facts were not supposed to affect the general outlines of the picture; and even those writers who expressed themselves most guardedly as to this "primitive Teutonic polity," proceeded by the subsequent course of their narrative to assume it as their starting point. And looking back on the intellectual history of the last fifty years, we can easily trace the forces which assisted in giving this view currency. To begin with, the historical movement of this century was undoubtedly the offspring of Romanticism; and with Romanticism the noble independence of the unlettered barbarian was an article of faith. Moreover, the discovery of modern constitutionalism "in the forests of Germany" harmonised with a comfortable belief, which was at one time very common. This was the belief to which Kingsley gave such eloquent expression, that the barbarian invasions were the predestined means of bringing into the effete civilisation of Rome the manly virtues of the North. For England the theory had the additional charm, during a period of democratic change, of satisfying that most unscientific but most English desire, the desire for precedent. An extension of the suffrage rose far above mere expediency when it became a reconquest of primitive rights.

But, though we can understand how it was that historians came to discover the imposing figure of the

free Teuton, it does not necessarily follow that they were mistaken. The disproof must be accomplished, if at all, by erudition equal to that by which the doctrine has been supported; and it has been the task of M. Fustel de Coulanges to assail with enormous learning and a cogent style almost every one of those propositions as to early mediæval constitutional history, which we were beginning to deem the secure achievements of German science.

There was a great contrast, both in their character and in the reception afforded to them, between the earlier and the later works of M. Fustel. He gained his reputation, in 1864, by his *Cité Antique*, a book wherein, unlike his later insistence on the complexity of institutions, he used one simple idea—that of the religion of the family—to solve most of the problems presented by ancient civilisation. It gained immediately an extraordinary success; especially in England, where it fell in with all that current of thought which was then beginning to turn into the direction of social evolution, comparative politics, and the like. For a year or so, the final piece of advice which schoolmasters gave to men who were going up for scholarships at the Universities was to read the *Cité Antique*.

Then for several years M. Fustel was not heard from, at any rate in England; although it might have been seen by occasional articles in the *Revue des Deux Mondes*

and elsewhere that he was devoting himself to the early Middle Ages. In 1875 appeared the first volume of a *Histoire des Institutions politiques de l'ancienne France*, reaching to the end of the Merovingian period. But further investigation and the controversy to which the book gave rise made him resolve to go over the ground again more minutely in a series of volumes. Meanwhile he issued in 1885 his *Recherches sur quelques problèmes d'histoire*. With the modest declaration that before attempting to write the history of feudalism—"un corps infiniment vaste, à organes multiples, à faces changeantes, à vie complexe"—it was necessary to consider some preliminary questions, he threw down the gauntlet to the dominant school. He challenged the whole theory of primitive German life which was fondly supposed to rest on the authority of Cæsar and Tacitus; he showed how little evidence there was for the supposed existence of popular courts of justice; he traced the growth of the class of *coloni* or semi-servile peasants under the later Roman empire, in a way which suggested that they must have played a far more important part in subsequent social development than is usually assigned to them; and, finally, he denied altogether the existence of that free, self-governing village community with common ownership of the village lands, which Maurer had made familiar to us as the *mark*. His antagonism to German scholars was evidently

sharpened by national antipathy: like his countrymen in many other departments of science, he was bent on proving that France could beat Germany with its own peculiar instruments of patient scholarship and minute research. It is turning the tables with a vengeance, when the Frenchman shakes his head, with much apparent reason, over the inexplicable rashness of his German brethren.

Having thus cleared the way, M. Fustel began to put together his materials for the great work of his life, the *Histoire des Institutions Politiques*, in its new form. He had issued one volume and prepared for publication a second when he was prematurely lost to the world. His pupils have, indeed, been able to put together a third volume from his manuscript and from earlier articles; and a fourth and fifth are promised us. But these fragmentary sketches, written many of them under the shadow of approaching death, are only slight indications of what M. Fustel might have done for mediæval history. Nevertheless, his work, incomplete as it is, is of the utmost weight and significance; in my opinion, it has done more than that of any other scholar to bring back the study of mediæval society, after long aberrations, to the right lines. We have to continue the work of inquiry along those lines, and in his spirit. "It is now," said he, in the Preface to the *Recherches*, "twenty-five years since I began to teach; and each year I have had the happi-

ness to have four or five pupils. What I have taught them above everything else has been to *inquire*. What I have impressed upon them is not to believe everything easy, and never to pass by problems without seeing them. The one truth of which I have persistently endeavoured to convince them is that history is the most difficult of sciences." And again, in the Introduction to *L'Alfeu*, "Of late years people have invented the word *sociology*. The word *history* had the same sense and meant the same thing, at least for those who understood it. History is the science of social facts; that is to say, it is sociology itself." "The motto he had chosen, a motto," says one of his pupils, "which sums up his whole scientific life, was *Quaero*."

It is curious to observe how slow English scholars have been to realise the importance of these recent volumes. Is it because theories of mediæval history, which are not more than twenty or thirty years old, have already hardened into dogma, and we shrink from the reconstruction which might be necessary were we to meddle with any of the corner-stones? Some consolation, however, may be found in the fact that a considerable effect has been produced by the work of an English investigator, who was quite independently arriving, though from a different point of view, at very similar conclusions. Mr. Seebohm's *English Village Community*, it is no exaggeration to

say, revealed to us, for the first time, the inner life of mediæval England. By making us realise not only how uniform was the manorial system over the greater part of England, but also how burdensome were the obligations of the tenants, it forced us to reconsider the accepted explanation of its origin. For the explanation generally accepted was that manors had come into existence piecemeal, by the gradual subjection, here in one way, there in another, of the free landowners to their more powerful neighbours. Mr. Seebohm made it appear probable that the lord of the manor, instead of being a late intruder, was from the first, so far as England was concerned, the owner of the soil and the lord of those who tilled it; that the development has been in the main and from the first an advance from servitude to freedom; and not an elevation after long centuries of increasing degradation.

Mr. Seebohm has not, perhaps, been so convincing in the explanation he has to offer of the origin of the manor; but there is now a marked tendency to accept what is, after all, his main contention—that the manorial system was in existence, not as an exceptional phenomenon, but as the prevailing form of social organisation *very soon*, at any rate, after the English Conquest. There is absolutely no clear documentary evidence for the free village community in England. As to the word *mark*, not even Kemble, who first in-

roduced it to English readers, could produce an example of its use in English documents in the sense of land owned by a community; and Anglo-Saxon scholars now point out that his one doubtful instance of *mearcmót* [A.D. 971] and his three examples of *mearcbeorh* are most naturally explained as having to do with *mark* merely in the sense of a boundary.¹ Not only is there no early evidence; the arguments based on supposed survivals into later times seem to melt away on close examination. It has, for instance, been maintained that even in the Domesday Survey there are traces of free communities. But the supposed Domesday references are of the scantiest, and certainly would not suggest the mark to anyone who was not looking for it. Most of them seem easily susceptible of other interpretations; in some of them we probably have to do with two or three joint-owners, in others very possibly with villages where the lord has been bought out.² Another and more usual argument is derived from the Court Baron, which was described by later legal theory as absolutely essential to a manor, and yet of such a constitution that it could not be held unless there were at least two free tenants to attend it. But legal his,

¹ Earle, *Land Charters*, p. xlv.

² Cf. Southbydyk in *Boldon Book*, Domesday, iv. 568; and Nasse's remarks (*Agricultural Community*, p. 46) as to cases of purchase in Mecklenburg.

torians are beginning to regard the Court Baron as not at all primitive, but rather as a comparatively late outcome of feudal theory.¹

It must be granted that there is little direct evidence prior to the 9th century in disproof of the free community; but all the indirect evidence seems to tell against it. Gibbon long ago pointed out that the grant by the King of the South Saxons to St. Wilfrid, in the year 680, of the peninsula of Selsey (described as "the land of 87 families"), with the persons and property of all its inhabitants, showed that there, at any rate, there was a dependent population; especially as Bede goes on to tell us that among these inhabitants there were 250 slaves. And there are two still more considerable pieces of evidence to which due attention has hardly been given. The one is that the great majority of the early grants of land, beginning as early as 674, expressly transfer with the soil the cultivators upon it, and speak of them by precisely the same terms, *cassati* and *manentes*, as were in contemporary use on the Continent to designate prædial serfs.² The other is that, as in the rest of Western Europe the whole country was divided into *villæ*, each *villa* being a domain belonging to one or more

¹ See Maitland, *Select Pleas in Manorial Courts*, Introduction; and also in *Engl. Hist. Rev.*, 1888, p. 568; Blakesley, in *Law Quarterly Rev.*, 1889, p. 113.

² Abundant instances in Earle, *Land Charters*; cf. Fustel de Coulanges, *L'Allou*, p. 377.

proprietors, and cultivated by more or less servile tenants,¹ so in Bede's *Ecclesiastical History*, written in 731, the ordinary local division is also *villa*, often specifically described as *villa regia* or *villa comitis*. He does indeed use *vicus* or *viculus* a dozen times; but in three of these cases the word *regis* or *regius* is added, and in two the term *villa* is also used in the same chapter for the same place.² These five examples, it may further be noticed, occur in a narrative of the events of the middle of the seventh century, — a period near enough to Bede's own time for his evidence to be valuable, and yet within a century and a half after the conquest of the districts in question.

The absence, however, of direct evidence in proof of the original free community in England, and the presence of much indirect evidence in its disproof, have hitherto been supposed to be counterbalanced by the well-ascertained existence of the mark among our German kinsfolk, and by the results of "the comparative method," especially as applied to India. Let us take the *markgenossenschaft* first. It is a little difficult to discover the exact relation between Kemble and

¹ See Fustel de Coulanges, *L'Alleeu*, ch. vi.

² *Hist. Eccl.*, iii., 17, 21, 22, 28. The use of the word *township* and its relation to *villa* require fresh examination in the light of our increased knowledge of Continental usage. *Tunscip* apparently first appears in Alfred's translation of Bede, at the end of the ninth century; and its first and only appearance in A.S. law is in Edgar iv. 8, in the second half of the tenth. Schmid, *Gesetze der Angelsachen*, Gloss. s. v.

Maurer; but the obvious supposition is that it was from Maurer that Kemble derived his main idea; and it has usually been supposed that however Kemble may have exaggerated the action of the mark in England, in Germany it could be traced with unhesitating certainty. This is what, to Englishmen, gives especial interest to the essay of M. Fustel de Coulanges translated in the present volume.

M. Fustel begins with the ironical announcement that he does not intend to criticise the theory of the mark in itself, but only to examine the documentary evidence alleged in its favour, and to determine whether such evidence can fairly be given the construction that Maurer puts upon it. But here M. Fustel does some injustice to himself; for in following a detailed criticism of this character the reader is apt to overlook or forget the really important points which the writer succeeds in establishing. It may be well to state these points in our own way and order, as follows: (1) That the mark theory derives no direct support from the language of Cæsar and Tacitus; (2) That the word *mark* in early German law means primarily a boundary, usually the boundary of a private property; and then, in a derivative sense, the property itself, a domain such as in Gaul was called a *villa*; (3) That early German law is throughout based on the assumption of private property in land, and never upon that of common owner-

ship, whether by a whole people or by a village group; and that whatever traces there may be of earlier conditions point to rights possessed by the *family* and not by any larger body; (4) That the one direct proof of a custom of periodical redistribution of the village lands is derived from an evident blunder on the part of a copyist; and that the rest of the evidence has nothing at all to do with periodical divisions; (5) That the term *common* as applied to fields and woods in early German law means common to, or shared by two or more individual owners; (6) That the *commons*, *allmende*, *common of wood* and similar phrases, which occur frequently in documents of the ninth and succeeding centuries, point to a customary right of use enjoyed by tenants over land belonging to a lord; and that there is no evidence that the tenants were once joint *owners* of the land over which they enjoyed such rights; (7) That there is no evidence in the early Middle Ages of mark assemblies or mark courts; and finally, the most important point of all, (8) That to judge from the earliest German codes, great states cultivated by slaves or by various grades of semi-servile tenants were the rule rather than the exception even at the beginning of the Middle Ages. Professor Lamprecht, whom M. Fustel treats as a mere follower of Maurer, is naturally sore at the treatment he here receives; and indeed his great work on German economic history is

of the utmost utility as a collection of facts relative to later centuries, even though he does start with the assumption of the mark. But it is scarcely an answer to M. Fustel to argue, as Professor Lamprecht does,¹ that nothing depends on the word "mark;" and that the chance absence of a modern technical term from our meagre evidence does not prove the non-existence of the thing it is used to designate. For our evidence is not meagre; and M. Fustel proves not only the absence of the name, but also the absence of all the alleged indications of the existence of the thing.

The second line of defence is the evidence of "comparative custom." India, at any rate, it is urged, displays the village community: there we may see, crystallised by the force of custom, conditions which in Europe have long since passed away. Now it is, of course, true that the village is "the unit of all revenue arrangements in India;"² that, over large districts, cultivation is carried on by village groups; and that in some provinces, notably the Punjab, this village group is at present recognised as the joint owner of the village lands. But it is a long step from this to the proposition that "the oldest discoverable forms of property in land," in India, "were forms of collective property;"³ and that all existing rights of private

¹ *Le Moyen Age* for June, 1889, p. 131.

² Sir George Campbell in *Tenure of Land in India*, one of the essays in *Systems of Land Tenure* (Cobden Club).

³ Maine, *Village Communities*, p. 76; *Ancient Law*, p. 260.

ownership have arisen from the break-up or depression of the original communities. The truth is, that of late years Indian facts have been looked at almost exclusively through the spectacles of European theory. Now that the mark is receding into improbability, it is urgently to be desired that Indian economic history should be looked at for what it will itself reveal.¹ It would be unwise to anticipate the results of such an investigation. But there is one preliminary caution to be expressed ; we must take care not to exaggerate the force of custom. Professor Marshall, in his recent great work, has indicated some of the reasons for believing that custom is by no means so strong in India as is generally supposed ;² and it is to be hoped that he will see his way to publishing the not-inconsiderable mass of evidence that he has accumulated.

As to supposed analogies with the mark in the practices of other peoples, all that can be said at this stage is that most of them prove only a joint-cultivation and not a joint-ownership. Thus, the Russian *mir*, which is often referred to in this connection, has always in historical times been a village group in serfdom under a lord : the decree of Boris Godounoff, frequently spoken of as the origin of serfdom, in that it tied the cultivators to the soil, may much more readily be explained as an attempt to hinder a movement towards freedom. It was

¹ See Note A. ² *Principles of Economics*, p. 682, n.

indeed in all probability a measure somewhat similar in character to the English "statutes of labourers."¹ With regard to the various more or less savage peoples, who are said to live under a system of common village ownership, the bulk of the evidence is, as M. Fustel observes, of the most unsubstantial character. There are lessons in the work of M. Emile de Laveleye which M. Fustel fails to recognise; and to these we shall return; but to the main proposition which it was intended to prove, M. de Laveleye's book can hardly be regarded as adding much strength.

We see, then, that there is no very adequate reason, either in German, Indian, Russian, or any other supposed analogies, why we should not suffer ourselves to be guided in our judgment as to England by English evidence. And this evidence, as we have seen, would lead us to the conclusion that very soon after the English Conquest, if not before, the manor was the prevailing type of social organisation. The further question still remains, what was its origin? This is a question which cannot as yet be answered with certainty; but we are able to point out the possible alternatives. For this purpose we must look for a moment at each of the peoples that have succes-

¹ An account of it will be found in Faucher's essay on *Russia in Systems of Land Tenure*; compare the English statute of 1388 in *St. of the Realm*, ii. 56. See Note B.

sively occupied England. Fortunately, there is no need to go back to the very beginning, to the palæolithic inhabitants of Britain who dwelt in the caves and along the river-shores. Scanty in number, they were extirpated by the more numerous and warlike race that followed; very much as the Esquimaux, the kinsfolk, as it would seem, of prehistoric cave-men, are being harried out of existence by the North American Indians. There seems no reason to suppose that these people contributed in any measure to the formation of the later population of England.¹ But with the race that took their place, a race of small stature and long heads, the case is different. Ethnologists have long been of opinion that these pre-Aryans were to a large extent the ancestors of the present inhabitants of Western Europe; and they have of late won over to their side a rising school of philologists,² some of whom go so far as to explain the whole of modern history as the outcome of a struggle between a non-Aryan populace and a haughty Aryan aristocracy.³ Without admitting any such hazardous deductions, we may accept the statement that the blood of these pre-Aryan people—Iberians, as it has become usual to call them—is largely represented in the

¹ Boyd Dawkins, *Early Man in Britain*, p. 242.

² See the summary of recent philological discussion in Isaac Taylor, *Origin of the Aryans*.

³ Prof. Rhys in *New Princeton Review* for Jan., 1888.

English nation of to-day. Mr. Gomme has accordingly hazarded the supposition that our later rural organisation is in part derived from the Iberian race. He maintains that the traces of "terrace-cultivation," which we come across here and there in England and Scotland, point to a primitive Iberian hill-folk, whose "agricultural system," in some unexplained way, "became incorporated with the agricultural system of the," later Aryan, "village community."¹ His argument turns chiefly on certain alleged Indian parallels. But even if his examples proved the point for India, which is hardly the case, there is in Britain certainly no evidence for Mr. Gomme's contention. If the terrace-cultivation is to be assigned to a prehistoric people, the archæological data would apparently place it in the bronze period²—an age long subsequent to the Celtic immigration. And it will be seen from what we have to say of the Celtic inhabitants at a much later period that it is hardly worth while to dwell upon the possibilities connected with their predecessors.

For, to judge from the account given by Cæsar³—who had abundant opportunities of observation—the Britons, at the time of his invasion, were still, except in Kent, in the pastoral stage. After speaking of the

¹ *Village Community* (1890), p. 71.

² Wilson, *Prehistoric Annals of Scotland*, vol. i. p. 492.

³ *De Bello Gallico*, v. 14.

inhabitants of Kent as far more civilised than the rest, he goes on to say, "most of those in the interior sow no corn, but live on flesh and milk." Even if his statement is not to be taken literally, there is this further reason for believing that the village community was not in existence among the Britons, *viz.*, that it did not appear in those parts of the British Isles of which the Celts retained possession until after they became subject to external influences at a much later date. Neither in Wales, nor in the Highlands, nor in Ireland, can we find the village community until modern times.¹ There was, indeed, some agriculture even when the life was most pastoral. This agriculture was carried on upon the "open-field" plan. There was, moreover, a large number of dependent cultivators. But there was nothing like the village group as it was to be found in mediæval England.

When, however, we pass to the three centuries and a half of Roman rule, we can hardly help coming to the conclusion that it was during that period that England became an agricultural country; nor is it easy to avoid the further conclusion that the agricultural system then established remained during and after the barbarian invasions. Take first the evidence for the extension of agriculture. Some thirty years after Claudius first set about the conquest of Britain, and but seventeen years after the suppression of the

¹ Seebohm, *V.C.* 187, 223.

rebellion of the southern tribes led by Boadicea, Agricola became proconsul of Britain. Now, it appears from the account given by his biographer, Tacitus, that even as early as this the Roman tribute was collected in the form of corn. But we may gather that the cultivation of corn was only gradually spreading over the country; for we are told that Agricola had to interfere to prevent extortionate practices on the part of the revenue officers, who were in the habit of forcing the provincials to buy corn at an exorbitant rate from the Government granaries, in order to make up the prescribed quantity.¹ We may conjecture that the extension of agriculture was itself largely owing to the pressure of the Roman administration. But to whatever it may have been due, before the Roman rule had come to an end Britain had become celebrated for its production of corn. On one occasion, A.D. 360, the Emperor Julian had as many as eight hundred vessels built to carry corn from Britain to the starving cities on the Rhine. But by whom was the corn grown? We can hardly doubt that it was raised in Britain, as in other Roman provinces, on great private estates, surrounding the *villas* of wealthy land-owners, and cultivated by dependants of various grades—*coloni*, freedmen, slaves. Remains of Roman villas are scattered all over the

¹ *Agricola*, Chap. xix., and see the note in the edition of Church and Brodribb.

southern counties of England,¹ far too closely adjacent one to another to allow us to think of the life of Britain as "mainly military," or to look upon Britain as "a Roman Algeria."² It would be absurd to suppose that these villas were all the residences of wealthy officers or of provincials who derived their income from official emoluments. We should be justified, even if we had no direct information, in supposing that the *villa* meant in Britain very much what it meant in Gaul and elsewhere; but, as it chanced, a decree of Constantine of the year 319 does actually mention *coloni* and *tributarii* as present in England;³ and both these terms indicate classes which, whether technically free or not, were none the less dependent on a lord and bound to the soil. And we can readily see how such a class would grow up. Some of the *coloni* may, as in Italy, have originally been free leaseholders, who had fallen into arrears in the payment of their rent. But there is no necessity for such a supposition. Among the Gauls, as Cæsar tells us, the only classes held in honour were the druids and the knights (*equites*). "The people" (*plebes*), he says, "are regarded in much the same light as slaves, without any initiative or voice in public affairs; and many of them are forced by debt,

¹ How thickly the villas were scattered over the country is shown by Wright, *Celt, Roman and Saxon* (3rd ed.), pp. 227 *seq.*

² These are the phrases of Green, *Making of England*, pp. 6, 7.

³ Quoted in Seebohm, 294 n. 3.

or the pressure of taxation, or even by violence, actually to become the slaves of the more powerful."¹ In all probability the Romans found "knights" and "people" in the same relative position in Britain; and, indeed, when the unconquered tribes of Ireland and Wales come within the ken of history we find among them a large class of servile cultivators below the free tribesmen.² Whatever may have happened to the "knights," the "people" would easily become serfs bound to the soil on the various villas. Then, again, it must be noticed that it was the constant policy of the Roman emperors to provide for the needs both of agriculture and of military service by transporting conquered barbarians to distant provinces, and settling them on vacant or uncultivated lands. M. Fustel de Coulanges in his *Recherches*³ shows that these barbarians were by no means turned into peasant proprietors; they became tenants, bound to the soil, upon the imperial domains or the estates of great proprietors. Britain enjoyed its share of the fruits of this policy; for in the later part of the second century Antoninus sent to Britain a number of Marcomanni; a century later, Probus transported hither a number of Burgundians and Vandals; and Valentinian, still a century later,

¹ *De Bello Gallico*, vi. 13.

² For Ireland, see Skene, *Celtic Scotland*, iii. pp. 139-140, 146; for Wales, A. N. Palmer, *Hist. of Ancient Tenures in the Marches of North Wales* [1885], pp. 77, 80.

³ Pp. 43 seq.

sent a tribe of the Alamanni.¹ There is, therefore, no difficulty in accounting for the growth of a population of prædial serfs during the period of Roman rule.

If, however, we suppose that Southern Britain was divided during the period of Roman rule into estates cultivated by dependent tenants and slaves, there is much that would lead us to believe that the Roman agricultural system was retained by the English conquerors; even though, in the present state of our knowledge, we cannot directly prove continuity. The first and most important consideration is this: the English manorial system was substantially, and, indeed, in most of its details, similar to that which prevailed during the Middle Ages in Northern France and Western Germany. But these Continental conditions—it has, I think, conclusively been proved—were the direct continuation of conditions that had prevailed under Roman rule.² The natural conclusion is that what is true of the Continent is true also of England. This conviction is confirmed by looking at two of the fundamental characteristics of the English manor. The distinction between land *in villenage* and land *in demesne*—the latter cultivated by the tenants of the former, but yet kept in the lord's hands—is to be found in the mediæval manor, and in the

¹ References in Seebohm, pp. 283, 287.

² Fustel de Coulanges, *L'Alleu et le Domaine Rural* (1889), pp. 34, 207, 227 *seq.*

Roman villa.¹ It is not to be found either in the tribal system of Wales,—which we may look upon as indicating the condition to which the Celtic inhabitants of Britain might have arrived if left to themselves; nor in Tacitus' account of the ancient Germans, which probably furnishes us in general outline with a picture of the social organisation which the English brought with them. Both in Wales and among the ancient Germans there were slaves working in their masters' houses, or on their farms, and there were also servile tenants paying dues in kind; but in neither case was there an obligation on the part of a tenant to labour on any other land than his own holding.

Another feature of the English manor was the division of its arable lands into three fields, with a regular rotation of crops, and with one field out of the three always fallow. Occasionally only two fields are to be found, sometimes as many as four; but by far the most usual number was three.² Now it is a very significant fact that the three-field system has never been at all general in North-Western Germany, or in Jutland, the regions from which the English undoubtedly came; and it is for this reason that Professor Hanssen—who has given his

¹ *Ibid.*, pp. 80 *seq.*

² This was pointed out, in correction of Rogers, by Nasse, *Agric. Community of M. A.*, pp. 52 *seq.*

whole life to the study of the agrarian history of Germany, and who is certainly not biassed by any antipathy to the mark theory—declares that the English cannot have brought the three-field system with them to Britain. Two hypotheses are tenable: either that it grew up in later centuries to meet the special needs of the country; or that it was found there when the English came. That this latter hypothesis is most probable would seem to be indicated by the fact that the region in Germany where it has been most widely prevalent is precisely that which was most Romanised, *viz.*, the South West.¹ We need not follow Mr. Seeböhm in his ingenious attempt to show how it grew up in Southern Germany; it is sufficient for our present purpose to point out that the fact, however it may be explained, strengthens the probability that Roman influence had a good deal to do, in Britain also, with the creation of the conditions which we find in after times.

There are, therefore, many reasons for maintaining the permanencè in Britain of the *villa* organisation; and we have seen above that while there are no clear traces of the *free* community, there are traces of what is afterwards called the manor, within a couple of centuries after the English conquest. These two lines of argument converge toward the conclusion that

¹ The bearing of these facts was first pointed out by Mr. Seeböhm, *V.C.* pp. 372-4.

the manorial system dates in the main from the period of Roman rule. But this conclusion does not absolutely determine the other question, which has been so warmly debated, as to the race to which we are to assign the mass of the later population. It is expedient to narrow our inquiry to the southern and midland shires of England; leaving out of consideration not only Wales, but also the south-western peninsula, in which there is undoubtedly a preponderance of Celtic blood, and those eastern and northern counties in which there was a considerable Danish settlement. When we have solved the main problem, it will be early enough to consider these lesser difficulties. Unfortunately, even on the main problem there is much to be done before we can venture on a positive answer; and there need be no haste to come to a decision. For the economic historian the question is one of subordinate importance. If he is allowed to take for his starting point, as the result of recent discussion, that English social history began with (1) the manor, (2) a population of dependent cultivators, it matters but little to him what may have been the origin of the population. The present position of the question may, however, be stated in some such way as this. We can hardly suppose a continuity in system unless a considerable number of the old cultivators were left to work it. The reasonableness of such a supposition

has been obscured by its unfortunate association by certain writers with the wild idea that the whole fabric of Roman society and political machinery survived the English conquest. There is absolutely no good evidence for such a survival; and Mr. Freeman has justly pointed out¹ that, had it been the case, the subsequent history of Britain would have resembled that of Gaul, instead of forming a marked contrast to it. But the disappearance of the Roman political organisation, and the destruction on the battlefield of Roman or Romanised land-owners, is not inconsistent with the undisturbed residence upon the rural estates of the great body of actual labourers. The English had been far less touched by Roman civilisation than the Franks; they met with a resistance incomparably more determined than that offered by the Provincials to the barbarians in any other part of the empire; and they remained Pagan for more than a century after the invasion. These facts sufficiently explain the savagery which distinguished the English from the Frankish invasion. But however terrible the English may have been in their onslaught, it was obviously for their interest, while taking the place of the landlords, to avail themselves of the labour of the existing body of labourers. And if the Roman upper class was killed out in England and not in Gaul, this would furnish a fairly adequate

¹ Most recently in *Four Oxford Lectures* (1887), pp. 61 seq.

explanation of the fact that in Gaul the language of the conquered is spoken, and in England that of the conquerors.

It is reassuring to find, on referring to Gibbon's chapter on the English conquest of Britain, that this conclusion agrees with the judgment of one "whose lightest words are weighty."¹ Gibbon dwells as strongly as anyone could wish on the thorough character of the English operations: "Conquest has never appeared more dreadful or destructive than in the hands of the Saxons." He lays due stress on the fate of Andredes-Ceaster: "the last of the Britons, without distinction of age or sex, was massacred in the ruins of Anderida; and the repetition of such calamities was frequent and familiar under the Saxon heptarchy." He asserts, with vigorous rhetoric, that a clean sweep was made of the Roman administrative organisation:

"The arts and religion, the laws and language, which the Romans had so carefully planted in Britain, were extirpated by their barbarous successors. . . . The kings of France maintained the privileges of their Roman subjects, but the ferocious Saxons trampled on the laws of Rome and of the emperors. The proceedings of civil and criminal jurisdiction, the titles of honour, the forms of office, the ranks of society . . . were finally suppressed. . . . The example of a revolution, so rapid and so complete, may not easily be found."

Nevertheless, he does not agree with those who hold that such a revolution involved either the "extirpa-

¹ Freeman, *Norman Conquest*, vol. v. ch. xxiv. p. 334.

tion" or the "extermination" or even the "displacement" of the subject population.

"This strange alteration has persuaded historians, and even philosophers" (an amusing touch) "that the provincials of Britain were totally exterminated; and that the vacant land was again peopled by the perpetual influx and rapid increase of the German colonies. . . . But neither reason nor facts can justify the unnatural supposition that the Saxons of Britain remained alone in the desert which they had subdued. After the sanguinary barbarians had secured their dominion, and gratified their revenge, it was their interest to preserve the peasants as well as the cattle of the unresisting country. In each successive revolution the patient herd becomes the property of its new masters; and the salutary compact of food and labour is silently ratified by their mutual necessities."¹

A weightier argument than that of language has been based on the history of religion. Little importance, indeed, can be attached to the fact that in Gaul there was no break in the episcopate or in the diocesan system, while in England both needed to be re-established by Augustine and Theodore. For even if the diocesan system had existed in Britain before the English invasion—which is doubtful²—it would disappear with the destruction of the governing classes. It is a more important consideration that if Britain had been thoroughly Christianised, and if a large Christian population had continued to dwell in the country, we should surely have had some reference to these native Christians in the accounts we subsequently

¹ *Decline and Fall*, ch. xxxviii.

² See Hatch, *Growth of Church Institutions*, pp. 15, 39.

obtain of the conversion of the English. But we know very little of British Christianity; it might have been strong in the cities, and even among the gentry in the country, without having any real hold upon the rural population—the *pagani* as they were called elsewhere. Dr. Hatch, speaking of the condition of Gaul when the Teutonic invasions began, has told us that the mass of the Celtic peasantry was still unconverted.¹ And this is still more likely to be true of Britain. Even if nominally Christian, half-heathen serfs, left without churches or priests, would soon relapse into paganism; especially as it would be their interest to accept the religion of their conquerors. The exact force of the argument as to religion must be left as undetermined.

There is another source of information to which we might naturally turn, considering how much has been heard of it of late years. We might expect some assistance from "craniology:" the character of the skulls found in interments of the period of the English settlement ought to tell something as to the races to which they belonged. But although much attention has been given to *pre-historic* barrows, there has been comparatively little scientific examination of cemeteries of a later date. There are, at present, not enough ascertained facts to speak for themselves; and such facts as have been gathered have usually been interpreted in the light of some parti-

¹ *Ibid.* p. 10.

cular theory. When we find the late Professor Rolleston telling us that there are as many as five distinct types of skull belonging to inhabitants of Britain just before the English invasion, as well as two separate types of English skulls,¹ we see how wide a room there is for conjecture. Yet from his careful investigation of a Berkshire cemetery, which was probably characteristic of mid-England as a whole, there are two results on which we may venture to lay stress. One is that such evidence as it furnishes runs counter to the theory of intermarriage,² which has been so frequently resorted to in order to temper the severity of the pure Teutonic doctrine. This is intelligible enough. If the mass of the lower people were allowed to remain, while the place of the upper classes was taken by the English invaders, intermarriage would seldom take place. The other is that there are abundant relics, among the English graves, of a long-headed race, which can fairly be identified with the Iberian type as modified by increasing civilisation; and but scanty relics of the broad-headed Celt.³ This fits in very readily with the supposition that under the Celtic, and therefore under the Roman rule, the cultivating class was largely composed of the pre-Celtic race; and allows

¹ *Archæologia* xlii. espec. pp. 464-465.

² *Ibid.* p. 459.

³ *Ibid.* 464. Cf. for traces of Iberians in other districts, Greenwell and Rolleston, *British Barrows*, p. 679.

us to believe that the agricultural population was but little disturbed.

But though the cultivators already at work were probably left as they were, it is very likely that they were joined by many new-comers. We can hardly suppose that *free* English warriors would have settled down at once as tillers of the soil, toiling half the days of the week on land not their own. But Tacitus describes a class of persons among the Germans whom he repeatedly calls *slaves*, and speaks of as subject to the arbitrary authority of their masters. They were not, he expressly says, employed in gangs, as on a Roman villa; but each man had his own house and family, and rendered to his master no other service than the periodical payment of a certain quantity of corn, or cattle, or cloth. He goes so far as to compare this class with the Roman *coloni*, though they differed from them in not being *legally* free. He calls our attention further to the presence of a number of *freedmen*, occupying a position but little above that of slaves. There is no reason at all to suppose that Tacitus regarded these slaves and freedmen as few in number. And if there were slaves and freedmen in the same position among the invading English, they would readily fall into the ranks of the servile cultivators.¹

¹ *Germania*, cc. 24, 25; and see the commentary of Fustel de Coulanges in *Recherches*, pp. 206-211.

On the whole, we may conclude that the main features of the later manorial system were of Roman origin, and that a large part—how large we are unable to say—of the working population was of Provincial blood. But it does not follow that every later manor represents a Roman villa, or that all the Roman estates had the extent of the manors which now represent them. In both of these directions there was opportunity for much later development: many new manors were doubtless created on new clearings, and many old manors were enlarged. It would be easy enough to create fresh servile tenancies if there was a large body of slaves; and such there certainly was even in the early centuries of the English occupation. One of the most unfortunate consequences of the mark theory has been to create a vague impression that any condition lower than absolute freedom was altogether exceptional in early English society. But we can hardly turn over the old English laws without seeing that this could not have been the case. Not only is there frequent reference to slaves, but manumission occupies as prominent a position as in the Continental codes, was accomplished by ceremonies of a similar character, and brought with it the same consequence in the abiding subjection of the freedman to his former master.¹ As

¹ The passages relating to the subject are brought together in a volume of old-fashioned learning—*A Dissertation upon Distinctions in Society and Ranks of the People under the Anglo-*

on the Continent also, the Church interfered for the slave's protection, and endeavoured to secure for him a property in the fruits of his labour.¹ It is not necessary to revert to the discussion as whence this class came. It is enough to point to it as explaining the extension of the manorial system. It will, however, be noticed that every fresh proof that the conditions of society in England were similar to those on the Continent strengthens the argument of the preceding pages.

There is one further element in the problem which must not be overlooked. Mr. Seebohm's doctrine that the later villeins were descended from servile dependants has perhaps led some to suppose that the only alternative to the mark theory is the supposition that the villeins of the Middle Ages were all the descendants of slaves. But here the analogy of Continental conditions is again of use. Though there is no trace of the free village community, at any rate in historical times, and the villa with its slaves was the germ of the later seignury; yet the servile tenants of subsequent centuries were to no small extent the descendants of *coloni*, who, though

Saxon Governments, by Samuel Heywood [1818], pp. 317 seq. 413 seq. Cf. Fustel de Coulanges, *L'Alleeu*, chaps. x., xi.

¹ *Penitential* of Theodore [xix. 20, in Thorpe, *Ancient Laws and Institutes*, p. 286; xiii. 3, in Hadden and Stubbs, *Councils* iii. p. 202]. *Penitential* of Egbert [Addit. 35, in Thorpe, p. 39L.]

bound to the soil, were still technically free, centuries after the Roman rule had passed away.¹ And so in the early English laws we find men technically free, whom, none the less, it can scarcely be exaggeration to describe as *serfs*. Such, for instance, is the free-man who works on the Sabbath "by his lord's command,"² or who kills a man "by his lord's command;"³ who pays a fine if he goes from his lord without leave;⁴ or who receives from his lord a dwelling as well as land, and so becomes bound not only to the payment of rent, but also to the performance of labour services.⁵ Yet, the *colonus* of pre-English days and his descendants might long retain a position superior to that of a slave with an allotment. In obscure differences of this kind may possibly be found the origin of the distinction between the "privileged" and "unprivileged" villeins of later centuries.⁶

¹ Fustel de Coulanges, *L'Alleu*, pp. 359, 413. Such a use of the term "free" may, perhaps, help to explain the phrase with regard to the *cotsetla* in the *Rectitudines*: "Det super heorth-penig. . . sicut omnis liber facere debet" ("eal swá celcan frigean men gebyreth"). Thorpe, p. 185.

² Thorpe, *Ancient Laws*, p. 45 (Ine, 3).

³ *Ibid.* 316 (Theodore).

⁴ *Ibid.* 55 (Ine, 39).

⁵ *Ibid.* 63 (Ine, 67).

⁶ As stated, for instance, in Britton, ed. Nicholls, ii., p. 13. Privileged villeins were, it is true, only to be found on the royal demesnes. But in the later Roman empire, the *Coloni* upon the imperial estates were an especially numerous and important class. (Fustel de Coulanges, *Recherches*, pp. 28-32). That there

It must be allowed that there is still very much that is obscure in the early history of villeinage. This obscurity may be expected to disappear as social antiquities come to be studied by scholars who are economists as well as historians. It was on the economic side, if the criticism may be ventured, that M. Fustel de Coulanges was weak. He never seemed to grasp the difference between what we may call the joint-husbandry of the mediæval village group, and the liberty of the modern farmer to make of his land what he pleases. While pointing out that M. de Laveleye does not prove common *ownership*, he fails to realise that, even if this is so, the joint-husbandry, with its appurtenant common rights, is a phenomenon of the utmost interest, and deserves careful attention. He seems to think that it explains itself; although, the more complex and the more widespread it proves to be, the less likely does it seem that it originated in the miscellaneous promptings of individual self-interest.

We may perhaps state the problem thus. In the mediæval manor there were two elements, the *seigneurial*—the relations of the tenants to the lord; and the *communal*—the relations of the tenants to one

were such imperial estates in Britain is probable; and it is made more likely by the mention in the *Notitia* of a *Rationalis rei privatae per Britannias*. At the conquest by the English, these estates would probably fall to the kings, as in Gaul. (Waitz, *Deutsche Verfassungsgeschichte*, ii., 308.)

another. The mark theory taught that the seigneurial was grafted on to the communal. The value of the work of M. Fustel de Coulanges and of Mr. Seebohm is in showing that we cannot find a time when the seigneurial element was absent; and also in pointing to reasons, in my opinion conclusive, for connecting that element with the Roman villa. But the communal element is still an unsolved mystery. Among the difficulties which lie on the surface in M. Fustel's treatment of the question, it may be worth while to mention two. He insists that the *villa* itself, from the earliest time at which it appears, has a unity which it retains throughout.¹ This seems to suggest some earlier economic formation out of which it arose; for if the villas were originally nothing more than private estates, like the estates formed in a new country in our own day, they would hardly have had such a fixity of outline. Then, again, nothing is more characteristic of the later manor than the *week-works*, the labour performed by each villien for two or three days every week on the lord's demesne. But such week-works do not appear in mediæval documents until A.D. 622.² M. Fustel hardly realises that a fact like this requires explana-

¹ *JA* *llev*, pp. 20-21.

² *Leges Alamannorum* qu. Seebohm, p. 323. It is, however, possible that the "*binæ aratoriae*," etc., on the *Salvus Buritanus* meant more than two *days*, although that is the interpretation of M. Fustel de Coulanges. See *Recherches*, p. 83.

tion; or, indeed, that such services were far more onerous than any he describes in the case of the earlier *coloni*.

Difficulties such as these can only be satisfactorily overcome by taking into account both sides of the subject—the economic as well as the constitutional or legal. Side by side with a development which combined together gangs of slaves and the households of dependent *coloni* into the homogeneous class of serfs, and then went on to make out of the mediæval serf the modern freeman, another series of changes was going on of which M. Fustel de Coulanges says nothing. It was the development from a “wild field grass husbandry,” where a different part of the area in occupation was broken up for cultivation from time to time, to the “three-field system” with its permanent arable land pasture, and then again from that to the “convertible husbandry” and the “rotation of crops” of more recent times. The task for the economic historian is to put these two developments into their due relation the one to the other.

The study of economic history is altogether indispensable, if we are ever to have anything more than a superficial conception of the evolution of society. But it must be thorough; and we must not be over-hasty in proclaiming large results. And although a principal motive for such inquiry will be the hope of obtaining some light on the direction in which change is likely to take place in the future, it will be wise

for some time to come for students resolutely to turn away their eyes from current controversies. There is a sufficient lesson in the topic we have been considering. The history of the mark has served Mr. George as a basis for the contention that the common ownership of land is the only natural condition of things; to Sir Henry Maine it has suggested the precisely opposite conclusion that the whole movement of civilisation has been from common ownership to private. Such arguments are alike worthless, if the mark never existed.

NOTE A.—ON THE VILLAGE IN INDIA.

It has been remarked above that the history of land-tenure in India calls for fresh examination, unbiassed by any theory as to its development in Europe. It may, however, be added that, so far as may be judged from the material already accessible to us, India supports the mark-hypothesis as little as England. The negative argument may be thus drawn out:—1. The village-groups under the Mogul empire were bodies of cultivators with a customary right of occupation. The proprietor of the soil, in theory and in practice, was the Great Mogul. The dispute between the two schools of English officials early in the present century as to whether the *ryot* could properly be regarded as an owner or not, arose from an attempt to make Indian facts harmonise with English conceptions. The *ryot* had, indeed, a fixity of tenure greater than that of an ordinary English tenant; on the other hand, the share of the produce which he was bound to pay to the emperor or his delegate "amounted to a customary rent, raised to the highest point to which it could be raised without causing the people to emigrate or rebel" (Sir George Campbell, in *Systems of Land Tenure*). The French traveller, Bernier,

who resided in India twelve years, and acted as physician to Aurungzebe, describes in 1670 the oppression to which the "peasantry" were subjected, and discusses the question "whether it would not be more advantageous for the king as well as for the people, if the former ceased to be sole possessor of the land, and the right of private property were recognised in India as it is with us" (*Travels*, tr. Brock, i., p. 255).

2. Can we get behind the period of Mogul rule, and discover whether it was super-imposed directly on a number of free cultivating groups, or whether it swept away a class of landlords? Such an opportunity seems to be presented by the institutions of Rajputana, which are described by Sir Alfred Lyall as "the only ancient political institutions now surviving upon any considerable scale in India," and as having suffered little essential change between the eleventh and nineteenth centuries (*Asiatic Studies*, pp. 185, 193). "In the Western Rajput States the conquering clans are still very much in the position which they took up on first entry upon the lands. They have not driven out, slain, or absolutely enslaved the anterior occupants, or divided off the soil among groups of their own cultivating families. . . . Their system of settlement was rather that of the Gothic tribes after their invasion of the Danubian provinces of the Roman empire, who, according to Finlay, 'never formed the bulk of the population in the lands which they occupied, but were only lords of the soil, principally occupied in war and hunting.' In a Rajput State of the best preserved original type, we still find all the territory partitioned out among the Rajputs, in whose hands is the whole political and military organisation. Under the Rajputs are the cultivating classes . . . who now pay land rent to the lords or their families, living in village communities with very few rights and privileges, and being too often no more than rack-rented peasantry" (*Ibid.*, p. 197). Here, it is true, we have a case of conquest by an invading race; but if this be compared with the description given by Sir William Hunter of the constitution of Orissa under

its native princes, before the period of Mahometan rule, it will be seen that the condition of the cultivators was much the same, whoever might be their masters. Orissa would seem to have been divided into two parts, the royal domain "treated as a private estate and vigilantly administered by means of land-bailiffs," and the estates of the "feudal nobility," known as Fort-holders (*Orissa*, pp. 214-219). In the petty Tributary States in the neighbourhood of British Orissa, there are said to be now no intermediary holders between the husbandman and the Rajah, "in whom rests the abstract ownership, while the right of occupancy remains with the actual cultivator." The condition of things reproduces, therefore, on a small scale and subject to British control, what was to be found on an immensely larger scale under the Mogul emperors. Whether there ever were in these districts lords of land between the prince and the peasant is not clear.

3. Sir William Hunter suggests that we can distinguish an even earlier stage. "We know," he says (p. 206), "that the Aryan invaders never penetrated in sufficient numbers into India to engross any large proportion of the soil. That throughout five-sixths of the continent, the actual work of tillage remained in the hands of the Non-Aryan or Sudra races; and that, even at a very remote time, husbandry had become a degrading occupation in the eyes of the Aryan conquerors. . . . In Orissa, where Aryan colonisation never amounted to more than a thin top-dressing of priests and *nobles*, the generic word of husbandman is sometimes used as a synonym for the Non-Aryan caste. At this day, we see the acknowledged aboriginal castes of the mountains in the very act of passing into the low-caste cultivators of the Hindu village, as soon as Hindu civilisation penetrates their glens." He thinks it probable, therefore, that the Hindu village is the "outcome" of Non-Aryan Hamlets such as those of the Kandhs. This is not unlikely; but supposing the conjecture to be correct, we must notice two essential points. The first is that the Kandh Hamlet, with its popula-

tion of, on an average, some five-and-thirty persons, is nothing more than a cluster of independent households, placed close together for mutual protection. The absolute ownership of the soil is vested in each family; and the Hamlet as a whole exercises no corporate authority whatever (pp. 72, 77, 208, 210). And in the second place, if the Hamlet expanded into the village and the village became that "firmly cohering entity" which it now is, land-lordship would seem to have developed *pari passu* (*Ibid.*, pp. 212-3). At no stage of agrarian history do we find the village community of theory, which is "an organised self-acting group of families exercising a common proprietorship over a definite tract of land" (Maine, *Village Communities*, pp. 10, 12). Where the cultivating group are in any real sense proprietors, they have no corporate character; and where they have a corporate character, they are not proprietors.

NOTE B.—ON THE RUSSIAN MIR.

Since the preceding chapter was written, fresh light has been cast on the history of the Russian village group by the work of M. Kovalevsky, *Modern Customs and Ancient Laws of Russia* (London, 1891). According to M. Kovalevsky, the view that the peasants retained their personal liberty until the decrees of Boris Godounoff at the end of the sixteenth century deprived them of freedom of migration, is now generally abandoned by Russian scholars (pp. 210-211); and it is recognised that long before that date serfdom of a character similar to that of western Europe was in existence, over, at any rate, a considerable area of the Empire. Still more significant is another fact on which M. Kovalevsky lays great stress. It is commonly asserted, or implied, that the custom of periodical re-division of the lands of the *mir* is a survival from ancient usage, and forms a transitional stage between common and individual ownership (e.g., Maine, *Ancient Law*, pp. 267-270). But M. Kovalevsky assures us that the practice is quite modern: that it dates no further

back than last century; and that it was due chiefly to Peter the Great's imposition of a capitation tax (pp. 93-97).

M. Kovalevsky is none the less a strenuous supporter of the village community theory; and he is indignant with M. Fustel for "endorsing an opinion," that of M. Tchitcherin, "which has already been refuted" by M. Beliaiev. Unfortunately he does not cite any of the facts on which M. Beliaiev relied. He himself allows that but scanty evidence can be found in old Russian documents in support of the theory (pp. 74, 82); and bases his own argument rather on what has taken place in recent centuries, from the sixteenth down to our own day, when outlying territories have been colonized by immigrants. But this is a dangerous method of proof when used by itself; it would lead, for instance, to the conclusion that because the early communities in New England were not subject to manorial lords, there had never been manorial lords in England. And even in the cases he describes, "the unlimited right of private homesteads to appropriate as much soil as each required was scrupulously maintained" (p. 80)—which is very different from the Mark of Maurer.

SOCIAL SCIENCE SERIES.

SCARLET CLOTH, EACH 2s. 6d.

1. **Work and Wages.** Prof. J. E. THOROLD ROGERS.
"Nothing that Professor Rogers writes can fail to be of interest to thoughtful people."—*Athenaeum*.
2. **Civilisation: Its Cause and Cure.** EDWARD CARPENTER.
"No passing piece of polemics, but a permanent possession."—*Scottish Review*.
3. **Quintessence of Socialism.** Dr. SCHÄFFLE.
"Precisely the manual needed. Brief, lucid, fair and wise."—*British Weekly*.
4. **Darwinism and Politics.** D. G. RITCHIE, M.A. (Oxon.).
New Edition, with two additional Essays on HUMAN EVOLUTION.
"One of the most suggestive books we have met with."—*Literary World*.
5. **Religion of Socialism.** E. BELFORT BAX.
6. **Ethics of Socialism.** E. BELFORT BAX.
"Mr. Bax is by far the ablest of the English exponents of Socialism."—*Westminster Review*.
7. **The Drink Question.** Dr. KATE MITCHELL.
"Plenty of interesting matter for reflection."—*Graphic*.
8. **Promotion of General Happiness.** Prof. M. MACMILLAN.
"A reasoned account of the most advanced and most enlightened utilitarian doctrine in a clear and readable form."—*Scotsman*.
9. **England's Ideal, &c.** EDWARD CARPENTER.
"The literary power is unmistakable, their freshness of style, their humour, and their enthusiasm."—*Pall Mall Gazette*.
10. **Socialism in England.** SIDNEY WEBB, LL.B.
"The best general view of the subject from the modern Socialist side."—*Athenaeum*.
11. **Prince Bismarck and State Socialism.** W. H. DAWSON.
"A succinct, well-digested review of German social and economic legislation since 1870."—*Saturday Review*.
12. *Out of print.*
13. **The Story of the French Revolution.** E. BELFORT BAX.
"A trustworthy outline."—*Scotsman*.
14. **The Co-Operative Commonwealth.** LAURENCE GRONLUND.
"An independent exposition of the Socialism of the Marx school."—*Contemporary Review*.
15. **Essays and Addresses.** BERNARD BOSANQUET, M.A. (Oxon.).
"Ought to be in the hands of every student of the Nineteenth Century spirit."—*Echo*.
"No one can complain of not being able to understand what Mr. Bosanquet means."—*Pall Mall Gazette*.
16. **Charity Organisation.** C. S. LOCH, Secretary to Charity Organisation Society.
"A perfect little manual."—*Athenaeum*.
"Deserves a wide circulation."—*Scotsman*.
17. **Thoreau's Anti-Slavery and Reform Papers.** Edited by H. S. SALT.
"An interesting collection of essays."—*Literary World*.
18. **Self-Help a Hundred Years Ago.** G. J. HOLYOAKE.
"Will be studied with much benefit by all who are interested in the amelioration of the condition of the poor."—*Morning Post*.
19. *Out of print.*
20. **Common Sense about Women.** T. W. HIGGINSON.
"An admirable collection of papers, advocating in the most liberal spirit the emancipation of women."—*Woman's Herald*.
21. **The Unearned Increment.** W. H. DAWSON.
"A concise but comprehensive volume."—*Echo*.

SOCIAL SCIENCE SERIES—(Continued).

22. **Our Destiny.** LAURENCE GRONLUND
 "A very vigorous little book, dealing with the influence of Socialism on moral and religion."—*Daily Chronicle*.
23. *Out of print.*
24. *Out of print.*
25. **The Land and the Labourers.** Rev: C. W. STUBBS, M.A.
 "This admirable book should be circulated in every village in the country."—*Manchester Guardian*.
26. **The Evolution of Property.** PAUL LAFARGUE
 "Will prove interesting and profitable to all students of economic history."—*Scotsman*.
27. **Crime and its Causes.** W. DOUGLAS MORRISON
 "Can hardly fail to suggest to all readers several new and pregnant reflections on the subject."—*Anti-Jacobin*.
28. **Principles of State Interference.** D. G. RITCHIE, M.A.
 "An interesting contribution to the controversy on the functions of the State."—*Glasgow Herald*.
29. *Out of print.*
30. *Out of print.*
31. **Origin of Property in Land.** FUSTEL DE COULANGES. Edited, with an Introductory Chapter on the English Manor, by Prof. W. J. ASHLEY, M.A.
 "His views are clearly stated, and are worth reading."—*Saturday Review*.
32. *Out of print.*
33. **The Co-Operative Movement.** BEATRICE POTTER
 "Without doubt the ablest and most philosophical analysis of the Co-Operative Movement which has yet been produced."—*Speaker*.
34. *Out of print.*
35. **Modern Humanists.** J. M. ROBERTSON.
 "Mr. Robertson's style is excellent—nay, even brilliant—and his purely literary criticisms bear the mark of much acumen."—*Times*.
36. **Outlooks from the New Standpoint.** E. BELFORT BAX.
 "Mr. Bax is a very acute and accomplished student of history and economics."—*Daily Chronicle*.
37. **Distributing Co-Operative Societies.** Dr. LUIGI PIZZAMIGLIO. Edited by F. J. SNELL
 "Dr. Pizzamiglio has gathered together and grouped a wide array of facts and statistics, and they speak for themselves."—*Speaker*.
38. **Collectivism and Socialism.** By A. NACQUET. Edited by W. HEAFORD.
 "An admirable criticism by a well-known French politician of the New Socialism of Marx and Lassalle."—*Daily Chronicle*.
39. **The London Programme.** SIDNEY WEBB, LL.B.
 "Brimful of excellent ideas."—*Anti-Jacobin*.
40. *Out of print.*
41. **The Condition of Labour.** HENRY GEORGE.
 "Written with striking ability, and sure to attract attention."—*Newcastle Chronicle*.
42. **The Revolutionary Spirit preceding the French Revolution.** FELIX ROCQUAIN. With a Preface by Professor HUXLEY.
 "The student of the French Revolution will find in it an excellent introduction to the study of that catastrophe."—*Scotsman*.
43. **The Student's Marx.** EDWARD AVELING, D.Sc.
 "One of the most practically useful of any in the Series."—*Glasgow Herald*.
44. *Out of print.*
45. **Poverty: Its Genesis and Exodus.** J. G. GODARD.
 "He states the problems with great force and clearness."—*N. B. Economist*.
46. **The Trade Policy of Imperial Federation.** MAURICE H. HERVEY.
 "An interesting contribution to the discussion."—*Publishers' Circular*.

SOCIAL SCIENCE SERIES—(Continued).

47. **The Dawn of Radicalism.** J. BOWLES DALY, LL.D.
 "Forms an admirable picture of an epoch more pregnant, perhaps, with political instruction than any other in the world's history."—*Daily Telegraph*.
48. **The Destitute Alien in Great Britain.** ARNOLD WHITE; MONTAGUE CRACKANTHORPE, Q.C.; W. A. M'ARTHUR, M.P.; W. H. WILKINS, &c.
 "Much valuable information concerning a burning question of the day."—*Times*.
49. **Illegitimacy and the Influence of Seasons on Conduct.** ALBERT LEFFINGWELL, M.D.
 "We have not often seen a work based on statistics which is more continuously interesting."—*Westminster Review*.
50. **Commercial Crises of the Nineteenth Century.** H. M. HYNDMAN.
 "One of the best and most permanently useful volumes of the Series."—*Literary Opinion*.
51. **The State and Pensions in Old Age.** J. A. SPENDER and ARTHUR ACLAND, M.P.
 "A careful and cautious examination of the question."—*Times*.
52. **The Fallacy of Saving.** JOHN M. ROBERTSON.
 "A plea for the reorganisation of our social and industrial system."—*Speaker*.
53. **The Irish Peasant.** ANON.
 "A real contribution to the Irish Problem by a close, patient and dispassionate investigator."—*Daily Chronicle*.
54. **The Effects of Machinery on Wages.** Prof. J. S. NICHOLSON, D.Sc.
 "Able reasoned, clearly stated, impartially written."—*Literary World*.
55. **The Social Horizon.** ANON.
 "A really admirable little book, bright, clear, and unconventional."—*Daily Chronicle*.
56. **Socialism, Utopian and Scientific.** FREDERICK ENGELS.
 "The body of the book is still fresh and striking."—*Daily Chronicle*.
57. **Land Nationalisation.** A. R. WALLACE.
 "The most instructive and convincing of the popular works on the subject."—*National Reformer*.
58. **The Ethic of Usury and Interest.** Rev. W. BLISSARD
 "The work is marked by genuine ability."—*North British Agriculturalist*.
59. **The Emancipation of Women.** ADELE CREPAZ.
 "By far the most comprehensive, luminous, and penetrating work on this question that I have yet met with."—*Extract from Mr. GLADSTONE'S Preface*.
60. **The Eight Hours' Question.** JOHN M. ROBERTSON.
 "A very cogent and sustained argument on what is at present the unpopular side."—*Times*.
61. **Drunkenness.** GEORGE R. WILSON, M.B.
 "Well written, carefully reasoned, free from cant, and full of sound sense."—*National Observer*.
62. **The New Reformation.** RAMSDEN BALMPFORTH.
 "A striking presentation of the nascent religion, how best to realize the personal and social ideal."—*Westminster Review*.
63. **The Agricultural Labourer.** T. E. KEBBEL.
 "A short summary of his position, with appendices on wages, education, allotments, etc., etc."
64. **Ferdinand Lassalle as a Social Reformer.** E. BERNSTEIN.
 "A worthy addition to the Social Science Series."—*North British Economist*.
65. **England's Foreign Trade in XIXth Century.** A. L. BOWLEY.
 "Full of valuable information, carefully compiled."—*Times*.
66. **Theory and Policy of Labour Protection.** Dr. SCHÄFFLE.
 "An attempt to systematize a conservative programme of reform."—*Man. Guard*.
67. **History of Rochdale Pioneers.** G. J. HOLYOAKE.
 "Brought down from 1844 to the Rochdale Congress of 1892."—*Co-Op. News*.
68. **Rights of Women.** M. OSTRAGORSKI.
 "An admirable storehouse of precedents, conveniently arranged."—*Daily Chron*
69. **Dwellings of the People.** LOCKE WORTHINGTON.
 "A valuable contribution to one of the most pressing problems of the day."—*Daily Chronicle*.
70. *Out of print.*
71. *Out of print.*
72. **Land Systems of Australasia.** WM. EPPS.
 "Exceedingly valuable at the present time of depression and difficulty."—*Scots. Mag*

SOCIAL SCIENCE SERIES—(Continued).

73. *Out of print.*
 74. *Population and the Social System.* Dr. NITH.
 75. *Out of print.*
 76. *British Freewomen.* C. C. STOPES.
 77. *Out of print.*
 78. *Out of print.*
 79. *Three Months in a Workshop.* P. GOHRE, with Pref. by Prof. ELY.
 80. *Darwinism and Race Progress.* Prof. J. B. HAYCRAFT.
 81. *Local Taxation and Finance.* G. H. BLUNDEN.
 82. *Perils to British Trade.* E. BURGIS.
 83. *The Social Contract.* J. J. ROUSSEAU. Edited by H. J. TOZER.
 84. *Labour upon the Land.* Edited by J. A. HOBSON, M.A.
 85. *Moral Pathology.* ARTHUR E. GILES, M.D., B.Sc.
 86. *Parasitism, Organic and Social.* MASSART and VANDERVELDE.
 87. *Allotments and Small Holdings.* J. L. GREEN.
 88. *Money and its Relations to Prices.* L. L. PRICE.
 89. *Sober by Act of Parliament.* F. A. MACKENZIE.
 90. *Workers on their Industries.* F. W. GALTON.
 91. *Revolution and Counter-Revolution.* KARL MARX.
 92. *Over-Production and Crises.* K. ROBERTUS.
 93. *Local Government and State Aid.* S. J. CHAPMAN.
 94. *Village Communities in India.* B. H. BADEN-POWELL, M.A., C.I.E.
 95. *Anglo-American Trade.* S. J. CHAPMAN.
 96. *A Plain Examination of Socialism.* GUSTAVE SIMONSON, M.A., M.D.
 97. *Commercial Federation & Colonial Trade Policy.* J. DAVIDSON, M.A., Phil.D.
 98. *Selections from Fourier.* C. GIDE and J. FRANKLIN.
 99. *Public-House Reform.* A. N. CUMMING.
 100. *The Village Problem.* G. F. MILLIN.
 101. *Toward the Light.* L. H. BERENS.
 102. *Christian Socialism in England.* A. V. WOODWORTH.
 103. *The Philosophers and the French Revolution.* Prof. P. A. WADIA.
 104. *The History of the English Corn Laws.* Prof. J. S. NICHOLSON, M.A.
 105. *The Biology of British Politics.* CHARLES H. HARVEY.
 106. *Rates and Taxes as Affecting Agriculture.* Prof. J. S. NICHOLSON, M.A.
 107. *A Practical Programme for Working Men.* ANON.
 108. *John Thelwall.* CHAS. CESTRE, Litt.D.
 109. *Rent, Wages and Profits in Agriculture.* Prof. J. S. NICHOLSON.

DOUBLE VOLUMES, 3s. 6d.

1. *Life of Robert Owen.* LLOYD JONES.
 2. *The Impossibility of Social Democracy: a Second Part of "The Quintessence of Socialism".* Dr. A. SCHÄFFLE.
 3. *Condition of the Working Class in England in 1844.* FREDERICK ENGELS.
 4. *The Principles of Social Economy.* YVES GUYOT.
 5. *Social Peace.* G. VON SCHULTZE-GAVERNITZ.
 6. *A Handbook of Socialism.* W. D. P. BLISS.
 7. *Socialism: its Growth and Outcome.* W. MORRIS and E. B. BAX.
 8. *Economic Foundations of Society.* A. LORIA.

SWAN SONNENSCHN & CO. LIM., LONDON

NEW YORK: CHARLES SCRIBNER'S SONS.

SOCIAL SCIENCE SERIES.

SCARLET CLOTH, EACH 2s. 6d.

1. **Work and Wages.** Prof. J. E. THOROLD ROGERS.
"Nothing that Professor Rogers writes can fail to be of interest to thoughtful people."—*Athenæum*.
2. **Civilisation: its Cause and Cure.** EDWARD CARPENTER.
"No passing piece of polemics, but a permanent possession."—*Scottish Review*.
3. **Quintessence of Socialism.** Dr. SCHÄFFLE.
"Precisely the manual needed. Brief, lucid, fair and wise."—*British Weekly*.
4. **Darwinism and Politics.** D. G. RITCHIE, M.A. (Oxon.).
New Edition, with two additional Essays on HUMAN EVOLUTION.
"One of the most suggestive books we have met with."—*Literary World*.
5. **Religion of Socialism.** E. BELFORT BAX.
6. **Ethics of Socialism.** E. BELFORT BAX.
"Mr. Bax is by far the ablest of the English exponents of Socialism."—*Westminster Review*.
7. **The Drink Question.** Dr. KATE MITCHELL.
"Plenty of interesting matter for reflection."—*Graphic*.
8. **Promotion of General Happiness.** Prof. M. MACMILLAN.
"A reasoned account of the most advanced and most enlightened utilitarian doctrine in a clear and readable form."—*Scotsman*.
9. **England's Ideal, &c.** EDWARD CARPENTER.
"The literary power is unmistakable, their freshness of style, their humour, and their enthusiasm."—*Pall Mall Gazette*.
10. **Socialism in England.** SIDNEY WEBB, LL.B.
"The best general view of the subject from the modern Socialist side."—*Athenæum*.
11. **Prince Bismarck and State Socialism.** W. H. DAWSON.
"A succinct, well-digested review of German social and economic legislation since 1870."—*Saturday Review*.
12. *Out of print.*
13. **The Story of the French Revolution.** E. BELFORT BAX.
"A trustworthy outline."—*Scotsman*.
14. **The Co-Operative Commonwealth.** LAURENCE GRONLUND.
"An independent exposition of the Socialism of the Marx school."—*Contemporary Review*.
15. **Essays and Addresses.** BERNARD BOSANQUET, M.A. (Oxon.).
"Ought to be in the hands of every student of the Nineteenth Century spirit."—*Echo*.
"No one can complain of not being able to understand what Mr. Bosanquet means."—*Pall Mall Gazette*.
16. **Charity Organisation.** C. S. LOCH, Secretary to Charity Organisation Society.
"A perfect little manual."—*Athenæum*.
"Deserves a wide circulation."—*Scotsman*.
17. **Thoreau's Anti-Slavery and Reform Papers.** Edited by H. S. SALT.
"An interesting collection of essays."—*Literary World*.
18. **Self-Help a Hundred Years Ago.** G. J. HOLYOAKE.
"Will be studied with much benefit by all who are interested in the amelioration of the condition of the poor."—*Morning Post*.
19. *Out of print.*
20. **Common Sense about Women.** T. W. HIGGINSON.
"An admirable collection of papers, advocating in the most liberal spirit the emancipation of women."—*Woman's Herald*.
21. **The Unearned Increment.** W. H. DAWSON.
"A concise but comprehensive volume."—*Echo*.

CHECKED
2003-04