Institutions and Agriculture in Old Regime France

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DO institutions matter? Do they shape economic outcomes? Most economists would undoubtedly answer that the effects of institutions are obvious. But there is a broad strain in modern economic thought that simply ignores institutions. All too often they are grudgingly admitted as given at the beginning of a paper and then abruptly dismissed or forgotten once the real work is under way. The most one can expect is that they be relegated to the role of a servant of economic outcomes. They are summoned to repair market failures, but the implication is that an institution that hindered economic growth or delayed optimal equilibria would in the long run be replaced.

At least implicitly, many economists adhere to this creed. The public-choice literature ought to make them think differently; so, too, should economic history and the overwhelming evidence that institutions affected economic outcomes. Even a cursory glance at the classic issues of economic history shows how institutions constrained economic actors and redirected equilibria, while evolving independently from market forces. One such classic issue is the stagnation of French agriculture, particularly during the Old Regime. From eighteenth-century reformers like Arthur Young to modern revisionists like Patrick O’Brien and Caglar Keyder, opinion is nearly unanimous that French agriculture failed to attain English levels of productivity and did not grow. Institutions bear much of the blame.

The evidence for the failure of French agriculture is strong. On the eve of the French Revolution, Arthur Young claimed that grain yields in France were 25 percent below those in England, and he believed that the French raised fewer livestock as well. Although the average yields Young calculated are open to some doubt, more recent evidence provided by Michel Morineau points to an even greater lag. Morineau argues that in the late eighteenth and early nineteenth century French yields averaged 40 to 50 percent less than English ones, and that although the averages hide considerable regional variation, even the fertile northwest of France trailed England by some 4
hectoliters of wheat per hectare, or over 20 percent. As late as 1840, according to Morineau, the French had still not reached the grain yields attained by 1750 in England. 2

If land was less productive in France than in England, so was agricultural labor. In 1835-44, O'Brien and Keyder estimate, French agricultural workers produced only 58 percent of the amount their English counterparts did. Comparable figures for the seventeenth and eighteenth centuries do not exist, but indirect evidence pushes the gap in labor productivity back well before 1700. If we assume that per-capita food consumption was about the same in France and England and that both countries were largely self-sufficient in food, then the ratio of the total population to the agricultural population gives a rough index of agricultural labor productivity for each country. Anthony Wrigley has performed the calculation, and it reveals a breach between French and English agricultural labor productivity reaching back to the seventeenth century. Although in both countries the ratio of total population to agricultural population stood at about 1.35 in the early sixteenth century, by 1700 the ratio had risen to 1.82 in England but to only 1.58 in France. By 1800 the ratio had jumped to 2.48 in England but to only 1.70 in France. As Wrigley points out, the ratios may well understate the contrast between France and England, since consumption of food per person was probably higher in England, and English farmers devoted more resources to nonfood crops than did the French. The divergent ratios also demonstrate that whereas labor productivity increased in England, it virtually stagnated in Old Regime France. 3

Other evidence paints an equally dismal picture of French agricultural growth under the Old Regime. Tithe returns fluctuated but did not really increase until after 1750, and then only in certain areas. Grain yields, which were climbing in early modern England, apparently stood still in early modern France, at least in most regions. And although reliable figures are not yet available, total factor productivity seems to have remained equally static. In late eighteenth- and early nineteenth-century England, it was increasing at perhaps 0.2 percent or even 0.45 percent annually. In France crude but generous estimates suggest that it was growing at most 0.1 to 0.2 percent annually on the eve of the French Revolution. 4

Historians have advanced a number of different explanations to explain what shackled French agriculture and kept it from reaching English levels of productivity. Most often they single out the minuscule plots farmed by French peasants. The assumption, of course, is that small and fragmented peasant farms are inefficient. Arthur Young certainly believed this, arguing
that French peasants would never adopt the techniques—enclosure, new crop
cycles, greater use of fertilizer—that seemed profitable on large English
farms. Most historians would readily agree.\textsuperscript{5}

No firm evidence exists, however, to show that small farms in France
were less productive than large ones. No one has demonstrated that small
farms squandered resources or that they produced grain and other outputs less
efficiently. The meager information at our disposal in fact suggests that small
farms employed just as much capital as large ones and that the peasants
operating them were just as likely to adopt eighteenth-century
innovations—hardly signs of crippling inefficiency.\textsuperscript{6}

Moreover, it is hard to believe that the French land market would not
have wrung out inefficiently sized farms. French peasants rented and bought
land with gusto, and they had been doing so since the late Middle Ages.
They could have traded among themselves to avoid the evils of excessive
fragmentation or rented additional land if efficiency decreed. Nor is this the
only reason to doubt the automatic connection between farm size and
efficiency. Although large farms could conceivably have permitted labor
specialization, smaller farms would have suited certain crops grown in
France, particularly grapes. Even for wheat, smaller farm sizes in France
may have resulted from a higher relative price of land to labor. If Arthur
Young is to be believed, the ratio of average per-acre land rent to an
agricultural laborer's daily wage was 76 percent higher in France than in
England. As long as a French peasant could substitute his own cheap and
easily supervised family labor for expansive land, he would be more
productive farming a smaller plot.\textsuperscript{7}

Another explanation for France's misfortunes—one that is very common
among social historians—is to blame the peasants themselves. Peasants, it is
claimed, desired nothing but self-sufficiency and security; hence, they did not
respond rationally to incentives. Were a new technology to offer them the
prospect of more food and less toil, peasants would still balk and refuse to
abandon their customary practices. As far as their economic behavior was
concerned, theirs was a "traditional" mentality, worlds apart from our own.

Despite its logical inconsistencies, despite the doubt cast on it by
economic anthropologists and developmental economists, such a position still
finds considerable favor. It rests on the patronizing assumption that the
traditional mentality rendered peasants incapable of behaving rationally,
icapable of making promising investments and of efficiently allocating
resources. The idiosyncrasies of peasant economic behavior, however, were
more likely the result of risks, transaction costs, and institutional constraints
than of any disabling mental structure. Furthermore, the belief in a traditional economic mentality mistakenly equates rational behavior and market involvement, assuming that only individuals involved in markets will behave rationally and adopt promising improvements. Yet, as we know, rationality does not depend on market involvement, and the self-sufficient will respond to incentives. After all, even a peasant untainted by the slightest market involvement would prefer a less costly, safer technology, for the same reason that he located his garden near his home rather than in a distant field: to spare himself drudgery. And finally it is incorrect to say—as believers in a traditional economic mentality do—that self-sufficiency guaranteed security or that achieving self-sufficiency was a peasant's sole aspiration. Markets, even in Old Regime France, provided food in time of famine, and successful peasants did not retreat into the autarky they supposedly longed for; instead, they branched out into livestock raising, tithe farming, and moneymaking.$^8$

The best explanation, albeit only a partial one, for the weakness of French agriculture focuses on the failure to employ mixed husbandry, one of the new technologies available in the eighteenth century. The new husbandry modified crop rotation so that the fallow was replaced with fodder crops (such as alfalfa or sainfoin) grown in so-called artificial meadows; the additional fodder then supported larger herds of animals. Adopted on a large scale in England and Flanders during the eighteenth century and even before, mixed husbandry made little headway in Old Regime France. French agricultural reformers of the eighteenth century complained about the need for artificial meadows; so did those of the nineteenth century. But as late as 1840, crop rotations with artificial meadows were generally confined to scattered patches on the best soil in the Paris basin, Normandy, and the far north.$^9$

Soils and climate thwarted the new technology; artificial meadows did not usually thrive in the dry earth of southern France. So, too, did the considerable learning costs associated with establishing the new cropping patterns. Yet another major obstacle lay in low prices for meat and fodder. In an excellent article, George Grantham has shown how low incomes outside of agriculture and low rates of urbanization reduced the demand for meat and fodder. The resulting low prices made conversion to mixed husbandry unprofitable except in periurban areas blessed with fertile soil. Although Grantham confines himself to the years 1815-40, his argument would seem to fit the eighteenth century as well.$^{10}$

Grantham's argument, however, is not the complete answer. Other barriers also blocked the progress of mixed husbandry and may have been
just as obstructive as poor soil and a feeble price for meat. Furthermore, mixed husbandry was not the only new technique available to Old Regime farmers. Other innovations promised to improve productivity, yet they, too, were seldom used.

A look at several exceptional villages will explain these barriers and the other new techniques. The first is Bretteville-l’Orgueilleuse, a community located on a fertile plain between Caen and Bayeux in Normandy. In the fifteenth century, land in Bretteville-l’Orgueilleuse was fragmented into the sort of narrow strips common in the open fields of northwestern Europe; each owner farmed numerous tiny parcels scattered throughout the tilled fields. In the sixteenth and seventeenth centuries, however, the pattern of farming changed drastically. The number of separate parcels plummeted from 1,386 in 1482 to 640 in 1666. Among the scattered strips and open fields, there emerged large holdings of 10 to 25 hectares, many of them assembled and then enclosed by a family of peasants turned minor noblemen, the Perrot de Cairon. The consolidation brought in its wake other changes as well. Members of the Cairon family created artificial meadows behind their enclosures. They and other farmers in Bretteville-l’Orgueilleuse marled their fields and covered them with liberal quantities of manure. They planted vetch and peas on the fallow, and the vetch and peas, like the sainfoin grown in the artificial meadows, provided additional fodder for animals and helped restore the soil for grain production. The farmers of Bretteville-l’Orgueilleuse thus adopted practices—enclosures, soil amendment, and new crop rotations—that would be extolled by Arthur Young and other agrarian reformers in the eighteenth century, and they did so during the seventeenth century.\textsuperscript{11}

Farmers in neighboring villages made the same improvements, and although firm evidence that the new practices increased productivity awaits an analysis of rental rates, there are signs that productivity was on the rise. Grain yields seem to have increased in Bretteville and nearby villages over the course of the seventeenth and eighteenth centuries. When measured in 1817, a bad year, the wheat yield had reached 19.5 hectoliters per hectare in the canton containing Bretteville—a high figure even for northwest France. Tithe returns grew and did so much faster than agricultural prices. And the new crop rotation apparently supported large herds of livestock. In the early eighteenth century, one member of the Cairon family kept cattle, pigs, and an average of over 2.4 sheep per hectare. By comparison, even at the end of the eighteenth century, French farmers averaged no more than 1.3 sheep per hectare, and one would expect an even lower figure in an area like Bretteville where so little land was devoted to pasture.\textsuperscript{12}
A different set of improvements boosted productivity in two villages in northeastern France. During 1768-71, the king's intendant in Lorraine, Martin de Chaumont de La Galaizière, reshaped the fields in Roville-devant-Bayonne and Neuviller-sur-Moselle, two adjacent communities south of Nancy where he was seigniorial lord and a major landowner. With the consent of the other landowners, he rearranged the parcels in the villages' open fields, consolidating each owner's fragmented holdings, redrawing each village's paths and roads, and reorienting its furrows. Consolidation, he believed, reduced the costs of fertilizing: no longer did an owner have to manure scattered parcels of land. It also gave each owner access to his fields without crossing his neighbor's land. Not only would this reduce the endemic strife over damage caused by trespass, but it made the villages' traditional regulation of planting and harvesting—regulation designed to prevent trespass and theft at sensitive times of the year—completely unnecessary. Now each farmer could plant what he wished when he wished.

Finally, and most important, La Galaizière's reorientation of the furrows promised to resolve serious problems with drainage. In Roville and Neuviller, as elsewhere in Lorraine and throughout the eastern and western fringes of the Paris basin, clay under the topsoil caused water to gather, blighting seeds and rotting crops. If the furrows paralleled the slope of the land and were coordinated, they would carry the water away, but all too often they merely flooded neighboring parcels and roads. Fearing inundation, each farmer adopted a defensive strategy that in the end made everyone worse off: with his plow he piled earth up at the center of each of his narrow strips and cut furrows deep enough around the edges to collect any runoff water. The middle of each strip remained dry, but the deep furrows along the edges were stripped of topsoil and almost permanently flooded. Given the dimensions and number of the strips—there were 2,010 of them in Neuviller's 441 hectares of arable alone—the resulting losses were enormous. Estimates ran to 25 percent of the crop or more. 13 La Galaizière aimed to cut these losses by specifying the direction of the furrows on each piece of property during the consolidation of holdings. The furrows would be coordinated to promote drainage, and their direction could not be changed. Presumably the consolidation of holdings itself also reduced the losses from deep plowing around parcel boundaries. 14

The evidence, though far from perfect, suggests that the improvements La Galaizière undertook were extremely successful. Surviving leases from Roville and Neuviller in the late eighteenth century are hard to find, but one of the other large landowners in Roville and Neuviller, a religious order known
as the Tiercelins, watched the rent on its farmland in Neuviller jump 55 percent after the rearrangement was completed, even though the number of acres the Tiercelins owned had not changed. Some of the increase, however, may have been due to changes in output and factor prices. If we estimate the effect of the price changes by looking at rental rates in neighboring towns where no such rearrangement of fields took place, we are still left with approximately a 32 percent real increase in rent, which we can reasonably attribute to increased productivity. It is no wonder that nineteenth-century agronomists sang La Galaizière’s praise.15

Agriculture was thus thriving in Bretteville, Roville, and Neuviller, but not all French villages were able to duplicate their experience, even with favorable prices and fertile soil. Consider, for example, the problems that a farmer in another French village might face if, like the Cairon family in Bretteville, he planted artificial meadows. In certain regions of France—in the east, for example—he had to protect his newly planted alfalfa or sainfoin from the communal herds that had the right to graze on meadows after the first harvest of fodder. Although his alfalfa or sainfoin could produce three or more crops of fodder a year, all but one would go to feed livestock belonging to other people. Their cattle and their sheep might even destroy his meadow and deprive him of future harvests.16 The obvious solution would be to enclose his artificial meadow with hedges and ditches, as the Cairon family had done in Bretteville. Eventually, farmers in Norman villages like Bretteville did not even have to enclose to protect their meadows. They could bar grazing animals from their land simply by placing markers at the corners. Farmers near Paris enjoyed the same liberty, and they, too, made precocious use of artificial meadows.17

Elsewhere, however, the obvious solution of enclosure (or of barring animals with markers) was not available. In many regions a new enclosure to protect sainfoin or alfalfa required the unanimous consent of everyone with rights to graze on meadows. The grazing rights typically belonged to other farmers and landlords in the village, to the local seignior, and to nearby communities. One or several owners of the grazing rights might not want to part with them, and they could go to court, where they were likely to get a judgment against the farmer. Or they might simply knock down his enclosure and fear little in the way of criminal penalties. And even if the village granted the farmer the right to enclose, recalcitrants (including residents of neighboring communities whose grazing rights extended over his property) could sue and block his enclosure.
The law thus granted every owner of grazing rights a veto over the enclosure. Compensating the owners for their grazing rights—one solution suggested by that bit of economics known as the Coase theorem—was impractical. It would be difficult to specify what the grazing rights were worth, and each owner had reason to exaggerate their value. Each one, indeed, could hold out and threaten to block the enclosure in the hope of gaining a share of the farmer's gains. The veto, in short, transformed the owners of grazing rights into monopolists and left the farmer at their mercy. The price he would need to pay for their consent could easily make artificial meadows a losing proposition.¹⁸

His plight would be worse if he alternated plantings of artificial meadows and grain crops, as was the usual practice in mixed husbandry. The meadow would then disrupt the traditional crop rotation, and the farmer would have difficulty entering his land if he had to cross his neighbors' fields planted with tender wheat or rye. The limited access could prevent him from fertilizing or mowing, and the difficulties would be compounded where farms were fragmented into tiny plots. Similar impediments might keep vetch and peas off the fallow—another of the innovations practiced in Bretteville. To be sure, vetch or peas did not restrict the farmer's access, for they grew while neighboring fields lay fallow and thus did not seriously disrupt crop rotations. But the farmer might still have to protect them against sheep grazing on nearby fallow. Although the sheep generally had no legal right to pasture on land planted with crops, the farmer might have a practical problem keeping them away or determining whose animals had caused damage, particularly if his fields were fragmented.¹⁹

In short, whether the farmer was alternating artificial meadows and grain or merely planting vetch or peas on the fallow, he risked entangling his enterprise with his neighbor's. He faced what economists call externalities, and the usual device for overcoming such obstacles—Coasian bargaining over compensation—might prove unworkable. The neighbors whose fields he had to cross might have a veto power over his improvement, for which they could demand heavy compensation. And it might prove costly to enforce rules against wandering sheep and to levy damages against their owners.

These were far from theoretical problems, and contemporaries were vividly aware of them.²⁰ They plagued La Galaizière's project as well, for his rearrangement was also fraught with externalities and required the unanimous consent of all the landowners. Once again, each owner had a veto, and although they all stood to benefit from consolidation or improved drainage,
each one had an incentive to bargain strategically in order to appropriate other owners' gains.

Indeed, in La Galaizière's case, paying off the recalcitrants probably made the project more expensive than it was worth. La Galaizière himself paid all the bills; it cost him, he reported, 32,641 livres. Of this only 11,141 livres was spent on surveying and legal costs. The rest, nearly two-thirds of the total expense, went for gifts to win the villages' consent (he gave all the land for the roads, for example) and for payments to particularly recalcitrant individuals. He had to bribe these holdouts by buying land at above market prices.

We can get a rough estimate of the increased income his project produced by assuming that, like the Tiercelins, all landowners experienced a 32 percent real increase in rent. The present value of the increased income amounted to, perhaps then, 31,000 livres, slightly less than the total cost. The project was apparently a loser; particularly, it would seem, for La Galaizière. Although he was a major landowner, he still reaped only a fraction of the benefits. Had it not been for the 6,000 livres spent on buying off major recalcitrants and the 15,500 livres spent on smaller bribes and on land sacrificed for the roads, the project as a whole would have been in the black, and even La Galaizière would have come out a winner. But the costs of achieving consent absorbed nearly all the benefits.21

Fortunately, the government reimbursed La Galaizière's bills, because the project was supposed to serve as an example for other villages. In his request for repayment, La Galaizière acknowledged that the cost of achieving unanimity was his greatest expense: "Forced to do everything by the path of agreement, the opposition of every holdout forced me to start all over again numerous times. . . . I had to obtain their votes by enormous sacrifices, which would have ruined me had you not had the good will to reimburse me."22 La Galaizière claimed that seigniors in neighboring villages wanted to undertake similar projects, but only if the government helped limit the costs of winning the other landowners' agreement. Their fears were justified, for they undoubtedly would have had to pay more to get unanimity. After all, they could not intimidate recalcitrants as effectively as La Galaizière, who was the king's intendant. To help them, La Galaizière proposed an edict allowing the rearrangement of parcels if the owners of a majority of the land so voted. Such an edict would have broken the costly requirement of unanimous consent and facilitated rearrangement for drainage and other improvements, but it was never adopted.23
The difficulty of getting unanimous consent was aggravated by another institutional obstacle to the new techniques: the disconcerting lack of finality in the Old Regime legal system. Overlapping jurisdictions covered France, and if opponents could not stop an agricultural improvement in the first court they tried, they could always, even years later, file suit in another jurisdiction and threaten the stream of benefits the improvement had created. La Galaizière himself faced such a disabling suit ten years after his project was completed. It cost him not only substantial legal fees but also apparently cut the revenue from his farm.24

How much such institutional obstacles cost Old Regime agriculture awaits a precise calculation. Undoubtedly they did the least harm to improvements such as the planting of vetch and peas on the fallow. An equally skeptical argument might be made for artificial meadows. After all, where rights to graze on meadows did not exist, an innovative farmer never faced exacting monopolists if he planted alfalfa or sainfoin. And where grazing rights did prevail, the innovator was in all likelihood the sort of big farmer who already worked large parcels of enclosed land. By planting the meadow behind his enclosures, he protected himself from grazing animals, and the size of his farm eliminated any problems with access to the meadow. 25

Yet the institutional obstacles probably exacted more of a toll than such an argument assumes. First, much of the east, the center, and the southwest of France allowed grazing on meadows. Even Jean Meuvret, who discounts the effects of most institutional impediments, admits that pasture rights were a serious handicap for alfalfa and sainfoin. 26 Second, artificial meadows did not interest big farmers alone. Near Paris, where institutional barriers were minimal, small farmers were as likely as large farmers to plant artificial meadows.27 Third, the real question was not whether artificial meadows would grow behind existing enclosures on the large plots belonging to big farmers; the large enclosed plots were already devoted to natural meadows and other lucrative uses. Rather, the question was whether the artificial meadows would extend to the open arable, especially where fields were fragmented. There, farmers big and small faced the same obstacles.

Finally, there is no doubt that institutional obstacles blocked the sort of rearrangements undertaken in Roville and Neuviller. Difficulties with drainage and fragmented holdings were much discussed and afflicted hundreds of villages, yet perhaps only a couple of them were remade in the way Roville and Neuviller were.28 Was a 34 percent increase in productivity to be scoffed at?
In Roville and Neuviller an extraordinary set of circumstances—a government subsidy and an unusually powerful seignior—had swept aside most of the institutional barriers. Working the same administrative miracle in other towns might be impossible, but could not the legal and political institutions that thwarted agricultural improvements be changed? Why not, as one eighteenth-century agrarian reformer suggested, simply extend the legal customs that prevailed in Normandy and near Paris to the rest of France? Farmers in regions where grazing rights threatened artificial meadows could then, like their counterparts in Bretteville, enclose or simply bar grazing animals with markers. They could then plant artificial meadows without fear. Or why not adopt contemporary English practice, which enjoyed great favor among agronomists in France? In England enclosures (and more general rearrangements of the sort La Galaizière undertook) had faced the hurdle of unanimity until private acts of Parliament let owners of four-fifths of the land override minority opposition. Common by the 1760s, the English procedure greatly reduced bargaining costs and facilitated both enclosure and more general improvements.29

Following the Norman or Parisian example had certain advantages. Letting landlords enclose or simply bar livestock from their artificial meadows amounted to abolishing grazing rights and giving full title to landowners. According to the Coase theorem, this should lead (at least in theory) to an efficient division of the land between grazing and artificial meadows, since livestock raisers could always pay the landowners if grazing rights were valuable enough. Furthermore, such a solution would not necessarily become ensnarled in strategic bargaining. Livestock raisers would negotiate with a number of landowners, and no landowner would exercise a monopoly. In this respect, awarding full title to the landowners did not have the drawbacks entailed by maintaining the grazing rights, which legally made improvements hinge on buying the consent of monopolists.

To be sure, simply extending Norman or Parisian custom to the rest of France was out of the question: it would have raised too many hackles in a country in which each region had its own courts and its own hallowed legal customs. But the French monarchy could enact laws vesting landowners with full title to their land, and on a number of occasions in the period 1767-80, the monarchy did attempt this. It issued edicts that, for a number of provinces, limited grazing rights and allowed landowners to enclose.30

The trouble with edicts stemmed from their distributional consequences, for in effect they seized property from the owners of grazing rights. Not that they simply stole from the poor, as is often maintained. Concerns were
expressed about the effect on the poor, often by royal officials worried, apparently, about social unrest. The most vociferous objections, however, came from the privileged and the influential, who in the end succeeded in emasculating most of the royal legislation. Economically, the royal edicts might have made sense. But politically they were too costly, and they courted opposition from privileged groups, which kept them from having much effect.  

The fate of a 1771 edict concerning grazing rights and common fields in Lorraine illustrates the political difficulties the royal legislation faced. Drafted during the period when agricultural reform found enthusiastic support among the king’s ministers, the edict abolished parcours in Lorraine, the right neighboring communities had to pasture animals on a village’s fields, pastures, and meadows during certain months of the year. Parcours was precisely the sort of grazing right that blocked the new husbandry, and it provided both legal grounds and a reason to attack enclosures, which another edict had recently permitted under limited circumstances in Lorraine. In addition to eliminating parcours, the edict also permitted a village to divide its common pastures (with equal shares going to all villagers) if two-thirds of the villagers voted to do so. These common pastures supported the communal herd during the part of the year when the open fields and meadows were closed to grazing, and without them grazing rights would diminish in value and perhaps disappear.

In Lorraine, the edict had the enthusiastic support of intendant La Galaizière, and 26 communities in Lorraine quickly used its provisions to vote the division of their commons. But then the opposition struck back. The wealthy peasants known as laboureurs petitioned royal courts to block division of the commons, and the sovereign court of Nancy looked with favor on their suits. The court refused to register the edict, a necessary step if it were to become law. Despite La Galaizière’s attempts at coercion, the edict was still not registered by 1779. In this situation, no community dared to carry out the division of its commons or the abolition of parcours. Anyone could sue the community to stop the operation, and, as La Galaizière noted, the fact that the edict was not registered meant that the community was sure to lose in court.

Contrary to what one might assume, the laboureurs in Lorraine were not filing their suits on behalf of the poor. Indeed, the poor supported the edict, or at least its provisions for division of the commons. In the communities that voted to divide the commons, the poor and landless manouvriers, who formed the majority of the population, seem to have favored division
overwhelmingly; on this both La Galaizièrè and his opponents agreed. Rather, the laboureurs were acting for themselves, trying to protect a monopoly they exercised over village grazing rights. They controlled the villages and allocated themselves a lion’s share of the grazing rights. Any benefits they themselves might receive from increased productivity after the elimination of parcours and division of the commons were outweighed by a disproportionate loss of grazing rights.

They were joined in their opposition by the magistrates from the court of Nancy, who feared that the edict would threaten their own enormous share of parcours and the commons. As seigniors, many of the magistrates had the right to keep their own separate herds, which could pasture on the commons and profit from parcours. The edict would not compensate most of them for this right (known as troupeau à part), and they seemed particularly concerned about the loss of parcours. Apparently, their distributional losses also offset any personal gains from increased productivity. 32

Opposition thwarted enclosure of artificial meadows in other regions as well. In Burgundy, for instance, a 1770 edict allowing enclosure nonetheless contained a clause prohibiting any enclosure that obstructed customary paths or blocked access to open fields. The clause was far from innocuous. The major Burgundian law court—the Parlement of Dijon—thought it likely to pose serious problems for anyone who enclosed in order to sow artificial meadows, since neighbors could easily claim that an enclosure blocked access to customary pastures or open fields. In the Parlement’s opinion, the clause would make many enclosures simply “pointless.” But despite their concern, the clause was not removed from the final version of the edict; influential individuals and organizations in Burgundy wanted it there. Similar clauses crippled enclosure edicts in other provinces, 33

The most striking weakness of the French legislation, however, was its failure to permit the sort of village-wide enclosures or rearrangements taking place in Britain. The French edicts allowed an individual to enclose an artificial meadow, but they did not address the problem of the entire village’s scattered fields that blocked entry to the meadow at critical times of the year. Redrawing the roads and rearranging the fields to improve access still required unanimous consent, with all the costs that imposed. So, too, did the sort of village-wide drainage project undertaken in Lorraine by La Galaizièrè, who had proposed a law to facilitate such village-wide projects. His proposal was however, not politically feasible.

The French legislation thus threatened individuals who were powerful and organized. It threatened magistrates in the parlements, who risked losing
their troupeaux à part. It threatened wealthy laboureurs, who dominated villages and appropriated a disproportionate share of grazing rights. It even threatened certain intendants, who bore the costs of civil disorder. Though a small group, these victims had the means to block royal legislation. The magistrates could rely on the parlements. The laboureurs might succeed in making the village pay for a lawsuit against an edict—a suit they alone would profit from—or they could pull strings with influential magistrates and nobles for whom they worked as tenants. As for intendants, they were the king’s most trusted representatives and had a voice in all legislation.

Although the costs of the royal legislation were often focused on small, politically organized groups, the benefits were spread out over a disorganized multitude. Beneficiaries might include landowning peasants, whose property would increase in value if the improvements increased productivity. Peasants owned a considerable fraction of the land in late eighteenth-century France, and not all of them were prosperous laboureurs who stood to lose valuable grazing rights. Beneficiaries also included a wide variety of privileged individuals, or at least those to whom the improvements were worth more than their grazing rights. The beneficiaries were such a broad and disparate group, however, that the obstacles to their political mobilization—free-rider problems, for example—must have seemed insuperable. They could never effectively challenge the opponents of royal legislation.

The contrast with England is revealing. In England, Parliament assumed jurisdiction over enclosures and village-wide rearrangements in the middle of the eighteenth century and began issuing numerous private acts enclosing entire villages and rearranging all their fields. Shifting the debate to Parliament greatly raised costs for opponents of the typical English enclosure, who appear to have been mostly smallholders not accustomed to lobbying at Westminster. But it suited the beneficiaries of enclosure and rearrangement perfectly. They were likely to be substantial yeomen and members of the gentry, who owned most of the land. Able at the county level to “raise loud voices against... public bills with an agricultural content,” men of this sort could easily promote a private bill, often by influencing friends on parliamentary committees. The greater concentration of landholding and the existence of Parliaments thus created in England a political situation much more favorable to enclosure and rearrangement legislation. Although the costs of the improvements (costs in the sense of uncompensated redistribution) fell on powerless smallholders, the benefits accrued to a restricted group of landowners able to maneuver in Parliament. Parliament gave them the mechanism to press for enclosure and rearrangement
legislation, and the private acts of Parliament ensured that the changes would be respected and not challenged in the future, as was so often the case in France. Relative to France, the political obstacles to obtaining agricultural-improvement legislation were thus minor.

A similarly favorable situation may well have obtained in Denmark and Sweden, which also passed enclosure and rearrangement legislation in the eighteenth century. In Denmark land was concentrated in the hands of the nobility, and during much of the eighteenth century the government was dominated by a small group of great landowners, who could easily press for enclosure legislation and other reforms. In Sweden, nobles owned somewhat less land, but at least until 1772 they dominated the Swedish Estates. The Estates grouped together the nobles and other supporters of agricultural reform—including the peasants, who had their own assembly within the Estates. And like the English Parliament, the Swedish Estates could pass legislation that was not easily challenged.

For France to have welcomed agricultural improvements as warmly as did these countries would have required extraordinary change. Beyond benign prices and a better knowledge of the techniques involved, it would have required a sovereign legislature or a centralized court system whose decrees would inspire respect; otherwise, no agricultural improvement would ever be secure from disabling suits. Had a legislature like the English Parliament existed in France, it could have provided legal security for improvements. But it took the revolution to create such a legislature. Had the king of France been a true dictator, he could have provided security. But in the eighteenth century, the king was limited by divisions within the government and by the claims of the powerful and privileged, particularly the magistrates of the French courts. Reforming the courts to ensure respect for government decrees and to eliminate overlapping jurisdictions (thereby rendering suits against agricultural improvements more difficult) would have meant reimbursing magistrates for the offices they owned and abrogating their judicial powers. Attempts to do so met with failure, even though the issues at stake were far larger than agricultural reform.

Agricultural improvements would also have required both the end of privileges like troupeau à part that gave powerful elites a large share of grazing rights and either a narrower distribution of property or a greater political voice for landowners. Otherwise, privileged holders of grazing rights, who could at little cost use existing institutions to lobby against the distributional consequences of agricultural reform, would always have the political edge over the diffuse and unorganized group of landowners, many of
whom were peasants. The problem the landowners faced here was political, not economic, since even the peasants among them seemed to farm with relative efficiency. Had land been concentrated in the hands of a few, as was the case in England or Denmark, or had a single body represented property owners, as the English Parliament and the Swedish Estates did, the landowners might have had a chance politically. But no such body existed, and creating one would have meant giving landowning peasants a voice in politics, something unthinkable in the eighteenth century.

In addition, improvements would have required a way to discourage the strategic behavior that bedeviled projects like La Galazière’s in Lorraine. In England, parliamentary enclosure bills kept opportunists from blocking reform projects in an effort to appropriate a share of the gains; passage of the bills was facilitated by the structure of Parliament. Voting on an enclosure bill for a particular English village was only on stage in a repeated game, with other votes in the future. The MP who had an interest in the enclosure, because he owned land in the village or because his family and friends did, could trade votes to ensure the cooperation of other MPs who might try to block the bill. Similarly, the MP who represented the village was engaged in a repeated game with local landowners, who were not only his constituents but often kith and kin as well. In either case, we would expect cooperation to emerge. The enclosure bill would be proposed and in all likelihood pass, putting an end to any resistance, opportunistic or not.

In France, by contrast, nothing promoted the needed reciprocity. No organization grouped together, say, the holders of grazing rights and landowners. They might well live in separate villages. Agricultural reforms confronted them with a one-period prisoners’ dilemma game, and thus it is no wonder that projects foundered on a lack of cooperation. Changing the rules would once again have required something drastic—the creation of a local or a national assembly. And had this been done, still other obstacles would have remained to block agricultural growth: the tax system, for example, penalized agricultural investment and encouraged absentee landownership.

An institutional transformation of such magnitude was impossible. Overlapping courts and flourishing privileges were the backbone of the Old Regime. They could not be eliminated. A legislature or a political voice for peasants was impossible. And the tax system, so harmful to agriculture, was itself an outgrowth of the same political forces that hobbled agricultural-improvement legislation. The French Revolution brought some of the necessary changes in its wake, but even the Revolution could not accomplish everything. Well into the nineteenth century, France remained practically
alone in demanding unanimity for enclosure, drainage projects, and the
like.35

NOTES

(Paris: Armand Colin, 1931). This French translation has the advantage of including
critical notes and material left out of most recent English editions. For revisionist views
of French economic growth, see Patrick O’Brien and Caglar Keyder, "Les voies de
passage vers la société industrielle en Grande-Bretagne et en France (1780–1914),"
Annales E.S.C. 34 (1979): 1284–303; idem, Economic Growth in Britain and France,
1780–1914 (London: George Allen & Unwin, 1978); Rondo Cameron and Charles E.
Freedman, "French Economic Growth: A Radical Revision," Social Science History 7
(1983): 3–30; and François Crouzet, De la supériorité de l’Angleterre sur la France
(Paris: Perrin, 1985), 50–89. For a different point of view, see Robert Allen, "On the Road
Again with Arthur Young: English, Irish and French Agriculture During the Industrial
Revolution," University of British Columbia Economics Discussion Paper 86–38

Morineau, Les faux-similants d’un démarrage économique: Agriculture et démographie en
I do not wish to leave the impression that the evidence for the failings of Old Regime
agriculture is unquestionable. Far too much of it concerns grain yields exclusively and
ignores other farm outputs, and even the grain–yield evidence fails to treat variables
such as soil quality systematically. Similarly, too much attention has been given to
output per acre, or land productivity, and not enough to the particular causes of
agricultural stagnation. Finally, some sources have not been fully exploited, in
particular rents, which give an index of productivity if one corrects for taxes and price
changes. I am currently collecting rent figures with such a use in mind; they may contain
a number of surprises. For interesting examples of recent work using rents and sale
prices and a discussion of the pitfalls involved, see Gérard Béaur, Le marché foncier à la
veille de la Révolution (Paris: Ecole des Hautes Etudes en Sciences Sociales, 1984);
Gilles Postel-Vinay, La rente foncière dans le capitalisme agricole (Paris: François
Maspero, 1974); and Jean Jacquart, "La rente foncière, indice conjoncturel?" Revue
historique 514 (Apr.–June, 1975): 355–76, who remains somewhat skeptical about the
use of rents as an economic indicator.

Growth and Agricultural Change: England and the Continent in the Early Modern

4. Emmanuel Le Roy Ladurie and Joseph Goy, Les fluctuations du produit de la
iden, "Y a-t-il eu une révolution agricole en France au XVIIIe siècle?," Revue historique
239 (1968): 299–326; Roderick Floud and Donald McClosky, eds., The Economic
1:116, 192. The French estimates for total agricultural productivity growth come from
my current work for a book on the social and economic history of rural France under the
Old Regime. Like all such figures, these should be viewed with considerable
cautions—particularly since they are provisional.

6. Jean-Michel Chevet, “Le Marquisat d’Ormesson, 1700–1840: Essai d’analyse économique,” 2 vols. (Ph.D. diss., Ecole des Hautes Etudes en Science Sociales, n.d.), 2:498–500, 520–29, shows that in the late eighteenth century small farmers around Paris were just as likely as big farmers to plant artificial meadows and that they had just as many head of livestock per acre (livestock were the major form of farm capital). A revised version of Chevet’s interesting thesis is forthcoming.

7. Young, *Voyages en France*, 2:602–4, 804–7. According to Young’s averages, the ratio of the average rent for an acre of land to an agricultural laborer’s daily wage was 19.68 in France and 11.16 in England. Other evidence suggests that Young underestimated French wages and that the ratio in France was even higher.

8. Emmanuel Le Roy Ladurie is only one among many historians who hastily invokes a traditional mentality in order to explain past economic behavior. In his analysis of the diary of Gilles de Gouberville, a minor sixteenth-century seignior whom he calls a “quasi peasant,” Ladurie finds “paradoxical” the fact that Gouberville commercialized his livestock but not his grain. Although Ladurie takes Gouberville’s behavior as evidence of a traditional mentality, it was actually highly rational. Transport costs were high for grain but low for livestock, which walked to market. Gouberville would thus have been a fool to sell his grain. See Le Roy Ladurie, *La paysannerie*, 659–61. Furthermore, the fact that Gouberville grew wheat for his own consumption was in no way inconsistent with a concern for maximizing profits on his property. Gouberville even advised his steward to “do the best for my profit.” See Auguste de Blangy, *Généalogie des Sires de Ravy, de Gouberville et du Mesnil-au-Val* (Neuilly: Le Livre Ancien, 1980 [1887–93]), 2:122–23. Unfortunately, many historians continue to believe that rational behavior is possible without market involvement. For a discussion of this erroneous assumption, see Richard Posner, “A Theory of Primitive Society, with Special Reference to Law,” *Journal of Law and Economics* 23 (1980): 1–53.

On the whole, self-sufficiency among the French peasantry has been exaggerated. In isolated areas, where high transportation costs would presumably encourage autarky, peasants nonetheless grew commercial crops, raised livestock, and worked as migrant laborers during the slack season to earn needed money. In rich areas, where peasants supposedly aspired to self-sufficiency, far from retreating into self-sufficiency, wealthy peasants loaned plow teams, sold hides and livestock, and branched out into the farming and moneylending. See, e.g., Rodez, France [diocese], *Etat du diocèse de Rodez en 1771* (Rodez: L. Loup, 1906); and Jean Jacquant, *La crise rurale en l’Ile-de-France, 1559–1670* (Paris: Armand Colin, 1974), 147–58, 477–78. One reason historians have exaggerated self-sufficiency is that they have focused on peasant landownership, where the documents are more abundant and ignored the question of the real size of the holdings that peasants actually farmed. The problem is that peasants rented property and could farm much more than the few scraps of land they owned. Overlooking what the peasants
rented thus leads to the mistaken impression that only a fraction of them had farms large enough to produce for the market.

For works that question the existence of a traditional peasant economic mentality, see Samuel Popkin, *The Rational Peasant: The Political Economy of Rural Society in Vietnam* (Berkeley: University of California Press, 1979); Robert Bates, *Essays on the Political Economy of Rural Africa* (Cambridge, Eng.: Cambridge University Press, 1983); Kathryn Norberg, "The Amoral Economy of Echallon," (Paper delivered at the Western Society for French Historical Studies Conference, Albuquerque, 1984). Attacking the traditional peasant economic mentality leaves one open, of course, to a charge of ethnocentrism, of having anachronistically imposed one’s own culture on the past. Having written at length about peasant religion, I would be the first to deny that peasant culture resembles our own, and yet I feel confident that peasants did behave rationally in the economic sphere. One reason for my confidence is that the sort of rationality implied here is actually quite limited. It does not mean that peasants thought like economists: businessmen today do not do that. Rather, it merely assumes that peasants chose what they considered the best alternative from the limited options at their disposal. Here “best” might be a matter of risk as well as cost, just as is often the case in today’s world.


14. AD Meurthe-et-Moselle, B11928, B11947, 1F10; Peltrie, Recherches, 274–84; Bourde, Agronomie 3:1408–12.

15. For one famous example of praise bestowed on La Galaizière, see Christopher Joseph Alexandre Mathieu de Dombasle, "Des réunions territoriales," in Annales agricoles de Roville, 2d ed. (Paris: Madame Huard, 1829), 1:264–318. The rent calculations come from an analysis of leases in AD Meurthe-et-Moselle, 1F8, HR53–54. The farm in question was the gagnage of the Tiercelins in Neuville. The Tiercelins leased it out for 380 livres in 1748, 372 livres in 1757, and 400 livres in 1765. La Galaizière's project took place in 1768–71, and only one lease survives from the period after the project: 620 livres in Mar. 1788, a 55 percent increase over 1765. The leases all ran from 8 to 12 years, and tenants were responsible for upkeep. A more detailed analysis will be presented in my forthcoming book, but it is lamentable that typical sources for leases—notarial registers and the enregistrement—are lacking for this period. There is a gap in the relevant notarial records for the late eighteenth century, and the enregistrement provides no useful information about leases or sales.


17. Archives nationales (henceforth AN) H1 1486, 1487; Jacquart, La crise rurale, 320–30; Meuvret, Le problème des substances, vol. 2, pt. 2, 27–29, 33–35, 39–40. Meuvret discusses in detail the regional variation of the rights to graze on meadow land. Note that the farmers who planted artificial meadows could be owners or tenants. For the powers large tenants sometimes had, see Postel–Vinay, La rente foncière, 51–52.


21. The cost-benefit analysis depends, obviously, on a number of assumptions, including the interest rate, the pre-improvement rents, and a decision about what land was improved by the project. Some property, such as La Galaizière's chateau and his ornamental park, was not involved in the project; other property was. La Galaizière had also improved certain enclosures before he undertook the rearrangement of the parcels. His cost figures, which I am currently analyzing, come from AN H1 1486. Further details (including a calculation of the rate of return on the investment) will appear in my forthcoming book. One might wonder, of course, whether La Galaizière padded his expense report since he was seeking government reimbursement. Although I cannot yet be certain, I think his figures are reasonable. Indeed, he may well have understated his expenses, for he included nothing for his own time, particularly that spent cajoling opponents of his project. This could have been considerable, and it would have pushed the cost of consent even higher.

22. AN H1 1486.

23. Ibid.

24. The suit concerned livestock from the village herd in Roville, which broke an enclosure and entered a pré belonging to La Galaizière. He and his tenant farmer sued Roville and the shepherd for damages, arguing that open-field grazing rights had been abolished during the rearrangement of parcels. The village opposed La Galaizière and won an appeal, forcing him to seek a reversal from the king's council. While one might suppose this was an affair between a rich noble and poor villagers, La Galaizière's opponents were not all paupers. I will explore this incident more fully in my forthcoming book. See AN H1 1486; AD Meurthe-et-Moselle B/J10219 (1781), E supplément 3141 (1788), and 3 B IV/91 (provisional code), 1 May 1783; and Bourde, *Agronome*, 3:1408–12.


26. Ibid., 33.


28. Pellet, *Recherches*, 274–84; Bourde, *Agronome*, 3:1408–12. Clay soils were not the only ones with drainage problems. Marshy areas had their own set of difficulties, and erosion ravaged even the best of soils.

29. AN H1 1507; McCluskey, "Economics of Enclosure," 132–33; Joan Thirk, ed., *The Agrarian History of England and Wales*, vol. 5, pt. 2, 1640–1750: *Agrarian Change* (Cambridge, Eng.: Cambridge University Press, 1985), 378–82. The efficiency of enclosure itself should not be exaggerated. Recent research has suggested that some agricultural improvements in England were adopted as readily on open fields as behind enclosures; see Robert Allen, "The Efficiency and Distributional Consequences of Eighteenth-Century Enclosures," *Economic Journal* 92 (1982): 937–53, and also Allen's forthcoming book on agriculture in the southern Midlands. Cf. Stefano Fencalea's article in this issue. Improvements may have also taken place on the open fields in Normandy; once landowners could bar grazing animals without going to the expense of digging ditches and building walls. If so, enclosed land in Normandy should not have fetched a higher price—a point I am currently investigating. What emerges from this recent literature on the common fields and enclosures is that some improvements (planting vetch on the fallow, for example) succeeded without enclosure or drastic rearrangements, whereas others (drainage) did not. The fate of certain technologies (artificial meadows, for instance) might hang on a host of circumstances: the precise rules governing grazing rights, the size and distribution of livestock holdings, and the degree to which land was already consolidated. Whether a new technology would succeed
without enclosure was thus a complicated issue. It depended on the nature of the technology, whose property rights and incomes were affected, and who made the decisions. And although the open fields proved more adaptable than expected, it is also true that institutional arrangements could thwart certain improvements despite favorable prices and the rationality of all the parties involved.


31. For complaints about the effect on the poor, see AN H1 1486; Bloch, "Individualisme agraire"; and Bourde, Agronomie, 2:1151–92. Strife over the edicts (and over grazing rights in general) concerned pastures and meadows, never arable fallow. The issues could be very complex, for although a village pauper might in some cases wish to preserve a communal pasture for his family cow, the privileged and the rich might actually monopolize grazing rights with huge herds of sheep. Cf. Meuvret, Le problème des subsistances, vol. 2, pt. 1, 11–45.

32. For the edict in Lorraine, see AN H1 1486, 14892, 1624; Bourde, Agronomie, 2:1156, 1185–89; and Bloch, "Individualisme agraire," 344, 364, 516–18. The edict did compensate high seigniors (those with powers of justice, typically ecclesiastical institutions or powerful individuals like La Galaizière himself) for their lost troupeau à part. It did not, however, compensate lower-level seigniors, the seigneurs de fief, among whom one would in all likelihood find numerous magistrates from the sovereign court of Nancy. Some of the seigniors and laboureurs involved may have owned or farmed land that was already enclosed. For them enclosure brought no benefits, only costs in the form of reduced grazing rights.

33. Bourde, Agronomie, 2:1154–55, 1158–59, 1165–67; AN H1 173, 1486, 1624; Bloch, "Individualisme agraire," 373. The Parlement of Burgundy favored enclosure and thought the clause in question too restrictive. But at the same time, the Parlement refused to abolish grazing rights and easements, even though protecting these rights, as the clause did, hindered enclosure. In any case, the Parlement had the opportunity to influence the final form of the edict, and ultimately it retained the clause without change. Apparently it feared that Burgundy's important wine-growing villages, which depended heavily on parcours rights exercised in nearby grain-growing towns, might suffer if their parcours was blocked by enclosure. The Parlement thus bears some of the responsibility for the clause in the 1770 edict. So do the intendant and the Estates of Burgundy, who feared civil disorder.


35. For enclosure legislation in the nineteenth century, see the excellent article by George Grantham, "The Persistence of Open Field Farming in Nineteenth-Century France," Journal of Economic History 40 (1980): 515–31. Grantham cites a number of obstacles to nineteenth-century enclosure legislation in France, including fears that any legislation tampering with property rights might eventually call into question title to lands seized during the Revolution. To the reasons he lists, one might add two others: the continued broad distribution of property, which raised the political costs for the beneficiaries of enclosure, and—perhaps—the continued domination of grazing rights by influential locals. For the tax system and incentives it created, see Philip T. Hoffman, "Taxes and Agrarian Life in Early Modern France: Land Sales, 1550–1730," Journal of Economic History 46 (1986): 37–55. In a forthcoming book, I shall attempt to measure the effect of all the barriers to French agricultural growth—prices, soil quality, the weakness of human capital (especially knowledge and experience with new techniques), and the various institutional obstacles.
WORKS CITED


