

## Nadine Vivier

### Conflicts about commons and Management of common land in western alpine regions, 18<sup>th</sup>-19<sup>th</sup> C.

#### I. Ownership conflicts

Two cases can be studied, of quite different situations

##### *Savoie*

*Size of commons*: according to the map achieved in 1730 (la mappe de Savoie), collective properties covered 47,67% of the country. But the distribution was quite unequal. Arable fields of the valleys and plateau were globally appropriated whereas wooded side of the mountain, wetlands and mountain pastures were collective. The map (from Jean Nicolas, *La Savoie au XVIIIe siècle*, Paris, 1978, p. 1179) show the big differences between the area around Geneva (commons= 23%) and the Maurienne (72,3%) and Tarentaise (71,48%)

##### *New context in the eighteenth century*

In the Duchy of Savoie, commons were the ownership ('propriété éminente') of the lord who granted the use to the inhabitants. Agreements (named albergement) had been passed in the Middle Ages: the lord granted the use of a part of commons to a group of families; in return they had to pay an annual tax named alpage or cens.

In the eighteenth century, tensions increased because on one hand communities were indebted and on the other hand dairy farming became more profitable (rise of cheese price). The lords first wanted to preserve collective use: they behaved in a way to preserve forests, to eliminate foreigners from mountain pastures use. So did also the population in spite of greeds from some people. Gradually the economic context led to transform this ancient practice. A community could decide a pasture tax, could sale some parts of commons in order to pay works, on the church or others. Moreover the Senate of Savoy introduced in the 1780s the 'droit de triage', i.e. the right for the lord to exchange the inhabitants pasture allowance on the commons (albergement) for a sharing out of the property right since he was supposed to have the ownership: he would be granted of 1/3 of the area and the community of 2/3: absolute property right without any use right. The lords who previously intended to protect the commons became interested in selling or sharing. Communities may also be interested in redeeming seigniorial rights: they could sell a part of commons to pay lords back in order to be free from taxes.

Saint Maxime de Beaufort has been studied and gives a representative example. (Hélène Viallet, 1993) Commons covered 6627 ha , 47% of the territory. Difficulties to control the access and the use led the community to rent it in 1763, then part of it (1026 ha) was sold out in 1776 to be freed from seigniorial rights.

### *Many conflicts*

If the inhabitants were pleased to be free from seigniorial tax, sales of commons for other reasons or pasture taxes were very ill accepted and conflicts arose.

Jean Nicolas assumed, from the documentation, that lots of commons were sold in the 1750-80 period and there were increasing social tensions. There was a gap between on one side 'honest people' (bourgeois) who wanted to buy a land and freely enjoy it since it was now free of seigniorial rights, and on the other side the rural populace and the poor of small towns who rejected the loss of commons without any compensation for them. This means a double fracture: between lords and populace; and inside the Tiers état, between notables and poor.

The lords coveted forests or good pastures and obtained it with the 'trriage', provoking the communities' discontent.

In case of sale, tensions increased also inside the community. Commons were sold by auction in small shares; but after the auction of small shares, a global auction occurred at a price equal to the addition of the previous auctions. This means that rich people could buy and small ones fell stripped of their lands.

The cattle owners tried to reserve pastures for their own group and threw out other animals. In Saint Maxime, the wealthiest cattle breeders wanted to rent commons. They obtained a lease by auction (1763). The small farmers who previously took advantage of the commons fought against the decision and tried to gain poor people's supports. They first used petitions then violence.

## **Dauphiné**

### *A special statute*

Immediately south of Savoy is the Dauphiné : for its high mountain part the Briançonnais, and southwards, is Ubaye. Both had a special statute. Here commons covered 82% of the superficies, the highest percentage in France.

A map of Monétier shows the distribution: mountain pastures, forests and some fields in the valley intertwined with private properties.

In 1343, a Transaction recognized the liberties of the inhabitants of this region: no seigniorial right, no ownership of the lord (that was confirmed by the French king when Dauphiné was sold to France a few years later, 1349). This means that the inhabitants enjoyed a kind of legal equality and personal liberty, they owned the commons - for an annual fee paid to the king.

Each community was ruled by an assembly of the family heads. They managed the commons, with two main concerns: the best use of the production in wood and pasture and their preservation. Mountain pastures could be rented to flocks coming from Piedmont in the summer; they were mainly used by the inhabitants to feed cattle during summer. Each landowner had a free grazing right for a definite number of animals and beyond this number, a tax had to be paid for each animal. Poor

people could graze 2 cows for free. It seems that the municipalities elected servants efficiently implemented the by-laws, and offences were rare.

Yet the economic context was similar to the one witnessed in Savoy. Increasing charges of the communities : on the one hand ordinary charges (maintenance of church, wages of priests, school masters, municipality servants, works of roads, bridges and waterways) and on the other hand, extraordinary charges coming from the soldiers living through. Wars of the end of 17<sup>th</sup> and beginning 18<sup>th</sup>, as well as wars of the revolutionary period led communities to be heavily indebted. In spite of those difficulties, commons were not sold because they were not objects of conflicts and their collective use was considered the best one to preserve the fragile environment. (the term environment was not used but it was the idea. Preservation of mountain pastures and forests was an issue of survival for the population)

The two examples, Savoy and Briançonnais intended to show that legal statutes were a source of tensions. The other source and most frequent source of conflicts was the management of commons.

## II. Use right conflicts

The traditional cases of use right conflicts are provoked by contrasted interest of social groups, as we have seen in the case of Saint Maxime de Beaufort, when some people in the community are in position to monopolize the use and the benefits of the commons. This was a traditional situation everywhere not at all specific of mountain areas. Let us focus on the specific concerns of high mountain: in this fragile environment how could overexploitation be avoided and the production be adjusted to the capacity of the land?

To answer this question the case of Briançonnais is studied again because the environmental stability can be easily broken: steep slopes, torrents destructions, avalanches, and vulnerability of the forests (21% of the territory) because of the dry climate. The inhabitants were really conscious of this and rejected sale of commons because they were convinced that collective use was the only means to avoid damage. This is documented by the council's answers during the revolutionary period.

In the nineteenth century, commons were owned and ruled by the municipality and according to the national legislation, every inhabitant had an equal use right. The members of the municipal council were elected by the wealthiest inhabitants (until 1848) then universal male suffrage. In this context let us observe the management of pastures and of forests.

### No renting of commons

In the years 1835-45, the French monarchy wanted the agricultural production to increase and commons to be productive. The administration urged municipal councils to rent commons. Usually they refused. Members of the council often were among the owners of cattle (we cannot say the wealthiest since people here were all poor) and they opposed renting to a man or a group, except the admission in summer of flocks from Provence. Only a grazing tax was maintained. Does this mean they monopolized? This has been a debated question. Actually it seems that nobody monopolized and grew richer through cattle breeding. It can be first noticed that poor could send cattle on the pastures: they could have a few animals thanks to 'baux à cheptel'. Craftsmen who have fed some animals for milk during winter, sent them on the mountain pasture with the communal shepherd, but they could not take care of the milk every day. So they could lease them during summer for a fee, and the tenant made some benefit on dairy products. In this condition, poor

people could take advantage of the common pastures. But those leases usually involved less than ten cows or ewes. Dairy activity (in cooperative dairies) asked labour and could not be developed because of the shortage in workforce.

If dairy asked too much labour, pasture could have been used to fatten cattle. Cattle or sheep could be bought at the spring fairs and sold at the autumn fairs. And the communal shepherds would take care of them. But what was needed was the purchase capital. Obviously, there was no farmer growing richer with such an activity. They did not have the necessary capital. The people who could invest had no interest in agriculture, they preferred investments in trade.

This situation was still worse in the second half of the century. Difficulties of high mountains led to an intense depopulation and this was partly the consequences of the conflicts with the Forest administration.

### **Conflicts between inhabitants and Eaux et Forêts**

According to the Code forestier in 1827 the forest administration was given the management of all state and municipal forests. The conception of forests completely changed: they were no more to be used by rural population as part of their pastoral area, they had to produce timber. Gradually in the twenty following years, the deliverance of timber and firewood for local population dramatically decreased, introduction of animals in the undergrowth was completely forbidden. This explains the early depopulation and destitution of population.

Some years later, the concern for flooding led to the 1860 laws that intended to fight against torrents damages and gave the forest administration the supervision of planting trees and restoring high mountain pastures. Fighting for their survival, the inhabitants opposed the forest administration, mostly through administrative debates.

Nonetheless, when the forests were considered in a better condition, in the 1880s, the forest administration encouraged municipalities to carry out a more intense exploitation as regard to timber and to cattle breeding. In Ristolas, the foresters helped for a new project: they built a dairy, a road and shelters for cattle. But this came to a failure. Why? Farmers 'routine' said the foresters. There was also the labour shortage of the cooperative dairy, and the mistrust of population; they feared that the state intervention could result in a loss of their commons.

The failure was similar when the forest administration that had so long dramatically restricted wood allowance, encouraged selling timber. But municipal councils, used to a very careful management dared not cut trees. The annual allotment of firewood increasing in the time of a decrease of population, there was another possibility of growing richer. And none was grasped in the period 1880-1900. This is surprising because during the revolution, when controls vanished, some people grew richer by selling wood. That was not the case in 1880s. The reasons can be that the region had lost the more active and dynamic part of its population; remaining farmers had no capital, no vitality and kept in mind the old prudence in the management of commons.

Commons were said to go along with conflicts. Briançonnais is an interesting case because of its limited number of conflicts. This comes from two reasons. 1. Local consensus for the environment concern. Some periods saw a too intensive exploitation but the degradation was limited by the fear of natural disasters. 2. Local consensus clashed with forest administration. Its intervention changed traditional agriculture and forestry. These new rules did not match with a high level of population.

Local consensus meant until the mid-nineteenth century a strong concern for environment; it became at the end of the century an attachment to traditional practice and a lack of dynamism. New possibilities in the twentieth century may have engendered new conflicts.