

Chaloner Memorial Lecture*

The paradox of the Marks. The exploitation of commons in the eastern Netherlands, 1250–1850

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Abstract

The paper presents a survey of the development of the *markengenootschappen*, the institutions which governed the exploitation of the commons in the eastern Netherlands between 1250 and 1850. It deals with the principles which governed the management of the commons, relates these to the 'moral economy' of the peasants, and addresses the question of whether the marks were able to prevent their overexploitation. Finally, the division of the *marks* and the enclosure of the commons in the nineteenth century is described.

In the past, almost every agricultural society had to find a way to organize the exploitation of the commons, meadows, wastes and woods which were communal property. These commons were essential to the economy of the village community. They were used for grazing cattle, which in turn supplied manure for the arable, for the acquisition of firewood and peat, and the provision of a great diversity of subsistence goods. Game was poached on the commons. Herbs, mushrooms, nuts and berries were gathered there, wood was assembled for building houses and stables, leaves were collected for fodder and so on. Commons constituted an important part of the economic basis of agricultural societies: therefore the inhabitants of a village depended heavily on the good management of this collective property.

The common grounds were in constant danger of being overexploited. This problem is the focus of Hardin's classical study of the 'tragedy of the commons'. Hardin showed that the individual farmer acts in a rational way when he maximizes his use of communal property. The immediate private benefits accruing to the individual are usually more significant than the 'delayed costs of overexploitation' which were suffered by the community as a whole. This results in the 'tragedy of the commons', namely that overexploitation leads to the degradation of common property and its ultimate destruction. In Hardin's view, this symbolizes the degradation of the environment as the consequence of the search for individual, short-run, profit. Hardin concludes:

Therein is the tragedy. Each man is locked into a system that compels him to increase his herd without limit in a world that is limited. Ruin is the destination toward which all men

* A lecture given at the Society's Shrewsbury conference, 7 April 1998, in honour of the late Professor W. H. Chaloner (1914–1987), a member of the Society and its Executive Committee over many years.

rush, each pursuing his own best interest in a society that believes in the freedom of the commons.¹

In a pioneering piece of research on the actual management of common grounds, Elinor Ostrom has disputed Hardin's pessimistic conclusion that all resources held in common will ultimately be destroyed because of overexploitation. Ostrom shows how in the past, in order to solve or control this problem, agricultural societies instituted organizations which served to regulate the exploitation of the commons. In very different environments, extremely stable management of common resources by these organizations could be found, whether in the Alps with their extensive pastures, in areas reliant on irrigation, where the supply and division of water had to be regulated, or in coastal areas where fishing grounds had to be managed.² Sustainable management of commons was achievable if certain conditions could be met. According to Ostrom, a sharp demarcation of both common grounds and those entitled to use them are among these conditions. To this end, the institution that regulates the allocation of common rights needs to draw up clear rules and operate a system of supervision, linked to sanctions in case of abuse. Mechanisms solving possible conflicts and a certain degree of involvement by the commoners in decision making are also of the utmost importance. Finally, Ostrom shows how intervention by a central government can seriously disturb the equilibrium within the organization.³

In this paper, I want to discuss some of these questions on the basis of the development of communal institutions in the eastern Netherlands. This study focuses on the provinces of Drenthe, Overijssel and Gelderland, and in particular on those areas characterized by relatively poor, sandy soils. It was, certainly by Dutch standards, a region of low population density throughout the period of study; levels of urbanization were also relatively low, although along the borders of the IJssel river there existed a number of towns (Kampen, Zwolle, Deventer and Zutphen) which played a role in international trade and which acted as regional centers of trade, industry and government. A rather one-sided agriculture came into existence in the early modern period, which can best be characterized as an infield-outfield system. The relatively small fields – which made up of less than 10% of the total area – were cultivated intensively with rye, buckwheat and (less importantly) barley and oats. In some fields rye was cultivated year after year, the only change consisting in its alternation between a summer and a winter crop. This necessitated intensive manuring of these fields, which was done through a combination of grazing the cattle on the stubble after the harvest, and mixing the cattle and sheep dung with turf which was cut on the wastes. Almost all arable fields seems to have been held in severalty relatively early – that is, by the late Middle Ages – but certain practices related especially to the collective sowing and harvesting of the crops and to the cattle grazing after the harvest did continue until the seventeenth and eighteenth centuries, after which they gradually disappeared.

In this region, *markegenootschappen*, marks in short, were instituted in the thirteenth, fourteenth and fifteenth centuries in order to manage the common grounds. According to Slicher

¹ G. Hardin, 'The tragedy of the Commons', *Science* 162 (1968), pp. 1234–8 at p. 1244.

² Elinor Ostrom, *Governing the commons. The evolution of institutions for collective action* (1990), pp. 58–90.

³ Ostrom, *Governing the commons*, p. 90.



Map of the Netherlands in the seventeenth and eighteenth centuries; the shaded area is the region studied in the paper.

van Bath, the first marks were founded between 1250 and 1350 in a period of rapid population growth, when the original forests threatened to disappear because of large-scale reclamations, and common grounds were becoming increasingly scarce.⁴ Unfortunately, due to a lack of sources, the circumstances in which the marks were established is shrouded in mystery. In Overijssel and Guelderland, the initiative to establish marks was presumably mostly taken by the large landowners of these communities, whether local landlords or landowners from outside the countryside, such as religious houses and cities. As a result of the extensive reclamations during this period of population growth, landlords probably believed that their rights to the common grounds were being threatened. In Drenthe, where large landownership was almost absent, and most farmers did own their land, the organization of the mark was probably initiated by the farmers themselves, perhaps copied from other regions. As a result of the lack of outside involvement, the distinction between the mark, which regulated the management of the commons, and the village community, was often unclear in the latter case.⁵

Throughout the eastern Netherlands, the owners of the farmland were entitled to exploit the neighbouring 'wastes'.⁶ This legal situation sharply contrasted with the western part of the country, where the sovereign – the count of Holland or the bishop of Utrecht – had acquired the rights to all the wastes. As a result, similar organizations never came into being in the western Netherlands. As the population started to increase rapidly during the Middle Ages, the feudal lord sold the wastes to farmers – most of them new settlers – in individual plots.⁷ But in the eastern Netherlands, in order to protect the landowners' rights on the neighbouring wastes, the marks were set up as owners of the commons. This legal innovation (which, in the northern Netherlands, appears to coincide with the foundation of guilds in the cities⁸) was presumably modelled on German institutions and spread from the areas directly neighbouring the cities in the eastern Netherlands to the rest of the region.⁹

When the mark was founded, the village consisted of a number of farms that had access to the commons. As a result, the owners of this original group of farms gained possession of mark shares or *waardzien*. In practice, this implied that the peasants who were either owners or tenants of these original farms would in the future enjoy full common rights. They were known as *gewaarden* and formed the upper layer of the peasantry: their farms were known as *gewaarde erven*. The group of landowners who possessed these original farms met regularly – usually annually on a fixed day – in order to decide on the use of the commons, to impose fines on those who had offended against the mark's by-laws, and to consider all other matters concerning the management of the mark. Depending on the specific structure of landownership, the formal participants in mark meetings were representatives of nobility, of religious houses, town governments, of the urban middle class, and of a few landholding farmers. In fact all peasants had to be present at the mark meeting, since they all had to be informed about the rules to which

⁴ B. H. Slicher van Bath, *Mensch en Land in de Middeleeuwen* (s. l. 1944), pp. 55–69.

⁵ See J. Heringa, 'De buurschap en de marke', *Drentse Historische Studien* 5 (1982); B. H. Slicher van Bath, 'Buurschap en Markegenootschap' *Ons Waardeel* (1983), pp. 129–133.

⁶ Slicher van Bath, *Mensch*, pp. 69–75.

⁷ H. van der Linden, *De Cope* (Assen, 1956).

⁸ Some marks were also called guilds, Slicher van Bath, *Mensch*, pp. 84–5.

⁹ Slicher van Bath, *Mensch*, p. 67; the parallels with marklaw in the neighbouring German area have been established by J. Buis, *Historia Forestis. Nederlandse Bosgeschiedenis* (Wageningen, 1987), pp. 200–205.

they had to adhere. Up to the sixteenth century, the nobility and clergy predominated at these meetings in Overijssel and Guelderland: after the Reformation, the role of the clergy was gradually taken over by representatives of towns and the nobility, and by members of the middle class who had bought former clerical properties from the government. The yearly meeting was chaired by the *markerechter* who had a dominant position in the formal organization of the mark. He was normally a nobleman with extensive landholdings in the community. Sometimes, where this position was linked to the ownership of a specific farm, it fell into the hands of the noble family that owned the farm in question.

With the foundation of the marks in the thirteenth, fourteenth, and fifteenth centuries, a category of farms with full common rights was established. New farms founded later did not have shares in the mark and were therefore being referred to as *keuters*, 'cottagers' or 'crofters' (also called *ongewaarden*). Generally speaking they had (much) smaller holdings and had only limited access to the commons. The original farms, with full common rights attached to them, could, however, be subdivided, resulting in two farms with a half share each, or even four with quarter shares. In later centuries, common rights could be bought and sold, sometimes leading to a very unclear structure with dozens of rightful or presumed claimants. Occasionally, a distinction was made between various groups of cottagers. In these cases, the cottagers who had lived at the mark the longest were allowed to graze more cattle than more recent settlers. In 1561, the mark of Ruinen acknowledged four different groups of cottagers, who were allowed to pasture fifteen beasts and three horses, ten beasts and four horses, ten beasts and two horses, and three beasts respectively; by comparison the *gewaarden* who enjoyed full rights were allowed to hold 35 beasts and six horses in the mark.¹⁰ In practice, the establishment of the marks resulted in two groups of peasants: those with and those without shares in the commons.

This structure, with many regional variations, remained essentially the same until the first decades of the nineteenth century. In 1809, the government attempted to abolish the marks, particularly because it was assumed that they were thwarting the reclamation of the wastes. This ignited a process of enclosure, which accelerated when the government started to put more pressure on the marks in the 1830s. Between about 1300 and about 1800, marks were, however, the institutions that regulated the exploitation of the commons in this part of the Netherlands.

Marks are deserving of study for several reasons. In the first place, the rules that governed the exploitation of commons may illustrate aspects of the economic behaviour of the farmers. I hope to show that these by-laws, to a certain extent, codified the customs and values of the peasantry, or what might be called their 'moral economy'. Furthermore, I want to investigate how successful the marks were in avoiding the 'tragedy of the commons': did they succeed in avoiding overexploitation of common resources? To what extent did they meet Ostrom's criteria for a stable management of common resources? Next, I will describe the dissolution of the marks in the nineteenth century, a process which was, to some extent, comparable to the English enclosure movement. Finally, I want to address the question who profited the most from the marks: the landowners, who had instituted the marks in order to protect their properties, or the cottagers, who, to a certain extent, were also allowed access to the common grounds?

¹⁰ J. G. C. Joosting, 'Willekeuren van Drentsche Marken', *Verslagen en Mededeelingen Vereniging tot Uitgaaf der Bronnen van Het Oud-Vaderlandsch Recht* (6 vols, 1915), VI, pp. 27-97, at p. 71.

I

The most important sources for the study of common rights are the many surviving mark regulations – *markerechten* or laws of the mark – of which the earliest date back to the fourteenth century.¹¹ It is immediately clear from these sources that the most significant goal of the mark was to maintain the commons by preventing overexploitation. Therefore, rules were instituted to limit the maximum quantity of wood which could be cut down, the amount of peat which might be dug, and the number of horses, cattle, sheep, pigs and geese that could be kept on the commons. Furthermore, many regulations also applied to the construction of fences between farmland and pasture land, to the grazing of cattle on the stubble after the harvest, the maintenance of dikes and ditches, and to all other matters that were of interest to the village. The legislation on the exploitation of the commons was, however, of central importance for the village.¹²

It is also evident from the mark laws that the rules concerning the commons were based on the customs of the peasantry. This is immediately apparent in the laws of the mark Lutte, dating from 1497. The rules were formulated by the *markerechter*, who systematically enquired about the prevailing customs, and the peasants, who, in reply, gave an explanation of their practices. For instance Leppinckhof, the *markerechter*, wanted to know what were the rights of cottagers. The peasants replied that cottagers were allowed to gather wood in the mark, and that they could, in return for a small fee, cut down one oak and one beech per year.¹³

The example of Lutte is typical of others found in Overijssel and Gelderland. It was the custom there that cottagers had clearly defined rights, even though they were not formally owners of the mark. In a substantial number of marks, this entitled the cottagers to graze approximately half the cattle of landholding peasants. The right of cottagers to get wood or peat from the commons was also often limited to about 50 per cent of the quantity allowed to the *gewaarden*.¹⁴

Turning to the reclamation of the wastes, we can distinguish two sorts of provisions in the *markerechten*. Sometimes it was completely forbidden, but mostly maximum limits were laid down, these in turn being dependent on the degree to which the farmer was a tenant or owner of a *gewaard erf* or just a cottager.¹⁵

¹¹ Collections of marklaws have been published by Joosting, 'Willekeuren'; J. Heringa, *Drentse willekeuren, uit oudere uitgaven verzameld* (Zutphen, 1983); *Overijsselsche Stad-, Dijk- en Markerechten* III. Markerechten I–XXV (Zwolle 1873–1967). The individual by-laws (*markerechten*) cited subsequently are all from this series. J. J. S. Sloet, *Gelderse Markerechten* (2 vols, The Hague, 1911–3).

¹² Compare Slicher van Bath, *Mensch*, pp. 77–82; a more recent overview is given by J. Buis, *Historia*, pp. 35–161.

¹³ *Markerecht Lutte* 18 (1497); a comparable dialogue can be found in *Markerecht Losser* 3 (1533).

¹⁴ For instance, in the Dalmsholter mark, an owner of a farmstead was allowed to get six cartloads of wood, a

cottar three cartloads and a cottar without a carriage one cartload of wood (*Markerecht Dalmsholte*, 9); later (between 1471 and 1484) these quantities were lowered to three, one, and half a cartload respectively (*Markerecht Dalmsholte*, 12); the number of examples is very large: for instance, in the mark Herfte, the shared were allowed to have six geese in 1531, and the cottars only three (*Markerecht Herfte*, 9–10); in Albergen (1466), the shared were allowed to graze 40 sheep, the cottars only 21 (*Markerecht Albergen*, 7).

¹⁵ *Markerecht Dalmsholte*, 8 (1457); implicitly, this restriction was present in many marks, compare *Markerecht Bathmen*, 25 (1591); *Markerecht Gooi*, 18 (1631).

A typical part of the mark laws were the rules forbidding the commercial use of the commons. Agistment, the pasturing of outsiders' cattle, was usually prohibited; selling wood and peat from the village was also forbidden.¹⁶ It was normally held that only cattle that had been fed by the farmers during the winter were allowed to graze on the common pasture. In this way, a 'natural' upper limit on the exploitation of pasture was created.¹⁷ In order to recognize the cattle of the village community, they were collectively branded; sometimes a new brand had to be used every year.¹⁸ Such measures made possible the effective supervision of the grazing of the commons. The reason given for forbidding the commercial use of the commons was that they had to be reserved for the subsistence needs of the peasants. This was regularly referred to as an important 'moral' basis for the management of the marks. In Gietmen, it was, amongst other things, stated that no more peat should be cut than the peasants would need for their own houses: in Lutte, it was determined that peasants were only entitled to take away wood from the mark if their houses had either collapsed or been destroyed.¹⁹

The obvious reason for placing limits on common use was that production for the market knew no natural boundaries and would easily result in overexploitation. In modern words, the management of the commons was aimed at sustainability, at the conservation of these natural resources in order to pass them on to future generations. The continuity of the village economy was, after all, dependent on these resources. The by-laws which governed mark management testify to the fact that peasants thought there was a tension between this long term perspective and the short-term gains of market exploitation.

There are a number of differences between the earliest *markerechten* from Overijssel and Gelderland and those from Drenthe. In the latter province the impact of the village community on the common rights was probably even greater because of the virtual absence of large landowners. Oddly, in the earliest marklaws of Drenthe, the common rights of the cottagers were much more restricted than in the rest of the region.²⁰ A possible explanation for this difference could be that peasants in Drenthe wanted to discourage newcomers, propertyless cottagers who intended to settle on the commons. In the other provinces the situation was different. There, the mark was largely the property of landlords from outside the village. Consequently, the peasants were more likely to strive for a liberal use of the commons.

Another peculiar feature of the laws of the marks in Drenthe were rules which forbade the selling of shares to non-residents. Sometimes the provision was made that a share, and accordingly the farm, had first to be offered to an inhabitant of the village.²¹ This right of pre-emption was already well-known at the beginning of the fifteenth century when it applied to all transactions in farmland.²² By means of these rules, the peasants of Drenthe tried to exclude external large landowners from their community. These rules were fairly effective in the long-term as the peasants in this region remained largely in control of their land. Another remarkable law

¹⁶ *Markerecht Emmen*, 11 (1500); *Markerecht Gietmen*, 8 (1551); *Markerecht Gooi*, 7-8 (1399); *Markerecht Dalmsholte*, 8 (1457, 1498); *Markerecht Stegeren*, 11-12 (1501).

¹⁷ *Markerecht Emmen*, 15 (1545).

¹⁸ *Markerecht Dalmsholte*, 17 (1502).

¹⁹ *Markerecht Lutter*, 26 (1466); *Markerecht Gietmen*, 7

(1551); also compare *Markerecht Tjoene*, 2 (1454); *Markerecht Lenthe*, 21 (1625); *Markerecht Epse en Dommer*, 16 (1566).

²⁰ Joosting, 'Willekeuren', *passim*.

²¹ *Ibid.*, pp. 40, 92.

²² Slicher van Bath, *Mensch*, p. 75.

was issued in the village of Roden (Drenthe): it ordered that bread, beer, and other foodstuffs had to be offered to members of the village before they could be sold on a market outside the village.²³

The surviving by-laws of the marks of the eastern Netherlands are able to give us a glimpse of the customs and the mentality that governed economic behaviour in this period. One of their aspects seems to be that they aimed to keep the market at an arm's length. The tension between the long term aim of protecting the value of the commons and the short term gains from exploitation for the market are clear from these sources. In recent writing, too little attention has been paid to this phenomenon. On the contrary, historians have actually emphasized that the economic behaviour of peasants was strongly market-oriented. This has been argued for the farmers of the eastern Netherlands by Jan Bieleman in a number of publications on the agricultural development of the region in the early modern period.²⁴ Bieleman's argument is based on long series of annual data of the arable production and the livestock of farmers in Drenthe. On the basis of this quantitative evidence, Bieleman has concluded that they responded to changes in relative prices and that they were (therefore) significantly producing for the market as early as the fifteenth and sixteenth century. According to this view, peasant and market co-existed in harmony.

The information from the archives of the marks clearly shows that the relation between peasant and market was not as easy as Bieleman (and others) have suggested. Moreover, as I will try to show in the next sections, the gradual evolution of the *markerechten* during the early modern period bears witness to the process of commercialization, which was slowly transforming both the management of the mark and other relationships within the village community. In the fourteenth, fifteenth and sixteenth century, peasants, did, however, still acknowledge a clear tension between the slowly expanding market economy and the necessity to maintain a balance between the commons and the subsistence needs of the village community.

II

In order to establish the strengths and weaknesses of marks, I will first discuss the Ostrom's criteria for long-enduring institutions that successfully managed commons.²⁵ The first condition formulated by Ostrom, namely that the borders of the commons and the identity of the commoners have to be well-defined, was generally fulfilled by the marks. Despite the fact that the histories of several marks were characterized by conflicts with neighbouring marks over the exact boundaries, this does not appear to have posed a significant problem. Because mark law, especially in Overijssel and Guelderland, recognized the rights of cottagers to common land use, this group was probably less well defined, which was, purely from an institutional point

²³ *Ibid.*, p. 63.

²⁴ J. Bieleman, *Boeren op het Drentse zand 1600–1910* (Wageningen, 1987); Bieleman, 'Boeren en Rekenmeesters', *Tijdschrift voor Geschiedenis* 101 (1988), pp. 201–221; Bieleman, 'De verscheidenheid van de landbouw op de

Nederlandse zandgronden tijdens "de lange zestiende eeuw"', *Bijdragen en Mededelingen betreffende de geschiedenis der Nederlanden* 105 (1990), pp. 537–52.

²⁵ Ostrom, *Governing the commons*, p. 90.

of view, a weakness. As a result of population growth, the number of users could increase – I will return to this later – and this led to increased pressure on the commons.

The rules that were issued regarding mark management to some extent reflected the 'moral economy' of the peasants and could therefore count on support by the commoners, so fulfilling Ostrom's second condition. In Drenthe, where large landownership was absent, the acceptance of the regulations must have been stronger than in Overijssel and Guelderland, where the mark was owned by large landowners who set the rules. Government influence, which could, theoretically speaking, interfere in mark management, was as good as absent; in this respect, the situation in the eastern Netherlands almost completely fulfills Ostrom's third criterion. Only after 1809 did the central government begin to become involved with the marks, with the intention of bringing about their dissolution. Fourthly, marks had a mechanism, the annual mark meeting, to resolve conflicts regarding mark management. From the available sources it becomes clear that these meetings were regularly used and that the opinions of peasants were heard there.

The weakness of the mark lay in its inability to compel peasants to obey its rules. In each mark a number of *gezworenen* were chosen from the peasantry to fulfill a police role (which is in accordance with Ostrom's model). This was, however, not a popular position. Despite the fact that the *gezworenen* could keep a portion of imposed penalties (the rest normally went to the *markerechter*), the peasants were anxious to avoid service as a *gezworene*. As a result, many mark laws contained a by-law which stipulated that elected persons could only refuse to become *gezworenen* under penalty of severe fines.²⁶

This supervision disappeared entirely during times of war. During the first quarter of the sixteenth century, and again between 1579 and 1627, the countryside of the eastern Netherlands was the scene of large-scale warfare. This was accompanied by looting and by heavy taxation. Consequently, many farms were abandoned as peasants fled to the cities, and the social structures of the countryside came close to collapse. For instance, in the mark meeting of Bathmen, which was held in the town of Deventer in 1591, complaints were made regarding the many reclamations by cottagers. This had arisen from the flight of many farmers from the theatre of war, who had left large pieces of land uncultivated.²⁷ Subsequently, it took the mark years to recover from these events.

Together with the *markerechter*, *gezworenen* were, as representatives of the peasants, responsible for managing the commons. In practice it turned out to be very difficult to control overexploitation. Woodland, which was still extensive during the Middle Ages and which, for the landowners, was often the most interesting part of the mark, suffered severely from overexploitation. During the fifteenth and sixteenth centuries, several marklaws still contained rules regulating the pasturing of pigs in the woods, on felling trees and wood gathering. In the mark Lutte, for example, the restraints on wood cutting and pig keeping became more and more strict in the sixteenth and seventeenth century, but excessive wood gathering continued unabated. Finally, the mark meeting in 1693 decided to sell the remaining woods and to divide

²⁶ *Markerecht Leusen*, 2 (1516); *Markerecht Emmen*, 6 (1470); *Markerecht Lenthe*, 7 (1470); *Markerecht Gooi*, 3 (1399); *Markerecht Verssen*, 8 (before 1518).

²⁷ *Markerecht Bathmen*, 24–25; also compare *Markerecht Wesepe*, 5 (1580).

the proceeds amongst the owners of the shares of the mark allowing the high debts, which were the result of heavy taxation by the invading army of the bishop of Munster during the war of the 1670s, to be paid off.²⁸ Subsequently, the mark was concerned to restrict sheep keeping on the heaths, to regulate turf and peat cutting, and to fight the sand drifts.

The disappearance of woods from the mark Lutte was more or less typical of the environmental degradation that was taking place over the longer period. During the fifteenth, sixteenth, and seventeenth centuries, failing mark management caused the gradual disappearance of the woodland. These were, in the long run, replaced by arid heaths, on which only sheep and lean cattle could graze. Many attempts were nevertheless made to prevent the woods from disappearing: marks increasingly restricted the exploitation of woods and ordered peasants to plant new trees. Generally speaking, these attempts at collective forestry were virtually futile. Jaap Buis, who has written an account of forest management in the eastern Netherlands during this period, had to conclude that the marks were unsuccessful in maintaining the forests.²⁹

The vast heaths that came to dominate the landscape of the region in the early modern period were also used intensively. Peasants cut turves there in order to manure farmland. Sheep, cattle, and horses were grazed on them, and they were also used to supply turf for heating (if no peat was available). In Drenthe a kind of slash and burn cultivation of buckwheat was practiced on some of the heaths. At the same time reclamations continued: the attempts of the mark to halt them were undermined by mark law, which held that once smoke was coming from the chimney of a new house, it could not be pulled down. Moreover, the mark subsequently often had to allocate a piece of land to the new settler, so that he could maintain himself and his family. In Tjoene in 1701 it was explicitly determined that someone who had built a house on common grounds had to be given a small piece of farmland.³⁰ The alternative was probably that the cottager became dependent on poor relief, which was itself sometimes financed by the mark. Eventually, marks made a virtue from the demand for land and housing by asking for money in return for (small) reclamations of land and by demanding rent from houses that were set up on the commons. These are signs that the money economy was emerging. This naturally led to even more long-term pressure on common grounds.³¹

Another reaction to the growing pressure on the commons was the enclosure of the best pastures, often those near streams which were regularly flooded. Enclosure made it possible to better maintain pastures, to improve drainage and to increase yields. In Drenthe, the government began to stimulate this process by establishing rules for these partial partitions.³² Elsewhere too, partial enclosure seems to have occurred on a large scale in the seventeenth and eighteenth centuries, and this led to a rise in the share of the total land which was privately owned.

The enclosure of the pastures resulted in pressure on the remaining commons becoming even greater. The heaths were used too intensively, which resulted in the emergence of sand drifts where vegetation had not had time to recover from grazing or turf cutting. Drifting sand

²⁸ *Markerecht Lutte*, 86; also compare *Markerecht Losser*, XI, where the forests were sold in 1711; a survey of the deterioration of the forestry in Buis, *Historia*, pp. 35–161.

²⁹ Buis, *Historia*, pp. 266–73.

³⁰ *Markerecht Tjoene*, p. 18.

³¹ *Markerecht Herfte*, 15 (1623); *Markerecht Rande*, 14 (1719); *Markerecht Bathmen*, 72 (1725); *Markerecht Gooi*, 27–28 (1717–1725).

³² Bieleman, *Boeren*, p. 192.

caused considerable problems when it became 'mobile' and blew onto farmland or penetrated villages. Consequently, a large part of the activities of the mark was aimed at combating these sand drifts by ordering the planting of trees, by sowing sandoats, by laying sods on the sand, and by proclaiming bans on exploitation of the heaths.³³

The government was also alert to the problem of sand drift. In 1650, a special office, the *Zandgraaf*, was created at the district of Veluwe (part of Guelderland) in order to fight sand drifts. In Drenthe, a similar decree was issued in 1651. Overijssel followed in 1754.³⁴ These interventions from provincial governments were not very fruitful, because the actual measures had to be taken by the marks themselves.

Broadly speaking, the impoverishment of the commons had two causes. First, the marks were unable to prevent population growth and the settlement of new cottagers. From the late fifteenth century, when the first data become available, information on the demographic development of the eastern Netherlands shows an almost continuous population growth. In Overijssel, for which the most complete data are available, the rural population increased by approximately 200 per cent between 1475 and 1795, a rise which was probably somewhat higher than in the other parts of the region.³⁵ The mark archives invariably show that in the eighteenth and nineteenth century, the number of farms was many times larger than that of the original *gewaarde erven* in the late Middle Ages. This population growth resulted in the partition of shares and in the more than proportionate growth of the number of cottagers. The mark simply did not have the means to counteract the rise of village population.

The regional differences in attitude regarding cottagers, which are apparent from fifteenth- and sixteenth-century marklaws, probably influenced the demographic development of the eastern Netherlands to a degree. The population density in Drenthe, where, according to many mark laws, cottagers were refused the freedom to settle, remained relatively low. The proportion of cottagers in the population there increased slowly.³⁶ In the seventeenth century, this attitude towards the cottagers gradually changed. The older regulations, which had denied them almost all right of access to the commons, fell into obsolescence. According to Bieleman, the underlying reason for this more liberal attitude was the appearance of a group of relatively wealthy peasants who were producing for the market and needed the wage labour of the cottagers.³⁷

Secondly, the failing supervision of the mark law also posed an enormous threat to the balance between population and environment. The *gezworenen* – primarily prominent farmers with a certain authority within the village community – could not possibly oversee the extensive forests and heaths. Moreover, they were probably not inclined to prosecute their neighbours.³⁸ The fact that many *gezworenen* fulfilled their responsibilities only reluctantly did not contribute to the effectiveness of the supervision.

³³ *Markerecht Leusen*, 6–7 (1556); *Markerecht Verssen*, 16 (1566); *Markerecht Stegeren*, 12 (1545); *Markerecht Gietmen*, 7 (1551); *Markerecht Lutte*, 82 (1690); *Markerecht Dalmsholte*, 21 (1639).

³⁴ Buis, *Historia*, p. 369.

³⁵ J. L. van Zanden, 'De demografische ontwikkeling

van Overijssel, 1475–1795', *Overijsselse Historische Bijdragen* 109 (1994), pp. 39–50; Bieleman, *Boeren*, pp. 71–2.

³⁶ Bieleman, *Boeren*.

³⁷ *Ibid.*, p. 128.

³⁸ Compare Buis, *Historia*, pp. 88.

III

During the later middle ages and sixteenth century, woodland cover progressively disappeared to be replaced by heaths and sand drifts. In the seventeenth and eighteenth centuries, a new balance appeared to have been established between the growing population on the one hand and the fairly impoverished commons on the other. If the rapid deterioration of the natural environment that occurred before 1600 had continued, large sand drifts would have come into existence in the region and much farmland would have been lost. It seems that somewhere in the seventeenth and eighteenth centuries, rural communities succeeded in halting the deterioration of their commons.

This new balance was partly made possible by complex changes in agriculture, which led to an intensification of the use of farmland and of the enclosed pastures. As a result, the grain harvest increased significantly: the yield ratio of rye, which had probably been about 3:1 in the sixteenth century, gradually increased to 5:1 at the beginning of the nineteenth century.³⁹ New labour-intensive crops spread across the countryside during the seventeenth century. The specialized production of tobacco, hop and flax grew in significance; protoindustry, originally based on the processing of flax, became an important source of employment in Twente and the Achterhoek. The backgrounds to these changes have to be sought for in the gradual commercialization of agriculture, which enabled a certain degree of specialisation in these cash crops or in domestic industry. The pressure on the commons probably did not increase any further because of this diversification of the economic basis of the countryside.⁴⁰

It is possible that a stricter imposition of the marklaws also contributed to the new balance. The *gezworene* was gradually replaced by a specialized *markedienaar*, a mark servant who received a separate (but modest) salary in return for his police duties.⁴¹ The spread of this local officer is a good example of the possibilities that were created by the growing commercialization of the countryside. The *markedienaars* probably improved supervision, even though it might be questioned whether they always could or wanted to act effectively.

The discovery of superior ways to fight sand drifts also contributed to the development of this new balance between population and environment. In the eighteenth century, planting with sand reed (*Ammophila arenaria*) was successfully introduced. The Scots pine (*Pinus sylvestris*) was also adopted as a means to combat drifts.⁴²

The high level of political stability in the period after 1627 must also have contributed to the improved performance of the marks. Only once, between 1672 and 1678, were the eastern Netherlands again the scene of warfare. The resulting problems, particularly the loans that quite a few marks had to make to pay the levies of the Bishop of Munster, nevertheless contributed significantly to the decision of some marks (for example Lutte and Losser) to sell the remaining woodland.⁴³

³⁹ B. H. Slicher van Bath, *Een samenleving onder spanning* (Assen, 1957), p. 580; Bieleman, *Boeren*, pp. 623–5; J. L. van Zanden, *De economische ontwikkeling van de Nederlandse landbouw in de negentiende eeuw, 1800–1914* (Wageningen, 1985), pp. 174–6.

⁴⁰ Compare Bieleman, *Boeren*; J. Bieleman, *Geschiedenis van de landbouw in Nederland, 1500–1950* (Meppel, 1992),

pp. 181–206.

⁴¹ *Markerecht Lente*, 25 (1707); W. Grootenhuis, 'Lente, marke en buurschap' in J. ten Hove *et al* (eds), *Uit de geschiedenis van Dalfsen* (Kampen, 1989), pp. 98–116, at p. 109.

⁴² Buis, *Historia*, pp. 97, 374, 772, etc.

⁴³ See n. 26.

Finally, the performance of the marks was altered by a change in the system of grazing, which reflects the commercialization of its management. The system in which all commoners had the right to graze a certain number of cattle was gradually replaced by one in which they had to pay a certain amount of money per cow or horse. If this price ('lockage') was high enough⁴⁴ and supervision sufficient, the basic problem of the 'tragedy of the commons' could be resolved. Then, the individual peasant needed to balance the price of pasture against the additional profits that a new animal could give him; the incentive to expand grazing continuously could thus be restrained.⁴⁵

IV

During the eighteenth century a radical change in the structure of landownership occurred, especially in the province of Overijssel, which had important consequences for the marks. In the early seventeenth century, large landowners still owned nearly all farms and almost all peasants were tenants. However, due to reclamations, which were always undertaken by the peasants themselves, and because of the buying of farms by the peasants, the share of freeholding peasants gradually increased in the seventeenth and especially during the eighteenth century.⁴⁶ After 1780, this process accelerated; in 1832 the peasants were owners of more than 60 per cent of the farms.

The sources which reveal the distribution of landholding make it possible to estimate the size of the marks. According to Demoed, in the three provinces, probably about 350,000 hectares was owned by 338 marks in 1832; by comparison, the total arable acreage in this region was about 150,000 hectares.⁴⁷

The rise of a class of freeholders, inevitably, altered the balance of power in the mark meeting. The number of farmers that participated in the mark meeting grew continuously, even though noble and middle class large landowners still dominated decision making. They, however, were aware that the wastes were being threatened by continuous reclamations and that their position was being undermined by the growing influence of the peasantry. Already in the latter part of the eighteenth century, 'Enlightened' agriculturalists argued for dissolution of these – so-called – 'feudal institutions', which were assumed to block agricultural progress. In Overijssel, the States were discussing measures aimed at enclosing the commons as early as 1780, although without result.⁴⁸ In 1809–10, the national government, inspired by the ideals of the French Revolution, issued a law and a set of rules which made the dissolution of the mark organizations almost inevitable. This legislation was very strict. Each mark was required to appoint a commission which either had to prepare a plan for the partition of the mark lands, or had to explain to the governor why it was not possible to divide the land. When the land was not partitioned,

⁴⁴ Strictly theoretically speaking, the lockage had to be equal to the marginal costs (= the marginal decrease in the total proceeds of the pasture) of the addition of another animal to the pasture.

⁴⁵ Compare *Markerecht Leusen*, 8 (1575) and 19 (1662).

⁴⁶ J. L. van Zanden, 'De opkomst van een eigenerfde boerenklasse in Overijssel, 1750–1830', *AAG Bijdragen* 24

(1984), pp. 105–131; C. Trompetter, 'Burgers en Boeren. Geld en Grond', *Neha-jaarboek* 60 (1997), pp. 7–36.

⁴⁷ H. B. Demoed, *Mandegoed, Schandegoed* (Zutphen, 1987), pp. 84, 89–95.

⁴⁸ Demoed, *Mandegoed Schandegoed*; Bieleman, *Boeren*, pp. 223–4.

the law required that a proposal for partition be put to a meeting be held annually until a majority voted to dissolve the mark.⁴⁹

The division of the marks, which began in 1810, became widespread after 1830, and assumed distinct forms in the different regions of the eastern Netherlands. Enclosure began rapidly in Gelderland, somewhat later in Overijssel, and, having encountered no systematic opposition, it was virtually complete there by the 1860s.⁵⁰ In Drenthe (and in scattered marks in other regions), the division of the marks had barely begun prior to 1850, and were forcibly imposed after 1850 (see Table 1).

To gain some understanding of the factors that determined this process, I have examined in detail the histories of a dozen marks. All the marks reacted similarly to the prefect's letter of 1810 informing them of the new law: a pro forma commission was established as the law required. Subsequently, however, nothing changed.⁵¹ The commission usually neglected even to report why the dissolution of the mark was not possible. The few marks that did compile such reports explained in great detail that enclosure was out of the question because agriculture could not be practiced without access to undivided wastelands for pasturing cattle and digging turf. Due, in part, to the political instability of this period, the marks were able to ignore the law almost completely. The die was cast, however, for groups of large landowners now had a legal basis on which they could force the division of the land. The subsequent enclosure of the marks can be divided into two phases: before and after 1837.

Between 1810 and 1837, parts of the commons, which usually included the best peat land or pastures, were divided in many of the marks. This was sometimes done in the hope that the further construction of canals would permit commercial peat-digging.⁵² The farmers' desire for better pastures often also played a role: according to some of them, the yield of existing pastures could only be increased by improvement, especially drainage.⁵³ The new law of 1810 caused the number of these partial divisions, some of which had taken place already before 1810, to increase considerably. These divisions paid little heed to the rights of the cottagers since they could still continue to pasture their cattle on the remaining undivided land.

Before 1837 the government's role was essentially a passive one. For example, in Den Ham, a plan to divide the entire mark was drafted in 1827 under pressure from Baron van Pallandt tot Eerde, the largest landowner in the village. When the proponents of this plan asked Governor Bentinck (the highest political authority in the province) for his opinion in order to confer their plan with more authority, he reacted completely negatively. Bentinck wanted nothing to do with the division and ordered that any conflicts were to be submitted to the judiciary.⁵⁴

⁴⁹ H. B. Demoed, 'Verzet tegen markedelingen: behoudzucht of zelfbehoud?', *Overijsselse Historische Bijdragen* 97 (1982), pp. 81–94, 86; Van Zanden, *Economische ontwikkeling*, pp. 152–5.

⁵⁰ For Overijssel see G. A. J. Engelen van der Veen, 'De Marken van Overijssel' *Geschiedkundige Atlas van Nederland* ('s Gravenhage, 1924) which includes a great deal of information regarding the division of the marks; for Gelderland see L. A. J. W. Sloet, *Bijdragen tot de kennis van Gelderland* (Arnhem, 1852–5), pp. 111–124.

⁵¹ Demoed, 'Verzet', p. 86.

⁵² As in the Mark of Arrien in 1817 and probably in the Mark of Den Ham in 1814; Rijksarchief Overijssel, *Markearchieven*, 33 and 455.

⁵³ For instance, the division of the Koeveen in the Mark of Noetsele in 1826 (Rijksarchief Overijssel, *Markearchieven*, 904), the upper-fen in Daarle in 1812 (Rijksarchief Overijssel, *Markearchieven*, 182), the meadowlands in Averlo in 1826 (*Markerechten XXII*), and the pastures in Tjoene in 1822 (*Markerechten XXIII*).

⁵⁴ Rijksarchief Overijssel, *Markearchieven*, 455, meetings of 1827.

TABLE 1 The progress of the enclosure of the marks in the three provinces, 1819–1886

	<i>Gelderland</i>	<i>Overijssel</i>	<i>Drenthe</i>
1819–36	22	7	–
1837–46	15	29	6
1847–56	17	46	46
1857–66	10	11	27
1867–86	11	6	16
unknown date	41	15	13
Total	116	114	108

Source: H. B. Demoed, *Mandegoed, Schandegoed* (Zutphen, 1987), pp. 97–103

The process of dividing the land clearly accelerated in the 1830s. A new tax on real estate based on the cadastral estimate of the land's rental value was introduced in 1832; consequently, wastelands were taxed much more than they were before 1832. Since marks everywhere had to raise money, pasture fees were often introduced or raised.⁵⁵ The introduction of the cadastre itself was another change. Landownership changed from a 'physical' right – one 'acquired' land by digging drainage ditches in the wasteland – to a right on paper. It thus became possible to divide all of the land on paper, without requiring that landowners take immediate possession of it.

The government's initiative, however, was the most important impetus behind the further division of the marks. In 1837, King William I confirmed that the law of 1809 was still in effect, whereupon the Governor of Overijssel, Van Rechteren, immediately prepared a detailed handbook for partitioning the mark lands; this offered solutions to all practical problems.⁵⁶ This inspired a campaign to partition all remaining marks, which was wholeheartedly supported by the large landowners and resulted in the dissolution of most of the marks in the eastern Netherlands. The marks that already had plans prepared were able to divide lands quickly, thanks to the support of the governor and the King. The government's initiative probably derived in part from these existing plans as well as from the existing legal uncertainty in this domain. Thus, Governor Van Rechteren was forced to reject a plan to divide the land in the Mark of Heeten because it neglected the interests of the cottagers.⁵⁷

Reactions to the Governor's initiative of 1837 differed widely among the various marks. In some large marks, where many crofters lived, the vast majority opposed the partitions. In the Mark of Hellendoorn, for example, 33 farmers opposed and five favoured dividing the land; in

⁵⁵ In the Mark of Raalterwoold the new land tax of £818 in 1833 was the immediate reason for deciding to divide the mark (Rijksarchief Overijssel, Markenarchieven, 1060, meetings of 1835). In the Mark of Rozengarde the association, in contrast, decided not to divide the mark despite the financial difficulties, 'because the same [the wastelands] were utterly indispen.sable for

the livestock that were pastured in the mark' (Rijksarchief Overijssel, Markenarchieven, 1115, meeting of 1836).

⁵⁶ J. Zeehuisen, *Bronnen van volkswelvaart* (Amsterdam, 1850) p. 25 and Rijksarchief Overijssel, Markenarchieven, 717.

⁵⁷ Rijksarchief Overijssel, Markenarchieven, 474 and 479.

the Mark of Rozengarde near Dalfsen, 25 were in favour and five against.⁵⁸ The farmers' and crofters' arguments had not changed since 1810: they needed the land for pasture and to cut peat. In many smaller hamlets, where fewer cottagers lived, a decision to divide the land was frequently arrived at in 1837, or it was delegated to a special commission dominated by a few large landowners.

To understand the process by which the marks were divided, the social structure of the countryside in Salland must be taken into account. There were usually three parties in each mark: the large landowners, the *gewaarden* (peasants who owned a share in the mark), and the cottagers, who possessed only use rights to the commons. Each of these groups had different interests in the division of the mark. The large landowners consistently favoured the division of the mark. While the rising liberal ideology played a role in this,⁵⁹ economic motives also counted. A share in a mark, which usually involved an additional investment of time and money, could now be converted into a marketable piece of land or a large sum of money. The value of this land might increase significantly through the construction of roads, canals, and, later, railways, and through the commercial exploitation of the peat.

So far as can be ascertained, the commoners at the other end of the social spectrum consistently opposed division of the land. The availability of free wasteland was important to the cottagers and the craftsmen who owned a few cows: this land allowed them to pasture their cattle, to cut peat, and to reclaim some land. The mark thus provided a supplement to their meager subsistence; in a sense, the poor who were still able to work were provided with limited 'social security'.⁶⁰ The staunchest opponents of dividing the lands were found among this group who sometimes went so far as to deny that the owners of the mark enjoyed special privileges.⁶¹ As late as 1856, the cottagers of the hut-colonies of Nieuw-Leusen, Den Hulst, Ruitenveen, and Ruitenhuizen wrote to the commission dividing the Mark of Rozengarde:

The undersigned ... take the liberty ... of bringing it to the attention of the Commission for dividing the Mark of Rozenwaarde, that they unanimously desire and simultaneously request to have their rights to heaths and pastures and their other rights, such as are known to the Commission and have been practiced in the mark for centuries, maintained. Should their rights be limited by the undesired decision to divide the land, they will attempt to assert their rights and to continue to keep their customary use of that mark.⁶²

As was the case with so many petitions made by cottagers, their request made no impression on the commission. When the petitioners turned to the King for help, they had no more success. In 1843, the cottagers in Den Ham submitted a petition to the King, after they had been ignored by a commission charged with dividing the land. An impressive petition was signed by no fewer than 287 'households and small farmers' who claimed that the plan would ruin them. The commission reacted with a counter-memorandum in which they painted a grim picture: they

⁵⁸ See Rijksarchief Overijssel, Markenarchieven, 491 (meeting of 1837) and 1115 (meeting of 1838); in Holten and Den Ham, two large church villages, the majority was clearly opposed to dividing the mark (Rijksarchief Overijssel, Markenarchieven, 584 and 456).

⁵⁹ See Demoed, 'Verzet', pp. 82-4.

⁶⁰ Van Zanden and Van der Veen, 'Boeren', p. 165.

⁶¹ For instance in Daarle, Den Ham, and Noetsele (Rijksarchief Overijssel, Markenarchieven, 185, 456, and 957).

⁶² Rijksarchief Overijssel, Markenarchieven, 1215.

claimed the protesting cottagers would 'deceitfully lead astray the right-thinking and incite hate and bitterness in a community that would later have to endure the most unpleasant consequences'.⁶³

The resistance of the cottagers did not usually impede the process by which the mark was divided, especially after 1837 when the government began to press again for division. Their protests were seldom taken seriously; they could prevent the mark from being partitioned only in cases where they formed a large majority and had secured relatively generous rights, as in some large villages. The reaction of the Mark of Heeten is characteristic, which in 1841, after the cottagers had protested to the governor, stated

that, in general, the complaints of people who are not participants appear to be inevitable with all mark divisions, with however much fairness their interests are kept in view, because most of them are already of the opinion that they will have less advantage with a limited allotment than with the unlimited use of the undivided lands, although experience shows the opposite in the other marks where division has already been effected.⁶⁴

The owner occupiers, the relatively wealthy farmers with full rights in the commons, seem to have played a central role in the division of the mark, occupying an intermediate position between the large landowners who favoured the division of the land and the cottagers who opposed it. One can establish a shift in this group's opinion about the advantages and disadvantages of dividing the land. In 1810, these farmers formed a united front with the cottagers against partitioning the land. They did not, however, entirely reject the idea of division: several marks were subsequently partially divided. By 1837 these farmers no longer formed a united front with the cottagers. In the 1840s, they increasingly appear to co-operate in partitioning the marks.

There are a number of reasons why the resistance by the *gewaarden* against the division of the marks was gradually overcome. Clearly, the classic argument against enclosure – that is, that wasteland was required for pasture and peat-cutting and thus, ultimately, for manure production – was not really applicable any more. The many changes in agriculture, made possible by its gradual commercialization, meant that the relationship between the wastes and the arable had become rather flexible.

Raising sheep was the most extensive means of producing manure; vast heaths were required to provide the large flocks with sufficient food. Consequently, the farmers' opposition to dividing the wasteland was often most resolute in areas where sheep played a major role in supplying manure.⁶⁵ In Overijssel, for example, sheep farming was important in only a few municipalities along the Salland Hills and in the fen district north of the Vecht River. Moreover, changing relative prices induced farmers in Overijssel to reduce the size of their sheep flocks between 1830 and 1860, and to concentrate more heavily on raising cattle. After peaking during the period of the French occupation (1795–1813), the relative and absolute price of wool dropped precipitously.⁶⁶ In contrast, the relative price of butter and meat increased, and after 1840 their absolute price too. In order to profit from these trends, farmers required better pastures. The

⁶³ Rijksarchief Overijssel, Markenarchieven, 456.

⁶⁴ Rijksarchief Overijssel, Markenarchieven, 471.

⁶⁵ This was also the case in the Veluwe; see L. T. D. A. Venema, *Hooge Veluwe, bijdrage tot de socio-*

grafische studie van dit gebied en zijn naaste omgeving (Zutphen, 1933), pp. 30–1.

⁶⁶ Van Zanden, *Economische ontwikkeling*, p. 110.

dissolution of the marks and the enclosure of these pastures was in part motivated by the desire to improve their quality. Before enclosure, there were many complaints which show that the pastures were neglected: the natural marshlands along the small rivers suffered from poor drainage, while the higher land suffered from lack of manure and overgrazing.⁶⁷ In short, due to the growing economic importance of the pastures, it became necessary to divide these lands in order to farm them more intensively.

The commercialization of the rural economy was undoubtedly one factor that stimulated the enclosures. Farmers must also have been aware of the sharply rising market value of the wasteland brought about by the construction of roads and canals, and the higher taxes on this land must have underscored its increased value. Here too a number of different changes reinforced each other. The dissolution of the marks led to a sharp increase in the number of transactions in the real estate market; these transactions revealed the actual value of the wastelands, which often exceeded the farmers' expectations. For instance, each *rod* of reclaimed land sold for 7.5 cents in the Mark of Olst in 1826; this increased to 75 cents in 1829, to f1.50 in 1837, and to f10 in 1867.⁶⁸ By dividing the land, a farmer could own an asset which was rapidly increasing in value. These factors explain why most of the *gewaarden*, from about 1840 onwards, appear to have been prepared to cooperate with the government and the large landowners in dividing the wastelands.

This is not the place to examine in detail whether the division of land was equitable, but a few brief comments may be helpful. In most cases, three criteria governed land division: ownership of shares in the mark (a standard by which to compensate the participants), ownership of arable in the mark, and ownership of a house in the village or hamlet (the latter accommodated the poorest cottagers). The mark assembly ultimately assigned the relative weight of the criteria, and almost always adopted the commission's proposal for the division of the land. To their disadvantage, the cottagers had virtually no voice in the matter; consequently, many complaints were made about the small share of land given to this group. However, since large landowners sometimes also protested against the formula chosen to divide the land, we might conclude that the crofters were not alone in believing that they were treated unfairly. The protests of the *heren* and the participant farmers, however, received much more attention than the protests of non-participants. Even though the large farmers probably profited most and the cottagers probably profited least, the division of the marks did not lead to a sharp polarization of the social structure.

In Gelderland and Overijssel the marks were usually divided quickly and quietly. There was, however, great opposition in Drenthe. The division of the heaths between 1840 and 1860, carried out under strong government pressure, did not lead to the dissolution of the large herds of sheep that were grazed there, nor did it lead to the actual division of the heathlands among the new owners. In many marks the division was largely carried out on paper only, and little changed in the actual administration of the wastelands. The largest share of the land continued

⁶⁷ See for instance the report from 1810 by L. E. von Bönninghausen (Rijksarchief Overijssel, Archief Commissie van Landbouw, 31); Harten and Herzberg,

'Ontginningen,' 24.

⁶⁸ Rijksarchief Overijssel, Markenarchieven, 993.

to be used as sheep pasture under collective management. Later in the century, after the Mark Law of 1886 had been implemented, the land often had to be divided again.⁶⁹

Several factors account for the collective resistance of the farmers in Drenthe to the division of the mark lands. These farmers wanted to continue to raise sheep because they believed that the poor agricultural land in this area badly needed the manure. Moreover, a very large amount of wasteland was available – in proportion much more than in the rest of the regions – which could be used practically only for raising sheep. The fact that both the cottagers and the larger farmers kept large numbers of sheep in the mark must have increased the likelihood that they would form a united front against the division of these lands. The limited influence of the large landowners in the marks in Drenthe also contributed to the collective resistance. The marks were usually administered by the *gewaarden* themselves, so that in Drenthe the big landowners lacked the political means to liquidate the mark from within. Finally, a further factor that could have played a role was that all of the best pastures in Drenthe were already divided prior to 1830: the marks included only meagre heathland that did not figure in the growing output of the livestock industry.⁷⁰

In summary, the dissolution of the mark societies in large parts of the eastern Netherlands between 1820 and 1860 resulted primarily from the government's strong initiative and the cooperation of a group of large landowners who wanted to transform their share in the marks into marketable real estate. This process, however, cannot be separated from the changes in the agricultural system, in which farmers increasingly specialized in livestock. While these farmers required good pasture, they could increasingly forego poor heathland. As was shown in the case of Drenthe, however, the actual division of the heathland was not a necessary prerequisite for the transformation of agriculture; in Overijssel and Gelderland the division of the marks did play a certain role in the intensification of agriculture. Opposition to the division of the marks was voiced primarily by the smaller farmers and the cattle-owning craftsmen. The minimal 'social security' which the mark lands offered these groups was severely threatened, and they were in danger of being proletarianized.

V

The marks in the Eastern Netherlands were, according to Slicher van Bath, set up between 1250 and 1350 to protect the rights of the lords in the common lands. They were at first sight, stable organizations, which managed the common lands of this area between the late Middle Ages and the nineteenth century. The rules for the management of these commons were based to some extent on the 'moral economy' of the peasants. They aimed at the maintenance of the subsistence needs of the population and the conservation of the quality of common grounds. To this end, exploitation of this common property for the market, with its short-term gains, was resisted.

During the later middle ages and the sixteenth century, the marks failed to maintain a balance between population and environment. The archives of the marks enable us to follow the gradual

⁶⁹ H. J. Prakke, *Deining in Drenthe* (Assen, 1951), continued to be held collectively, see for example, pp. 51–4, 69–74. Prakke, *Deining*, App. II.

⁷⁰ The sheep pastures were the only land that

degradation of the natural environment. The forests of the eastern Netherlands gradually disappeared, to be replaced by extensive heaths which were, in their turn also prone to over-exploitation, leading to the appearance of sand drifts. From the latter part of the sixteenth century onwards, the fight against sand becomes one of the most important activities of the marks. This degradation of the environment was largely the result of imperfections in its formal organization (notably the lack of policing of the exploitation of the commons), continued population growth and long periods of war, during which the social structure of the countryside broke down. Therefore the development of the marks in this period does not support the 'optimistic' interpretation of their functioning put forward by Ostrom, and is more consistent with Hardin's pessimistic 'tragedy of the commons'.

Through the seventeenth and eighteenth century, a new balance, however, came into existence, and the management of the commons moved into the direction of Ostrom's model. It is ironic that it was indeed the gradual commercialization of agriculture and the rise of proto-industry that offered the possibility of combining a growing population with a new balance between resources and population. The mark organization itself also became more commercial: specialists were hired for police duties, the grazing of cattle and the cultivation of wastes was linked to special tariffs, and the remaining woods were felled (with the proceeds being paid out to the shareholders). The ultimate dissolution of mark societies in the nineteenth century was the last stage in this process. For the large landowners, a share in the mark had become an investment which had to be monetized as soon as possible; for the *gewaarden* the enclosure of the pastures was a precondition for increasing the output of livestock products. Then, only the cottagers, who had acquired important use rights in the commons, still referred to the 'moral economy' which laid at the foundation of the marks. The most striking paradox of the mark is that, whereas it was founded to protect the properties of large landowners, it eventually became an organization that predominantly benefited the landless.