LAND

AS A FREE GIFT OF NATURE

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THERE are studies of great interest in frontier economics. In one sense, indeed, all investigations into the economic aspect of present-day conditions are inquiries on the frontier, but it is to the frontier of Western civilisation that the term may be more suitably appropriated. And not the least interesting of these studies is the ownership of land under circumstances different from those obtaining in the West. It is not entirely academic, for there are even at present undeveloped areas, and places where the inhabitants maintain a humble antagonism to our theories of property. This was until recently the case in Pegu, the part of Lower Burma taken by the British in 1853, and it remained unaltered long enough to allow us to describe their treatment of the land with some degree of definition. And in Pegu there is an added interest. Economists have usually assumed with Adam Smith that it is "an early and rude state of society which precedes...the appropriation of land"; in Pegu this was not at all the case. But the history of Pegu is naturally a subject on which most people can pardonably acknowledge ignorance; it will therefore be advisable to set forth clearly the two premises that the people were very definitely civilised, and that, nevertheless, land was still for the most part unappropriated, a free gift of nature to the whole community. We shall then be in a position to examine the economic aspects of their occupation of the land under such circumstances, and finally hope to suggest that the main features which characterise it have been more general than has perhaps always been suspected.

On the annexation of Pegu the inhabitants had dwelt there for some two thousand years, but there is no need to go back to the Chersonese of Ptolemy or the Suvarna Bhumi, the Golden Land of the Buddhist scriptures. Two hundred years before we took it the riches and prosperity of the country had been put on record by adventurers from Europe. Purchas translates the description left by Caesar Frederick: "In the land, for people, dominions, gold and silver, the King of Pegu far exceeds the

Great Turk in treasure and strength[1]." Fytch, the first Englishman known to have visited Burma, gives his testimony twenty-five years later: "To Cirion, a port of Pegu, come ships from Mecca, with woollen cloths, scarlets, velvets, opium, and such like. Painted cloth, white cloth, and cotton yarn from Portuguese and native ports of India, ships from Malacca come with sandals, porcelain, and other wares of China, and with camphora of Borneo and pepper from Acheen." A long list is also given of "the merchandise which be in Pegu, gold and silver, rubies, sapphires, musk, benjamin, or frankincense, long pepper, tin, lead, copper, lacquer, whereof they make hard wax, rice, and wine made of rice and some sugar[2]." He tells of brokers and money-changers, and joins with Faria and Pinto in admiring the marvels of the capital. It is true that constant warfare and oppressive rulers subsequently caused the trade and industry to retrograde, but there is the evidence of Symes, at the beginning of the nineteenth century, that they had not fallen into barbarism. The bankers were still receiving the moneys of their clients and charging a one per cent. commission on sales and purchases. And by this time shipbuilding had become a leading industry; on the stocks at Rangoon he saw many ships of burthen upwards of a thousand tons, and in the matter of their tariff he commends their methods as superior to those in England. "The Burmans set us an example of policy by remitting all duty on cordage, canvas, wrought-iron, provided these articles are *bona fide* brought for the equipment of a new vessel; the port charges also are not exacted from a new ship on leaving the river to proceed on her first voyage[3]." They were evidently far distant from a condition of primeval barbarism.

It is difficult to estimate how much land had formerly been under cultivation. We are told of an alien monarch who converted the country into forest and prevented the tillage of the land for many years, and an attempt was made to colonise the country from the arid tracts of Upper Burma[4]. San Germano, writing at the end of the eighteenth century, tells us that on

[1] Quoted in *History of Burma*, Sir Arthur Phayne, p. 115.
[2] *Ralph Fytch*, by J. Horton Riley, 1899, pp. 165–166.
[3] *A Mission to the Court of Ava*, Symes, 1795.
[4] *British Burma Gazetteer*, 1879, pp. 547–548.

his arrival "each bank of the great river Ava presented a long continued line of habitations; shortly afterwards returning, very few villages were to be seen along the whole course of the stream[1]." Symes also mentions evidences of former cultivation. And by the time we took the country the desolation was even more complete. Tidal creeks fringed with dwarf palms and the prickly-leaved blue trumpet flower intersected plains of swamp and forest. From village to village was a long day's journey[2], and the rich soil was recuperating in the damp luxuriant climate of the middle tropics. The villagers were for the most part salt boilers and fishermen; some apparently did not cultivate the land at all, the majority were certainly contented with cultivating for their own consumption; paddy, that now sells at £10 a hundred baskets, fetched at that time only half as many shillings; harvests were bountiful, but jettison of the rotting surplus was a not infrequent sequel. This comparative neglect of agriculture was itself a mark of progress; it arose from differentiation of function—for the wealth of those parts lay at that time largely in the fisheries. Preparations of salt fish are almost as necessary to the Burman as rice itself. There was no great demand for rice to be exported then, and for home consumption it could be cultivated elsewhere, while the fishing industry was almost a monopoly of the Lower Burma delta. It is of interest to note in this connection that the people had very definite ideas of fishing rights, and that the earlier English officials were as impatient of alleged hereditary possession of the fisheries as they were zealous in promoting the idea of ownership in land[3]. For, apart from the presumption arising from the area of waste, we have definite evidence that land was not yet "personal wealth"; there are the records of the time, and there is the verbal testimony of men still living who can tell of the conditions then existing.

Colonel Ardagh, who was in charge of Rangoon District in 1862, has left a valuable memorandum on "the mode of tenure by which the greater portion of the land in Burma is held[4]."

[1] *Description of the Burmese Empire*, 1782 to 1808, Father San Germano.
[2] *Annual Revenue Administration Report*, Rangoon District, 1865–6 (unpublished).
[3] *Draft Letters of Deputy Commissioner*, Rangoon, 1867 (unpublished).
[4] *Draft Letters*, 162.

He shows that for the most part occupation is distinct from ownership[1], and writes of it as a system of tenure "fully recognised" by Government. "It is a system," he continues, "which if we desire to encourage, as we should, the idea of property and right in the soil, our efforts should be directed to gradually abolish." The people themselves are equally definite. To the Western mind, saturated with the idea of private property in land, it is difficult to realise that as a concrete fact land may be a free gift of nature. The Burman seems to have much less difficulty in appreciating this; land is not even included among his seven traditional noble kinds of wealth. It has been my fortune recently to assist in some inquiries, which included an investigation of the former system of land tenure in the neighbourhood of Rangoon, and I was often told by old inhabitants, talking of former times shortly after the annexation, that "land had not yet become a 'thing,'" *i.e.* a subject of property, or it was stated that "property in land developed about ten or fifteen years after the British occupation." The two premises may therefore be admitted, that Pegu was highly civilised, but that, nevertheless, there was for the most part no ownership in land. We can now proceed to examine the method of its treatment under these conditions[2].

One of the problems that seem greatly to have perplexed the first generation of revenue officials was the frequent abandonment of land. It was as a result of an inquiry into this that Colonel Ardagh left the memorandum from which we have al-

[1] In another district in many ways similar the Deputy Commissioner writes so late as 1875: "In this country cultivation can hardly be called a system" (D. C. Bassein in *Annual Report*, 1875).

[2] It is interesting to note the methods by which Government sought to establish a sense of property in land:—

(*a*) They introduced liberal fallow rates so as to encourage cultivators not to abandon land needing rest. This was at the instance of Colonel Ardagh.

(*b*) They took full revenue from all land abandoned unless the cultivator had specifically reported his intention of abandonment.

(*c*) They encouraged cultivators to take leases of land for a period of years, the leases including unoccupied land which could be cultivated without the payment of extra rent.

(*d*) They encouraged the granting of unoccupied land free of revenue for a period of years.

(*e*) They also attempted to improve the cattle supply by giving veterinary instruction and holding agricultural shows.

ready quoted. "In the majority of instances," he writes, "the villagers regard land, especially paddy land, to be common land, which, if unoccupied, any villagers have a right to take up, and which when they have done with it they have an equal right to throw aside. If not taken up, it remains the common fallow land of the villagers for a few years, until it finally, on being overgrown with jungle and long grass and the bunds partially obliterated, takes its place in the waste land of the village tract. Accordingly, where land deteriorates and requires a rest, it is thrown into the common fallow ground of the village, and may be taken up by anyone without being liable to objection by the previous cultivator, unless where the ground lying fallow impinges on the rest of his ground, in which case his permission is asked in a neighbourly manner." It is noted that in some cases the land was overworked as a result of this system: "Anyone who wishes to screw an extra crop out of the already impoverished ground takes it up and works it until at last it is too exhausted to give any satisfaction until it has been longer fallow than would have been necessary except for the bad treatment received by it." If, however, no one intervenes, "land thus capriciously abandoned is usually resumed by the previous cultivator."

It is true that this absence of the idea of property is not universal. There are a "few exceptions" where the cultivator "looks upon himself as having a prescriptive priority of claim to the cultivation, allotment, or disposal of the ground," and there were instances in which the land was "disposed of for money to third parties, either for a term of years, or for so long as the transferee is able to keep it under cultivation. But this is stated as taking place where the land has been originally cultivated and cleared by a villager, or where ground had remained uninterruptedly in possession of himself and his forbears for a long time. It is noteworthy that absolute disposal does not seem to have been contemplated. In another letter Colonel Ardagh talks of people being, as it were, "patrones" of the land, who, even if not in possession still, "regard themselves as the proper persons to arrange about its being cultivated or left fallow." But these were only exceptional instances, and the other system the more general. Another example showing how lightly land was

valued is given in a Settlement Report a few years later[1]. In one neighbourhood we find the land was cultivated by traders from a distance, who disembarked during the cultivating season and worked the land in the village where they were residing, returning homewards with the harvest. In this way they were following the fashion of the Burman army, who would postpone their operations during the rains, and literally live upon the country of the enemy[2]. Another characteristic of the times traceable in these records is the lightness with which the soil was worked. It is a matter of frequent comment that through cattle murrain or for other reasons plough animals were very scarce, and that in consequence cultivation was carried on by hand. Thus it is only natural that it speedily became exhausted except to more intensive labour. It has been estimated that at the time of the annexation the area occupied by each person did not amount to more than ten acres on an average[3]. This is probably an under-estimate, but even with this it will be readily understood that with shifting cultivation consequent upon the speedy exhaustion, the area worked over in the course of a few years would be considerable.

In the notes that I have taken during my inquiries into tenures there is found abundant corroboration of information yielded by the records, and it may be well to note that the local inquiries preceded the investigation of the records; they were, therefore, unbiassed by preconceived conclusions. Thus it is noted that in a certain neighbourhood "land first became the subject of property about forty to fifty years ago. Previously people worked fresh land where they wished, retaining for a certain time a lien on the old, which in one case was mentioned as having been sold for about a rupee an acre." In another instance: "At the annexation the village was deserted and the inhabitants ran into the mainland....It was not until ten or fifteen years later that ownership in land became recognised." Again, "There was then no property in land; he worked where he wanted to, and I worked where I wanted to." At the present time, under normal conditions, new land gives a progressively

[1] *Report on the Settlement Operations in British Burma*, 1865–6.
[2] San Germano.
[3] *British Burma Gazetteer*, 1879, p. 552.

increasing yield; this was not then the case: "The cultivators only worked enough land for their own food, moving about from place to place every three years. Land did not improve with age at that time, because cultivation was so light. There was no settled occupation of land until after the English occupation." In one neighbourhood they gave me an exceptionally full account which may be worth describing in some detail. They informed me that about fifteen families fled across the river at the time of the English occupation of Rangoon. Nine of them settled on the riverside, founding the village where I received the information. There was then no village here, but six other families moving a little way inland discovered one already settled on the high land of the neighbourhood, naturally the most favourable site for building. The land was covered with jungle of tree and grass; some of them took up enough for two years' cultivation, others broke fresh ground when they thought desirable, somewhat after the fashion of shifting taungya cultivation. They worked the whole of the land now included in the village jurisdiction and some two hundred and fifty acres that have since been allotted to another village charge. The remaining six families were refused admission by the inhabitants of the existing village, and had to form another hamlet at a little distance. They gradually, however, moved into the village, and when they formed the majority—there were only eight households in all—the previous inhabitants went off to a small town adjacent, where they had relations. Some of the land relinquished by these people on their moving was subsequently cultivated by an immigrant from Upper Burma. Over fifteen hundred acres can be traced as having at some time been cultivated by the original inhabitants of these two villages or their immediate connections. Working as they did only a few acres at a time, it is not surprising that the earlier officials were faced with the problem of abandonment of land. It must be noted that this shifting cultivation and abandonment of land had no connection with nomadic inclinations; the village remained where it had first been founded; the isolated field hut of the individual cultivator might move from spot to spot, as it does even at the present day, but it always remained within the radius of a small circle. Indeed, of migration on a large scale

there was very little after the disturbance caused by our arrival had once settled down. Government strenuously attempted to attract the immigrant; remissions of revenue for a period of five years, grants of land on favourable terms to fugitives of influence from Upper Burma, had little more effect than the attempts to colonise in Burmese times. In the Annual Revenue Report of 1867–8, in the whole of Rangoon District, 9000 odd square miles, there are said to have been only 1710 immigrants of all kinds during the year, while 971 immigrants of former years returned to their own countries. And the inhabitants themselves at that time hardly encouraged immigration. Instances were given of an immigrant from elsewhere marrying a daughter of the village. The two would clear some land together, and, Burman fashion, both should have an equal claim to such title as there was; but in such cases it was frequently the woman who was mentioned as the cultivator, the generation of outsiders having obviously been suspect.

We are thus able to form a fairly definite picture of the system of cultivation at the time. A few households, bound together by ties of family or common life, made a clearing in the jungle. In some cases they would dwell together, the better to secure protection from other men and from the elephants and tigers that were then common in the forest round them, and if this were done they would naturally select for the site of their hamlet the highest ground in the vicinity. But in many instances it is probable that each erected his own hut apart from his fellow-men, though usually within the hearing of a call. A body of immigrants they had good reason to distrust; an instance has been given of a village dispossessed of its lands by new-comers; but their attitude towards the fresh arrival was less stringent than that of the Australian towards the Asiatic, for they do not seem to have objected to the casual immigrant, who may even have cultivated near them for some time before they were aware of his propinquity. He might gain recognition by intermarriage with the residents, but even then was hardly held a member of the family, and joint occupation by himself and wife tended to give a title to the one that was better known, a point of view not very foreign to Western conceptions of relationship by marriage. Each family cultivated a small holding,

but the cultivation was so light that the law of diminishing returns immediately began to operate, and they were under no necessity to stave it off by working more intensively. When they moved, the land thus fallowed rapidly became almost indistinguishable from the surrounding jungle. In many cases it would, however, be taken up by someone else; with shifting cultivation and abundant waste it is a mere matter of choice whether a cultivator works new land or land that has been abandoned; the latter, as giving less trouble, would naturally appeal to the lazier individual, and it is probable that this "screwing an extra crop out of the ground" was at least as popular as clearing fresh jungle; land that had lain fallow a year or two would make particular appeal, and in a few years' time, therefore, there would be, roughly, a redistribution of the holdings, and still be left sufficient waste unoccupied, available for the more enterprising.

The characteristics, therefore, of the tenure in Pegu were temporary appropriation of the land during the period of occupation only; when done with it was restored to the community, like the atmosphere we breathe, changed, but after renovation in the usual course of nature, open to further use. The occupation was for the most part restricted to the people who lived near it, for there was no one else to occupy it, and among these occupants there tended to be redistribution; the land unoccupied was available for all. It is unnecessary further to insist upon the lightness of the cultivation; this may be taken as a corollary of the other features, which we hope to suggest were by no means restricted to Pegu. We have pointed out that Pegu was abnormal in possessing an advanced state of civilisation together with non-appropriation of the soil, and also in its comparative neglect of agriculture, due partly to the development of other industries. Save for the extra security of life, there is nothing in this which would cause their treatment of the land to differ from that obtaining under more primitive conditions; and it is not perhaps safe to lay stress on the security of life in former times; it may have been unsafe to travel, but then they did not travel. Nor did they greatly in Pegu; traders went up and down the creeks in boats, but we have noted the difficulty of inducing immigration.

There does not, therefore, seem any *prima facie* reason why these conditions of land tenure should be peculiar to Pegu, and we find that they have been supposed to exist in earlier times. The Mark system, as it could be described only a few years ago[1], the system of land tenure in village communities, as described by Mr Baden Powell, are both accompanied by the cultivation of land held as individual property during the period of occupation only, the restriction of occupation to members of the community and specially admitted immigrants, redistribution of the several holdings from time to time, and waste land held in common. Recent researches may have modified the theories of ten years ago, but in another part of Burma village communities have been found much more "true to type," according to the theory of Sir Henry Maine[2], than those considered by Mr Baden Powell. They have been described by Mr Clayton in his report on the settlement of Katha District: "The local chief...paid an annual tribute...and in return a certain area of land was granted to him for his community. The chief was *primus inter pares*; the land was felt to belong to the community and not to the chief." In some cases there were two stocks or more; uncleared land then "belonged to the community as a whole." Persons who left the community made their lands over to their relations or the chief for re-allotment[3]. These features of land tenure have often been supposed dependent upon the political organisation of society into village communities. But another feature of the land dealt with in this inquiry is that it has little or no value in exchange. Mr Clayton, who conducted the investigation, has enumerated 342 of these communal units; in 206 he finds no right to mortgage or sell the land, and in 72 of these cases no right even to lease it[4]. Comment is especially made in the Government resolution on the report that "the figures of rents, sales, and mortgages are remarkably low." It is significant in this connection that "there is no local term whatsoever to express the meaning of communal unit," while even the equivalent provided by the official Government translator could not be understood. As has been frequently pointed out,

[1] *Principles of Economics*, Marshall, p. 15. Fourth edition.
[2] *Village Communities in India*, 1899, pp. 60, 80, 96, 104–105.
[3] *Settlement Report of the Katha District*, 1907, para. 3435.
[4] *Ib.*, pars. 42–43.

the idea of property "in common" is not a simple or primitive one[1]; there may be room for doubt as to whether this sentiment of appropriation to the community and of ownership in common of the uncleared waste is more than the natural resentment of a jungle dweller for unknown faces and unaccustomed accents, a sentiment of patriotism rather than of property. Similar objections to new arrivals have been noticed in Pegu.

We find, therefore, that the features which have been supposed dependent upon the political organisation into village communities are associated with a state in which there is hardly the idea of permanent appropriation of the land, and in which land is of so little value as scarcely to be worth appropriating, while they are not essentially different from the features of land tenure characteristic of Pegu. But the semi-independent members of the hamlets of Pegu cannot possibly be regarded as composing a village community. And there is a very important point of difference. In the village community, as we have seen it in Mr Clayton's report, all revenue is paid on behalf of the village by the chief, who is *primus inter pares*. In him also is vested the local magisterial authority. But in Pegu the British found the revenue collected through, and the magisterial authority invested in, not the head of each village, but the "heads over the Karen of each Township, over the fishermen, and over the brokers, over palm juice drawers and silver assayers, over the ploughmen of the royal lands and the cultivators of the royal gardens[1]." So that it was difficult to make those set in authority by the English "understand that they had jurisdiction over all residents in their charge without reference to their more personal jurisdiction[2]." We may, therefore, conclude that the features of land tenure in a village communtiy are not dependent on the political organisation of society, but are the immediate effect of economic conditions, and that the land tenure in Pegu was a more general form which only under certain circumstances developed into that associated with village communities. In Pegu we have the original salt in solution; in Katha it has crystallised out practically unchanged; in other cases other reagents may have given rise to other modifications.

[1] E. G. Baden Powell, *op. cit.*, p. 128.
[2] *British Burma Gazetteer*, p. 549.

If, however, any valuable deductions can be made from the conditions of Pegu, it is a matter for the specialist. But the mode of land tenure seems worth recording, while verbal testimony is still remaining to give life to the old records. For by now it is all a very old story; the people have good reason to appreciate the value of the land.

There is an ancient prophecy on record that in Syriam, the Cirion of Fytch, land would be worth in time ten thousand rupees for a portion of an acre. It is mentioned in a settlement report of thirty years ago, with the remark that land was then worth less than three rupees an acre. But an oil company has established workshops there, and close to them exists a little homestead site, for which the owners greedily rejected an offer of ten thousand. Although it is less than fifty years ago, we have moved some distance since land was a free gift of nature to the whole community.

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