

What Alpine Peasants Have in Common: Observations on Communal Tenure in a Swiss Village¹

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An ecological approach to the persistence of communal tenure in a Swiss village suggests that such rights are neither historical anachronisms nor aspects of the closed corporate community. The adaptive value of group holdings in alpine pasture, forest, water, and access routes is compared to that of individual rights in arable land, meadows, and buildings within the same community. The nature and exploitation of resources are related to communal acquisition, conservation, and distribution.

KEY WORDS: mountain ecosystems; land tenure; peasant communities; Alps.

Although land tenure of a particular type has not been a characteristic defining feature of peasant society, anthropologists have placed a certain emphasis on communal forms of landholding among peasants. However, little effort has been made to analyze the agricultural functions of both individual and collective land rights as they are exercised in specific contexts. In the popular mind there may still linger a presumed evolutionary sequence in which peasants fall somewhere between an earlier stage of cooperative and egalitarian access to resources and a more recent emphasis on private property ownership. Students of peasantry have paid particular attention to the model of the closed corporate community as a landholding body in a dual society where peasants are subject to powerful outsiders.

Although few social scientists would now subscribe to nineteenth-century notions of an inevitable progress from ancient tribal communism through clan holdings to individual ownership in severalty (Morgan, 1963: 551), there remains

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some sense that individual ownership of land has become dominant among peasants only in the recent past.

Peasant proprietorship . . . in many Western European countries . . . is a product of the nineteenth century, and landownership is no part of immemorial peasant tradition. In fact, it has weakened it, because the old peasantries were attached to cooperative schemes of land use, and private ownership of the soil as we understand it was not found. (Evans, 1956)

An earlier evolutionary transition in German land tenure was noted by Engels; to account for the change from collective ownership of land by the gens and later by communistic household communities to individual family holdings, he cited the increasing pressure of population on land resources and the lack of sufficient territory to sustain shifting cultivation. In such circumstances, disputes over land interfered with the common economy. Not all types of productive resources, however, became private. "The arable and meadowlands which had hitherto been common were divided in the manner familiar to us, first temporarily and then permanently among the single households which were now coming into being, while forest, pasture land, and water remained common" (Engels, 1972: 202). Historical studies have emphasized the absence of any irreversible direction of change in European land tenure. The early medieval peasant holding (*Hufe* or *mansus*) appears to have combined individual property with rights of usufruct in common lands (Pfeifer, 1956). Champion villages actually instituted new forms of communalism as they adopted the open field system of land use.

The inhabitants of champion villages shared grazing rights in the commons, mowing rights in the meadow, water rights in the pond, and forage rights in the waste. Even more impressively, they agreed together on when they would plow, sow, and reap. In these and other ways, each family accommodated its interests to those of its neighbors. The total effect was extensive village mutualism. (Anderson, 1971: 148)

In this case, communal rights and organizational mechanisms coexisted with individually heritable and alienable rights in parcels of obviously scarce and valuable arable land (Homans, 1960).

The influential concept of the closed corporate peasant community as proposed by Eric Wolf (1957) embodies "outright communal tenure" with varying degrees of periodic land redistribution, restriction of landholding to community members, and communal jurisdiction over inheritance and sale of land. Wolf makes clear the fact that corporate land tenure is neither a simple survival nor the result of some putative tendency to conservatism. In the type cases of both Mesoamerica and Java, closed corporate communities result from conquest and the attempt by an occupying power to seize resources, concentrate population, and make village units responsible for tribute and corvée labor. Similar communities may also result from internal colonization as in the pre-1861 Russian *mir*, but in all cases the native peasants are dominated by a separate entrepreneurial sector of the society (Wolf, 1957). Both the mechanisms to level differences among members by periodic reallocations of land and the equal distribution of

rent in labor, kind, or money may be seen as means to maintain the internal order of a community subjected to outside political and economic constraints (Wolf, 1966: 86). Closed corporations regulating access to resources are a basic defense among peasants, who by definition "have very little control over the conditions that govern their lives" (Foster, 1967).

A somewhat different perspective on the problem of communal vs. individual tenure is provided by alpine communities in Western Europe, where both types of landholding have persisted in relatively stable association over a long and well-documented period of time. In the case of one Swiss village with local records beginning in the thirteenth century, different kinds of resources have remained under contrasting types of ownership to the present day. Although various external demands for rent, taxes, and military service have been enforced over the centuries by church, nobility, and state, the community has continued to make a large share of the important decisions affecting its own economy and resource allocation. Such local autonomy suggests that corporate features may be less oriented to resisting external domination and more closely related to environmental conditions and subsistence requirements. My contention will be that, in the absence of decisive legal or military controls from the larger society, the system of property rights in the peasant community will be directly related to the manner in which resources are exploited, the competition for their use, and the nature of the product produced — more specifically, land use by and large determines land tenure.³

There is little doubt that the initial year-round settlement of alpine areas by Celtic populations following 500 B.C. represented an intensification in the use of the mountain environment in what is now southern Switzerland.⁴ Areas that had probably supported only seasonal transhumance were made sites of permanent villages with large clearings on the forested slopes. It seems clear that a considerable increase in labor was required to provide hay for the animals' winter forage, shelter and heating during the cold months for men and beasts, grain crops on the steep fields, and irrigation on the drier slopes. Favored spots where these subsistence requirements could be met attracted resident populations, and the building of substantial log houses, terraced fields, and artificial water courses within clearly defined village territories indicates the continuing pressure of population to make the most of available resources (Netting, 1972, 1974). Scarcity of land or water in the face of demographic requirements makes adaptive the investment of labor and capital to increase production per unit area and render

³The same point has been forcefully made by Ester Boserup (1965: 77-87) in her discussion of precolonial land tenure systems with a worldwide distribution.

⁴Grave goods (Sauter, 1950) and place names (Zimmermann, 1968) suggest permanent pre-Christian occupation of sites high on valley slopes in the Rhone drainage. The Alemmanic infiltration from the ninth to the eleventh century A.D. may well have increased population pressure to the point in the thirteenth century when German speakers from Valais emigrated to found new alpine communities in Austria and Italy (Gutersohn, 1961: 28).

the yield more dependable through time.⁵ A corollary of such intensification is the claiming of individual rights in resources which are (1) necessary to survival, (2) so scarce that community members must compete for them, and (3) so productive naturally or through improvement by the investment of labor or capital that they provide a reasonably secure, long-term return.⁶ Although we have no direct evidence of a change in this area from communal pasture rights among transhumants to individual or family rights in land among sedentary mixed farmers, the tendency has been noted frequently in other parts of the world (Barth, 1964; Manners, 1964; Stenning, 1959).

The first written sources concerning Törbel, a village in the Vispertal of Valais, southern Switzerland, suggest both individual ownership and corporate holding of land. A document dated 1293 refers to one man's sale of land in four named meadow localities to the community as a whole. Since the seller who received cash was granted use of the property in return for annual payments, it is possible that the transaction was equivalent to the mortgaging of the land. Similar cases in the fourteenth century suggest that the community was acting as a banker for its members who pledged land as security for loans, but there is no indication that communal ownership of these lands was permanent or that they were worked by communal labor. Although the church⁷ and absentee landlords had feudal claims to portions of village land, it is obvious that several freemen and the corporate community itself also possessed rights in land which could be traded, mortgaged, or sold. The village was treated as a group with joint responsibility for its tithe to the parish church at Visp as early as 1224.⁸ During the fourteenth century, five noble families are mentioned as having land rights in Törbel, but also listed are nine resident peasants whose combined property equals three-fifths of that belonging to the nobles (von Roten, n.d.). A notarized instrument dated 1392 transferred three grain fields from a seller in Törbel to two different buyers in return for cash. The sale included access and water rights, and the plots are designated by reference to adjoining fields of three other named owners. Similarly detailed private transactions occur regularly in public records thereafter (Törbel Gemeindearchiv, Section H), and a number of Törbel residents preserve comparable bills of sale from as early as 1642. As in many

⁵ Chayanov (1966: 115) has cited the Swiss peasant farm as characterized by demographic pressure and a low degree of mobility of land, leading to a much higher level of agricultural intensity than that found in relatively less crowded areas of rural Russia.

⁶ "There is a large and growing theoretical literature in economics on this point, the point, that is, that as a resource becomes more valuable it becomes profitable to decide who exactly owns it" (McCloskey, personal communication; cf. also McCloskey, 1975, footnote 30).

⁷ A tribute roll of scattered parcels in Törbel on which feudal dues were owed to the cathedral chapter in Sion is reproduced in von Roten (n.d.). These lands appear to have been gifts to the church by pious individuals in the village.

⁸ I am indebted for translation and commentary on several of the relevant documents to Herr U.-D. Sprenger (n.d. and personal communications).

parts of the Alps, the general tendency in Törbel during medieval times appears to have been toward relaxation and early disappearance of feudal obligations owed to both spiritual and temporal lords and the emergence of a relatively autonomous community of free peasant proprietors.

An agreement formally drawn up in Latin on parchment makes clear the existence of several types of community property in Törbel during the fifteenth century and probably codifies customary usage of long standing. A local political body of 22 named Törbel residents came together on February 1, 1483, in Visp as a voluntary *Gemeinschaft* (collective or association) for the purpose of better regulating the use of the alp, the waste lands, and the forest. The law specifically forbade a foreigner (*Fremde*) who bought or otherwise occupied land in Törbel from acquiring any right in the communal alp, common lands, or grazing places, or permission to fell timber. Ownership of a piece of land did *not* automatically confer any communal right (*genossenschaftliches Recht*). The inhabitants currently possessing land and water rights reserved the power to decide whether an outsider should be admitted to community membership. The closing of the community to immigration appears here to have been an internal decision based on population pressures rather than a decree promulgated by outside authorities. That customary rights to the common lands of the alp were largely unchallenged is suggested by the absence of any documents reflecting disputes or litigation over it between the village and any noble or ecclesiastical lords (*cf.* Bloch, 1970: 182-189).

An inventory of 1507 lists the alps and waste lands (*Alpen und Allmeinen*) that belong to the community. Written alp use rights specified in 1517 that no citizen could send more cows to the alp than he could feed during the winter, thus effectively limiting individuals to the number of animals which their own hay meadows could support and severely fining them for any attempt to appropriate a larger share of community grazing privileges.⁹ This rule continues to be enforced to the present day. In 1519, a further agreement set boundaries on the communal lands and forests as well as defining the width and use of horse roads, foot and cow paths, and logging tracks. A major code promulgated in 1531 by the Citizenry or Peasant Corporation of the Communities of Törbel and Burgen (*Burgerrecht oder Bauernzunft der Gemeinde Törbel und Burgen*)¹⁰ listed 24 statutes regulating immigration to or emigration from the community, hunting on the alp, stock damage to private plots, the spread of cattle disease, dispute

⁹The "tragedy of the commons" in which the rational herdsman increases his herd without limit, to the eventual detriment of all (Hardin, 1968), was thus avoided by democratic decision based on sound awareness of the ecological consequences. A similar traditional limit on the number of animals a man could graze on the open fields was termed a "stint" in medieval England and was usually in proportion to the quantity of arable land occupied (McCloskey, 1975).

¹⁰Burgen, although independent at the time, later became a hamlet incorporated into Törbel.

settlement, participation in village government, alp pasturage rights, and compulsory communal house building. Sixty named males representing their own and nine additional families subscribed to this charter.

Historical evidence is entirely consistent with the assertion that both individual and communal rights in resources have been present for at least 500 years, and that they have regularly associated private control with meadows, grain fields, gardens, vineyards, and buildings, and community tenure with the alp, the forests, certain waste lands, and access routes. This is not to say that rights were *always* allocated to a single type of administration. The community could enlarge its holdings by purchase from other collectives, as in the 1514 acquisition of the Oberaaralp some 70 km distant from Törbel above the Grimsel Pass.¹¹ It also bought or traded for private parcels within or bordering the alp in 1400, 1632, 1726, 1768, 1769, 1772, and 1833, received a gift of forest from several owners in 1762, and acquired rights of way in various parts of its territory in 1666, 1711, 1727, and 1832. These changes reflect little in the way of altered land use. High, dry meadows that produced poor and irregular hay harvests for their owners could be perhaps more productive when incorporated into adjoining communal grazing grounds, and it was only pieces of this sort that were transferred to public hands.

In a stable, highly self-sufficient alpine village with environmental factors of altitude, slope gradient, insolation, and water supply largely dictating land use, what variables promoted and effectively maintained the continued balance of individual and communal rights to resources? A review of the major classes of communal holdings may clarify their common features.

1. The alp can be grazed only in summer when it is free from snow. Because of its altitude (above 2000 m), with a limited growing season and thin soils, it cannot produce sufficiently dense stands of grass for haying. Irrigation is also not practical. The alp can afford grazing for milk cows, heifers, and sheep at successively higher levels, but no single section can support the animals continuously, and the best pasturage may vary in its occurrence. In order to use widely distributed grasslands in an optimal manner while remaining within reach of water and forest shelter for the stock during spring and fall storms, a large, fenceless area of range is necessary.¹² Overgrazing which would decrease the

¹¹ The substantial cash price of 850 Bernese pounds was collected by a number of individuals who lacked grazing rights on the Törbjer alps. but within 50 years the added land became communal property.

¹² Similar factors promoting efficiency of grazing and control of cattle in areas segregated from arable and meadow lands are apparent in the classic open-field system of Europe. Strip parcels that were individually tilled and administered under a three-field rotation were opened during the fallow period for common pasturage on stubble with free rights of way across neighboring plots (Uhlig, 1971: 107). The same land thus alternated between individual and communal tenure according to its use for either crops or grazing. Where land was more plentiful and the emphasis was on a livestock economy, communal pasture was periodically redistributed into individual plowing strips. Temporary individual rights

alp's carrying capacity must be rigidly prohibited, because alternative pastures are not available. A decline in the quantity or quality of grass would be readily apparent in lower milk and therefore cheese production per animal. Cattle owners carefully monitor the condition of their cows by Sunday visits to the alp, and deterioration of the pasture or the effects of longer than average treks to the grazing grounds are a topic of immediate discussion.

Labor economies also make common grazing lands a viable option. A handful of men can herd the animals of an entire village, milk them, and produce cheese in bulk. The rest of the population is thereby freed for the vital summer task of haying. Maintenance of the alp such as keeping access paths open, renewing avalanche-damaged corrals, cleaning springs, and redistributing manure can be effectively performed by the cooperative labor of all cattle owners in a few days each year. Decisions on protecting the alp from encroachment by other villages, organizing the herding and dairy activities, allotting equitable use rights, preventing overgrazing, and making necessary improvements can be made democratically by an alp association (*Burgerschaft*) that is often coterminous with the village citizenry. A diffuse resource such as an alp both loses productive value if it is split into private parcels and requires a considerably increased labor input due to the duplication of effort. The cost of fencing alone might seriously reduce the profits of summer grazing.

There are private alps belonging to individuals or groups that can dispose of the property at will, but these are rare. In Valais, 95% of all alpine pasture has been under communal ownership (Carrier, 1932: 205). Although a number of Swiss alps may have been at one time claimed by great ecclesiastical or secular lords and rented for payment in cheese, they seem to have been taken over during the middle ages by the peasants who used them. Some contemporary alps divided among private owners (e.g., Ausserberg) actually reflect the permanent habitation and haying of some high meadows in the twelfth century (Gutersohn, 1961: 42). A similar situation in Turtmanntal was altered in the sixteenth century by associations buying up and consolidating a large number of small private pastures (Gutersohn, 1961: 70). Where the alp is relatively close to the village, as in Lötschental, individual family members may move to summer huts and tend their own stock (Friedl, 1973), but this solution is also infrequent.

2. Forests occurring at various elevations of the Törbel territory up to 2200 m, especially on steeper, shaded slopes, provide materials necessary for every inhabitant. They are the source of firewood, used for heating the houses through large stone stoves, and formerly necessary for cooking in open fireplaces. Heavy squared logs were basic to the construction of houses, barns, gra-

to cultivation of this kind are found in the former Russian *mir* system and the *muscha'a* of the Near and Middle East, Persia, and northwest India (Uhlir, 1971; 104). Redistribution also occurred all over Scotland, Wales, and Ireland (Baker and Butlin, 1973).

naries, and storage buildings. Until recently, the forest floor was scraped to supply needles for strewing the cattle stalls in winter (Stebler, 1922: 98-99). Growing timber also anchors mountain soil, preventing erosion and rapid runoff of melt waters. Woodlands above the cultivated area lessen the danger of destructive avalanches and provide shelter for livestock on the alp. Much of the Törbel timber is relatively slow-growing larch, and maintenance of fuel and lumber supplies plus watershed protection enjoins strictly limited and selective cutting through the entire forested area. Private ownership of woodland would interfere with obtaining controlled continuous yields and present problems in filling the minimal needs of each household due to intergenerational demographic changes. Communal administration of the forest allows annual cutting to be decided on by the elected village council. These officials further divide the marked trees into equal shares that are allocated by lot to teams of three households. These self-selected teams provide the necessary cooperation for felling and snaking the logs down the mountain. Since little can be done to increase timber production, the emphasis is on restricting resource use to the renewal rate of forest growth, leaving undamaged the protective function of the woodland, and giving equal shares to all households. Communal forest ownership would appear to meet these requisites most efficiently. Although individuals might put aside part of their timber allotment for building repairs, it appears that major construction over at least the last century has necessitated buying logs in other communities.

3. Waste lands or *Allmeinen* tended to be bare, rocky, or otherwise minimally productive lands scattered through the village territory. Those areas thus designated in Törbel are cliffs, steep ravines, and mountain peaks where little or no grass grows. Such rugged slopes, too precipitous for cattle, could afford sparse browsing for goats, and it was to them that the village goat herd was taken in summer. Wild grass was pulled from the crags to supplement the hay supply at the end of winter. Villagers could freely take stone for foundations and roofing slate from these common lands. Moreover, such areas were protected from outsiders who might occupy them to the detriment of inhabitants. The high mountain catchment basin of Törbel's principal irrigation stream also was treated as common land, thus guarding the vital water rights of the village.

4. The need for communally owned and maintained paths and roads is obvious. With intense competition for every scrap of meadow and arable land, access routes could become a source of contention. In 1402, Johann Ester publicly threatened all trespassers on his land. To this day, lack of an agreed-upon right of way can render land useless to its owner. Thus the community must specify the width and type of traffic on its traveled ways, resist infringement or rerouting, and keep the paths in repair.

In contrast to the strongly communal character of rights to the alp, forests, waste lands, and pathways, most meadows, lower-altitude pastures, gardens,

grain fields, and vineyards in Törbel have been subject to individual tenure.¹³ They may be rented, worked on shares, traded, or sold, and they are passed on through partible inheritance. Spouses retain separate title to their lands, even though these are worked cooperatively by the family. Alienation of land appears to have required major cash payments and elaborate contracts during the entire course of recorded village history. The acquisition of land evidently became so expensive by 1672 that a special enactment forbade sales at a price higher than that determined by civic appraisers. Buildings or fractional shares in such structures as barns, granaries, and multifloored apartment houses are also owned, and maintenance is provided for in condominium-like agreements. All such property rights show certain similarities: (1) They cover resources for which there is high value in the subsistence economy. (2) The production from or occupation of such resources is relatively frequent and dependable (e.g., two hay harvests plus several weeks of tethered grazing are the assured annual return from a good meadow). (3) The resources may be used effectively in small, fixed portions (e.g., garden plots may average less than 70 m² each, and a total vineyard holding consisting of several parcels is usually 500 m² or less). (4) The resources may be improved or their production intensified. Yields are regularly increased in privately owned lands in Törbel by irrigation, manuring, erosion control, crop rotation, and careful horticulture (Netting, 1972). (5) The resource may be exploited effectively by individual or family labor and capital investment within the capability of a single household.

It seems possible to differentiate an emphasis on communal as opposed to individual rights in land resources according to the nature of land use (Table I).

¹³The one exception to this generalization is the traditional ownership by the community of a vineyard, a grain field, a church, and a dwelling that in the past housed both the priest and the village hall and cellars. The vineyard and grain field (now sold) were worked by obligatory communal labor which included provision of manure, transport, and processing of grapes and rye. The wine is consumed in ceremonious assemblies of adult male citizens (*Burgertrunk*) on December 26 (*St. Stephens Tag*) and on the feast of Corpus Christi (*Fronleichnam*). Wine is also on occasion dispensed to those performing special services such as the church choir, the fire brigade, the military reservists, and those who work in the communal fields (Niederer, 1956; 78-81). Honored guests are entertained in the Gemeindegeller. A loaf of bread was formerly given to each household at Christmas (Stebler, 1922: 116). Excess supplies of wine were sold back to community members for use at wakes and weddings. As a center of communal religious life and ritual, the church has always been built and maintained by the village. The support of the priest was a common duty, and annual tasks such as supplying fuel to the rectory were prior conditions for use of the alp. In these cases, communal rights to lands and buildings that would otherwise be private contribute directly to social solidarity and village integrity. In each instance, the token communal resources are used to support social services and village-wide celebrations that promote cooperation and emphasize unity. Communal property and activities were, however, strictly limited in the past, and there is no indication that the village competed with its individual citizens for resources or that it attempted to become a semiautonomous, profitmaking entity.

Table I

Nature of land use	Land tenure type	
	Communal	Individual
Value of production per unit area	Low	High
Frequency and dependability of use or yield	Low	High
Possibility of improvement or intensification	Low	High
Area required for effective use	Large	Small
Labor- and capital-investing groups	Large (voluntary association or community)	Small (individual or family)

The remarkable stability of both types of land rights in a Swiss alpine village reflects the relatively unchanging patterns of resource use within rigid environmental constraints, as well as the comparative freedom of this area from external political domination.¹⁴ Changes in technology or economic organization might alter the present balance of private and communal right to agree with new kinds of land use. For instance, a shortage of labor due to industrial work and outmigration plus the creation of a feeder road network may make year-round communal dairying and ultimately corporate control of meadow land desirable. On the other hand, decline in the use of wood for fuel and high demand for vacation chalet sites may lead to subdividing of the communal forest among private owners or long-term leaseholders.

The comparative advantages of alternate land usage and the desirability of altering related tenure practices may not be immediately apparent. Peasant farm-

¹⁴ Because of the isolation and difficult terrain of alpine Switzerland, its lack of valuable exports, and its success in creating defensive military alliances, conquerors have seldom been able either to control or to effectively extract much from this region. The same problems have until recently limited the ability of the Swiss nation-state to radically alter traditional economic practices. Thus confiscation of land or drastic political reorganization of tenure has been less evident here than in other parts of rural Europe. Enclosure would not appear to offer substantial economic benefits to any segment of the population. Even where revolutionary changes in land tenure have been introduced by fiat, as in the Soviet Union and parts of Eastern Europe, the results of collectivization may be disappointing economically. Intensive land use of the small area remaining in "private plots" produced up to one-third of the total USSR agricultural output in 1958-1965, and both Yugoslav and Polish peasants, when given the choice, have overwhelmingly opted out of collective farming (Shanin, 1971: 265). Where tenure is poorly adapted to optimum land use as seen by the cultivator, productivity may be seriously curtailed. Although interregional trade has not been discussed in this article, the Swiss mountain economy and political integration were closely bound to the salt trade (Dubois, 1965). Salt, which is necessary in the curing of cheese, was a monopoly of the cantonal government of 1500-1561. International politics during that period focused on whether the salt should be supplied from France or from Italy.

ers may indeed display some reluctance to alter tenurial arrangements that have proved effective in the past. Certainly more important in introducing potentially maladaptive factors into the system would be the legal arrangements decreed by an outsider power structure as a means of exploiting the peasant community. In an alpine situation where environmental parameters of altitude and topography largely determine agricultural potential, where technology is essentially unchanging, and where community boundaries have remained fixed for a long period of time, the maintenance of a single integrated system of communal and individual tenure suggests an ecological interpretation. Communal tenure promotes both general access to and optimum production from certain types of resources while enjoining on the entire community the conservation measures necessary to protect these resources from destruction. The persistence of communal rights should not be dismissed as a historical anachronism or credited solely to external domination of the closed corporate community.

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