

A New Look at the Irish Land Question*

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Précis: Behind the land question in nineteenth century Ireland lie two different conceptions of property and hence of landlord-tenant relations. One reflects communal notions and stresses tenants' prescriptive rights; the other reflects the idea of private property and stresses economically efficient outcomes. They can be described by simple economic models. Each is associated with a concept of rent and of the appropriate rent-setting institutions. During the nineteenth century, Irish land law was remodelled from a basis in equity and natural law to new concepts of contract and economic development. Attempts to move landlord-tenant relations and rent-setting institutions in this direction were only partially successful, and both economic and political developments are seen as the outcome of the co-existence of both traditions and the struggle between them.

The meaning of property is not constant. The actual institution, and the way people see it, and hence the meaning they give to the word, all change over time. The changes are related to changes in the purpose which society or the dominant classes in society expect the institution of property to serve . . . When these expectations change, property becomes a controversial subject: there is not only argument about what the institution of property ought to be, there is also dispute about what it is . . . The facts about a man-made institution which creates and maintains certain relations between people – and that is what property is – are never simple . . . How people see the thing . . . is both effect and cause of what it is at any time: . . . property is both an institution and a concept and . . . over time the institution and the concept influence each other.

– C. B. Macpherson, *Property: Mainstream and Critical Positions*.

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“The potatoes might be better. The grass too. And the cattle. Only the Hodnetts might be worse.”

— Daniel Corkery, *Rock of the Mass.*

I

The notion that Ireland was poor because defects in land tenure arrangements constrained capital investment in agriculture was a dominant idea in the nineteenth century. Modern scholarship has criticised both the logic of the proposition and the empirical assumptions on which it is based. As a result, the role of land tenure in Irish history has faded from the economic literature, while continuing to play a central role in political and social history. In what follows I shall argue for re-establishing the economic importance of tenure arrangements by posing the issue in a different way from the traditional hypothesis.

The land tenure hypothesis turned on the issue of property rights. One of the clearest statements came long after the issue was moot (Pigou, 1962, pp 174-175):

The extent to which the actual owners of durable instruments leave the work of maintaining and improving them to temporary occupiers varies, of course, in different industries . . . there can be no doubt that over a wide field some part of the investment designed to improve durable instruments of production is often made by persons other than their owners. Whenever this happens, some divergence between the private and the social net product of this investment is liable to occur, and is larger or smaller in extent according to the terms of the contract between the lessor and lessee.

If neither the legal code, custom, nor contracting arrangements evolve to close the gap between private and social net product, a prima facie case can be made for government intervention in the form of compensation payments. However, the importance of the gap would depend on the actual institutions of the economy. In nineteenth century Ireland, landlords did invest in their property. It is important not to exaggerate the extent of their investment, but its existence is known from testimony, from estate records, and from data on government loans to landlords. For example, landlords often supplied building materials to tenants, and they contracted to forgo rent for tenant reclamation of waste. The picture of a landlord class that stood ready promptly to raise rents and evict tenants has been challenged by data that suggest that rents were sticky and lagging, remaining in many cases

unchanged for long periods in the face of rising land values. The granting of abatements and the accumulation of arrears were not unusual. Eviction rates in post-Famine Ireland were very low, and indeed eviction was quite difficult for landlords to achieve. What look like precarious tenancies on very short terms were regarded by many tenants as virtually hereditary and on that account often preferred to leases: these tenants felt secure. Those who suffered eviction were often impoverished small holders, and it is difficult to visualise what investment they may have made on their few acres that their landlords were expropriating. For these and other reasons, modern writers have tended to doubt the validity of the land tenure story and to dismiss it as an important explanatory variable in economic history. The picture that has emerged even contains elements of tenants "exploiting" landlords — rents sticky, evictions difficult, consolidation thwarted (Solow, 1971).¹

Divergence between private and social rates of return leading to sub-optimal investment was not the language of the tenant movement. It was the sense that legislators, statesmen, economists and others made of tenant demands. The tenant slogans of Fixity of Tenure, Fair Rent, Free Sale, certainly required clarification. The justification offered was vague and confused, involving ill-defined concepts like co-proprietorship, appeals to spurious historical notions, and a romantic mishmash about Celts. But, I shall argue, that the correct interpretation of the tenant demands is not about divided property rights between owner and tenant as, for example, formulated by Pigou, but rather concerns a different concept of property altogether, and the issue between landlord and tenant in Ireland was whether property was to be thought of as private or as in some sense communal. From these two conceptions of property flow two different ways of allocating resources in an economy and two different conceptions of landlord-tenant relations, and the opposition between them helps explain economic and political developments in Ireland in the nineteenth century.

II

The consequences of private and communal property arrangements have been captured in a simple model, familiar to economists for a long time. Recently Cohen and Weitzman (1975) have extended the model in an important way and I shall follow their exposition.

Suppose there are a lot of ponds across the landscape where people can

1. In citing my own arguments against the land tenure hypothesis, I by no means wish to take exclusive credit for its decline.

fish. The more people fishing in a pond, the greater the total catch, but the more people the fewer fish per person. In a world of communal ownership, no single individual or group of individuals has the right to exclude others from fishing in the ponds. Access to commonly-owned property is open to all. If there are many ponds, fishermen will distribute themselves according to the return they can get. If there is a prevailing rate of return in the area, say of x fish per fisherman, people will avoid ponds with a return lower than x and crowd on to ponds with return higher than x , and equilibrium will occur when the average return is x in every pond.

In contrast to the communal idea, an economic system based on private property recognises certain people as owning the pond and having the right to determine its use, and access to it or labour to work it are bought and sold in the market. The pond-owner will maximise profits either by renting out access at a competitive rent or by hiring an optimal number of fishermen at the going wage rate. In one case, land is hiring labour, in the other, labour is hiring land, but the resulting allocation of resources will be the same either way. Given the wage that prevails, the pond-owner will hire workers until total revenue minus total cost (number of workers times wage rate) is at a maximum, and this will be where the marginal revenue product of fishermen equals the wage rate. The pond-owner will now receive the difference between total revenue and total cost as profit or rent.

What are the characteristics of the two models? In the first, the fishermen consume all the catch. They may have to pay someone for a fishing license, a set fee, but that is all. With the appearance of pond-owners, there is now a surplus which goes to the owners. They may accumulate it or spend it on other things. There will be a demand for goods besides fish, and former fishermen will be hired to produce them. A second characteristic is that the private case is efficient and the communal case is not: efficient in the sense that a reallocation of fishermen among ponds would give a greater total catch in the former than in the latter. For maximum total output, marginal products on every pond must be equal everywhere, not average products, and this result is brought about by the profit-maximising activities of pond-owners. Under average product equalisation, fishermen will overcrowd the better-stocked ponds and drive the marginal product down below that of the poorer properties. Privatisation ensures an efficient distribution of fishermen and a higher total product.

What happens on an individual pond mirrors the whole economy. If the change from communal to private property occurs at a given moment, the owner will find that he can maximise profits by getting rid of all those fishermen whose marginal revenue product is less than the wage rate. His profit arises from setting them equal. So a change to private property means "get rid of fishermen." The excess will have to move off the land, to other

employment. For the whole of society, fishermen will move from the better ponds to the less good ponds, to previously unoccupied inferior ponds, or non-fishing occupation.

A final significant result is that the ponds that have shifted to private ownership now have a lower labour/water ratio and may shift to less labour-intensive forms of fishing. To switch the example, what looks like sheep driving out men, or pasture supplanting tillage — what the Irish called the “flocks and herds doctrine” — may actually be the result of privatisation.

The private property model is, of course, that of our elementary economics textbooks. Property is owned; profits are maximised; factors of production have their prices and are allocated by the supply and demand mechanism of the market; efficiency conditions are obeyed. (There is nothing in this model that excludes long-term contracts between owners and workers.) The communal model describes a feudal economy without exclusive property rights, where serfs pay tribute (the fishing license) to the lord at a level fixed by more or less unchanging custom. And they have access to land, which they cannot be denied, as a matter of membership in a group. Land and labour are not allocated by market mechanisms but by a web of custom and mutual rights and obligations. Here no one is self-consciously maximising profits, and land and labour have significance outside their roles in the market-place.²

It is not suggested that an economy based on communal property notions ever existed historically in Ireland, but only that two different concepts of property and hence of landlord-tenant relations co-existed right into the nineteenth century, and that one of them derives from communal property ideas. Private property means the right to exclude; communal property means the right not to be excluded; the notion that tenants have a prescriptive right of occupation implies a view of property as communal. Tenant payments to landlords from this view point are set by custom and changed infrequently and cannot be altered unilaterally at will by landlords. The landlord views his tenants as something more than a source of income and does not mind having a lot around. This could be because he has some tie with families who have been on his estate for years, or it could arise from the fear of the consequences of evicting. Whether grounded in paternalism or coercion, all tenants are not interchangeable to him and represent more than a source of income.³

Tenant payment to landlords in this case is not a rent for the use of land which is set by changing market forces. It is indeed a payment for the use of

2. There are of course many societies with communal property rights besides feudalism, and there is a vast literature on Asian, African, and preliterate societies with communal economic institutions.

3. The classic landlord of this type is the Scottish chief who, when asked what his rent roll was, replied “Five hundred good men and true”.

land — a ticket on to the estate — and its price can fluctuate, but the custom is that the landlord not raise the price so high that a sitting tenant cannot pay it. If the tenant cultivates his land reasonably well and lives modestly, the landlord is entitled to receive a payment out of the surplus he produces, but not a share so large that the tenant cannot survive. The landlord is not entitled to say to a tenant, “If you don’t pay the price I ask, I know someone else who will.” Auction is ruled out, because it could extinguish the tenant’s right to his holding. It is not considered fair, and no humane landlord would do it. Property is not communal, but it is not private either: the tenant has a right to be there, not inalienable but subject to restriction, and the landlord has a right to rent but also subject to restriction. It is this view that I ascribe to a significant number of Irish tenants in the nineteenth century.

But if the payment is to be tailored to a “just price” and considerations of equity regarding the ability of the sitting tenant to pay, there is no way for land allocation to be completely efficient. No automatic mechanism exists for replacing an inefficient tenant with an efficient tenant, or for consolidating holdings in the event of economies of scale, or for a more efficient technology to drive out a less efficient. There is no way to maximise profits, because that implies raising rents to diminish the number of tenants. To the extent that rent-setting in Ireland followed this model, the economic mechanism ensuring efficiency was hampered.

My argument is then that two concepts of property co-existed in Ireland, with their respective institutional arrangements for land allocation and their respective views of landlord-tenant relations, and that much of nineteenth century Irish history can be explained in terms of the change and conflict between them. Before considering the evidence for this argument, we can briefly relate this approach to some other descriptions of nineteenth century Ireland.

The view that overall efficiency in the Irish economy was restrained by a self-sufficient peasant sector that did not participate in the market economy — the Lynch-Vaizey (1961) dual-economy thesis — has not been taken up seriously by economic historians. It has been rejected on the ground that Irish peasants were involved in a market economy and can be shown to have been responsive to market forces for a long time before 1800. Presumably involvement in the product market is thought to lead to an efficient solution by way of the factor price equalisation theorem. However, this argument fails if product markets are accompanied by factor markets in which participation is only partial and in which strong elements of imperfection are present.⁴ In this sense, viewing land as either outside the market or as

4. I have benefited greatly from an unpublished manuscript by Eckaus (1970).

imperfectly involved in the market supports a kind of dual economy view. (Labour market imperfections would have the same result.)

Marxian theory holds that the shift from communal to private ownership expropriated the peasants and provided the original capital which fuelled the capitalist system and industrial development, while simultaneously “immiserating” the displaced-peasants-turned-proletarians. This scenario, involving a transition to capitalist agriculture on the one hand, and industrialisation on the other, clearly fails to describe Ireland, although a Marxist argument could be made that the explanation lies in landlords’ failure completely to expropriate the tenants. In any case, a simple class-struggle story does not fit the facts adequately.

There was conflict over property rights as some landlords tried to move from communal to private property institutions, but not all Irish landlords shifted at the same time and not all shifted fully. There continued to be landlords who were not strict profit-maximisers, who charged less than competitive rent, and who did not always disturb sitting tenants when it was profitable to do so. In the literature they are called “old” landlords or “good” landlords or “large” landlords: the profit-maximisers are called *nouveaux riches* or “middle-class Catholic landlords” or “Encumbered estate landlords” or “hard-hearted” or “rack-renters.”⁵ The two types are familiar; the relevant characteristic is that they play the game by different rules. Moreover, simple class-struggle stories miss the point about the tenantry as well. In nineteenth century Ireland there were, of course, many tenants to whom land was strictly a commercial proposition. If such tenants were more efficient, had better access to capital, were in a position to take advantage of economies of scale — large graziers come immediately to mind — it would be in their interest to outbid their smaller neighbours. Thus, enforcement of older institutions for land allocation would require not only landlords but also tenants to observe the old customs, or, if the customs did not prevail everywhere, that deviating landlords and deviating tenants alike be coerced into observing them.

III

The legal framework that views land as a commodity like any other, to be auctioned off to the highest bidder with no prescriptive rights inhering

5. One example of many, but from a distinguished source: “Those who have bought estates under the (Encumbered Estates Act) are, I believe, in the great majority of cases much harder landlords than their predecessors . . . They had no connection with the tenants and did not feel that the tenants had any moral claim upon them . . .” On the other side, this author explicitly recognised that “There are at present in Ireland a very great number of tenants who do not pay a full rent” (Mill, 1870, pp. 115-116).

in the sitting tenant, developed in the nineteenth century and co-existed with an older tradition. It is a commonplace that eighteenth century concepts of common law depended on notions of natural justice and right reason. The common law was viewed as a body of fixed doctrine to achieve a fair result between private litigants in individual cases. Thus, eighteenth century law contained protective, regulative, and paternalistic elements, and eighteenth century notions of jurisprudence continued to aim at regulating the substantive fairness of economic exchange. This is exemplified by many doctrines, notions about usury, prescriptive rights, just price. Above all, law was conceived "as a paramount expression of the moral sense of the community."⁶ Natural justice loomed, in Holmes's famous phrase, like a "brooding omnipresence in the sky." The notion that two parties down below could enter into a contract at law which was enforceable regardless of a social evaluation of fairness is a nineteenth century idea, which developed at different times in England, the United States, and Ireland. The eighteenth century thought there was an equity in agreements which society recognised quite apart from what the parties to the agreement assented to; the law would not enforce what it viewed as inequitable contracts.

Legal developments in the nineteenth century saw the separation of law and morality, exemplified by an attack on equitable doctrines of substantive justice in contract law. In the end, there is no equity in agreements which society recognises apart from that to which the parties to the agreement assent. Nothing remains up there in the sky. The objective evaluation of the market has come to supply principles of distribution which are viewed as neutral, and it has become the task of law to mirror the market. The issues at law have shifted from fair price conceptions to meeting-of-mind issues, and any substantive inquiry into equivalence of exchange has been barred. A will theory of contract has emerged and a new, abstract view of property has developed, emphasising its productive and developmental uses, while eighteenth century views were based on quiet enjoyment notions. The two conceptions, of course, are not between English and Irish law but within English common law.

The timing of the transformation is obviously difficult to pinpoint, because it was such a complicated process. Land law was among the last to be modernised. Simpson (1961) dates the change for England at 1823; Horwitz (1977) for the United States sees the process occurring between 1780 and 1860.⁷ From this point of view, the legal and legislative history of nineteenth century Ireland from the 1840s until the 1880s is primarily an effort to

6. The argument that follows draws heavily on Horwitz (1977, p. 251).

7. A useful summary of Irish land law is found in Donaldson (1957, chapter 6), see also Horwitz (1977).

make the land laws conform to the prevailing nineteenth century economic doctrines about the market. Consider first the Encumbered Estates Acts. Until the nineteenth century, the social and political structure of England created a strong incentive to retain land in the family. This was the route to political power and social prestige, and law was greatly concerned with tying up land. Of course the result of devices for tying up land was to remove it from the market. But the nineteenth century concern with economic development and efficiency required that factors of production be allocated by the market, free to move to the most profitable uses. Tying up land thus deprived the country as a whole of the proper development of its resources. Moreover, the family itself might even suffer by being saddled with an estate which it could not afford to develop and which it was powerless to alienate. The Encumbered Estates Acts epitomise the triumph of the new way of thinking about landed property, and Free Trade in Land is justified by considerations of economic development and efficiency. As Professor Richey (1880) observed, after these acts "the landlords' estates (were) being purchased in the Encumbered Estates' Courts as simply an expeditiously as furniture at a sheriff's sale." That was their aim.

The next logical step was to enable landowners to deal with their estates as if land were no different from any other commodity. This was brought about by the Deasy Act of 1860, which swept away all lingering vestiges of feudal tradition. It was this act that laid it down that the relation of landlord to tenant was to be founded on contract, express or implied, and not on older doctrines.

Henceforth the landlord was to differ from the village baker, butcher, grocer, or publican, merely in the nature of the article in which he traded. Feudal duties perish with feudal rights: the owner of land lets it to the tenant and the tenant hires the land from the landlord; the transaction does not differ and it was intended that it should not differ — from the chartering of a ship or the hiring of a street cab: the hirers of land henceforth owe no special respect, and need show no deference to their landlord: if the tenants pay the rent which they have agreed to pay, and perform the agreements of the letting, they are as independent of the landlord as of the village huckster — when they have settled their pass-book; but, if so, what claim have they longer on their landlord for protection, assistance, or forbearance? Why should he, more than any other, be expected to aid the poor, assist in local charities, give a site for the parish chapel, or be considerate in the collection of his debts? (Richey, 1880, pp. 57-58).

And, I would add, show especial tenderness to sitting tenants.

The third important piece of legislation aimed at modelling land law to further economic development is the Land Act of 1870, in particular that portion that pertains to compensation for improvements. These provisions go to the heart of what we may call the Pigovian version of the Irish land question. In English law, as noted, a tenant who made improvements on his land had no right to them, and any fundamental alteration by a tenant of the condition of the land constituted waste, for which he was liable. The English courts had made an exception for removal of fixtures for carrying on a trade, but not for agriculture.⁸ This was the aim of the compensation clauses in the Land Act of 1870. In this instance the remodelled law was sought by tenant interests, not by landlords, but it is part and parcel of the new ideology. The drafters of the compensation clauses accepted the land tenure explanation of Irish poverty, which they understood as a proposition in welfare economics, and they responded favourably to what they thought the tenants wanted. But if it was a mistranslation of what the tenants wanted, it is not hard to see why the Land Act of 1870 failed to satisfy their aspirations.

IV

By 1870 there was fully in place a legal framework in which land was treated in accordance with the requirements of a free market economy aiming at economic development. These new legal concepts were not unanimously agreed to by all sectors of Irish society. First, the Roman Catholic Church never assented to the overthrow of pre-commercial anti-developmental forms of law and the replacement of natural law concepts by utilitarian and instrumental approaches.⁹ I have argued that not even all landlords did so, and that the live-and-let-live attitude of Irish landlords lasted far into the nineteenth century. Rack-renter remained a term of opprobrium to some in the landed class as well as outside it. What a good landlord did, in Samuel Clark's phrase was grant "non-contractual privileges" — in arrears, abatements, tenant right, moderate rent, few evictions (Clark, 1979, p. 240). To charge what the market will bear, to squeeze tenants, to evict families who had been on the estate for generations, was, I think, not considered respectable behaviour by a significant, though declining, proportion of Irish landlords. Moreover, landlords who attempted to behave in that way found it

8. There was no need to extend the exception to agriculture in the United States, because the rule governing waste never took hold here. In *Van Ness v. Packard* (1829), Justice Story expressed the view that the right of removal of fixtures had clearly to be granted in order to encourage the tenant to devote himself to agriculture (Horwitz, 1977, p. 55).

9. I am indebted to Professor Emmett J. Larkin for earlier conversations on this point.

extremely difficult. Custom and coercion combined to restrain profit-maximising behaviour by landlords.

It hardly needs arguing that the small tenantry did not agree that landlords had the right to auction off land to the highest bidder, to evict, to consolidate, in short to let their land of whatever terms and ask whatever rent they saw fit. The small tenant did not view his land as a commodity like any other. The identification of land with blood and local standing, which Arensberg found so characteristic of Irish rural familism in 1937, was the tail end of a deep tradition (Arensberg, 1937). "To keep the name on the land" – to hold land to maintain the continuity of the family – if these sentiments survived in remote communities fifty years ago, they were much more widespread a hundred or a hundred and fifty years ago.

It is clear that small Irish tenants believed they held prescriptive rights in their holdings. Tenancies from year-to-year persisted for generations, and tenants viewed them as practically a perpetual interest, indeed a bequeathable interest. For example, a tenant at will on one of Lord Downshire's estates referred to a previous generation of his family as "proprietor" (Maguire, 1972, p. 141). While it may sound strange to speak of "owning" a tenancy at will, in fact "proprietorship" here is a modern word for a pre-modern concept, and it is that concept that Lord Downshire's tenant held. Where there are prescriptive rights to land, setting rent by auction must be prevented lest the resulting level exceed what the sitting tenant can pay. The only allowable auction in this view must be by the tenant, and rent must be restrained in this event also, lest the value of the property to be auctioned be diminished. It is well known that in Ireland the tenant's interest on his holding existed whether he had a lease or not and whether he had made improvements or not. I have called it pure tenant right; Maguire called it tenant right of occupancy; William Greig in 1818 claimed that it was unknown in any other country.¹⁰ The sales value of this tenant right could obviously be extinguished by rent increases. Thus, the three notions of Fixity of Tenure, Fair Rent, and Free Sale all boil down to a rent-setting institutional arrangement that will ensure the older concept of property relations. The tenant has a right to occupy the land which cannot be extinguished by rent increases; the land is not the landlord's to auction off over the head of the sitting tenant; and in fact the right of auctioning off ought to belong to the tenant if he chooses to leave the farm. The "3 Fs" are only comprehensible in terms of communal property concepts.

The co-existence in Ireland of two conceptions of property was thus mirrored by the existence of two institutions for land allocation. We know that there was auctioning off of land – "canting" – and that in the east, on

10. See Greig (1821, p. 169), I am indebted to the referee for this reference.

large farms, and on grass farms this was usual. It is important not to underestimate the role of a competitive land market in Ireland. At the same time there is abundant evidence that rents were not set by competition everywhere. The simple existence of pure tenant right is evidence that rent was not set by auction between landlord and tenant everywhere. The data we have on sticky rents, low eviction rates, slow pace of consolidation reflect this also. We know that many estates continued to set rents by employing valuers. Their instructions typically were "to put a value on that will let the tenant live."¹¹ Such rent-setting methods correspond exactly to the older view of rent, which grants the landlord a share of what the sitting tenant, with his ability, his technology, and the size of his holding, can produce. Whether the workings of a competitive land market were hampered by custom or coercion, the result would be the same: to perpetuate small uneconomic holdings in the face of economies of scale; to allocate land disproportionately to tillage when pasture was more profitable; to protect inefficient tenants and inefficient technologies; to keep capital investment below optimal levels. The persistence of problems like these are incompatible with the workings of an efficient land market but quite compatible with one exhibiting the kinds of imperfections we have described.

V

Property is by definition an enforceable claim, enforceable by the state in modern society and by custom in earlier societies. Its justification may be grounded in notions of natural right, that it is necessary for the realisation of man's fundamental nature, or for economic development and efficiency. Different concepts of property correspond to different justifications: private and communal property are justified on different grounds. As the dominant class in England and Ireland in the nineteenth century changed its idea of the purpose property was expected to serve, the law of property was correspondingly remodelled. In parts of Ireland, but not without opposition, and with only partial success, custom continued to enforce a different concept. If custom faltered, coercion could serve. Since economic efficiency was an attribute of the legally sanctioned concept of property, then to the extent that custom or coercion succeeded in enforcing a different result, economic efficiency was hampered.

Horwitz (1977, p. 47) describes the attack on prescriptive rights in the United States in the following words:

At its deepest level, the attack on prescription represented an effort to

11. For an example of instructions given to valuers, see Greig (1821, p. 43).

free American law from the restraints on economic development that had been molded by the common law's feudal conception of property. By the second quarter of the nineteenth century the common law doctrines of prescription had been considerably narrowed to prevent exclusive rights from accruing merely on the basis of long use, and American law had moved into what Francis Hilliard, writing in another context, called "an anti-prescriptive age."

The movement to an anti-prescriptive age was stopped in mid-career in Ireland. In the late 1870s the remodelled legal code was successfully challenged by the extra-legal mass action called the Land War. The leaders of the Land League had enlisted the adherence of small tenants to the cause of political nationalism by adopting their cause and leading a direct action to achieve their aims. The Land War was a national rent strike, appealing not only to traditional tenant property concepts but also involving techniques of social action which the tenants had long practiced in their effort to enforce their view of property rights. As a result of the Land War, the tenant conception triumphed with the Land Act of 1881, when the state undertook to enforce the alternative view of property rights and ended rent determination by the working of free market institutions, replacing them by judicial fiat which acted on the principle agreeable to the tenants. This solution was short-lived, as land purchase soon turned Ireland into a country of peasant proprietorships. But until that time the conflict between the two notions of property had played a determining role in Irish history.

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