

When the enemy is the state: common lands management in northwest Spain (1850–1936)

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Abstract: In the 19th century, the Spanish government, led by a liberal political project, put up for sale the common properties of villages, and deprived local village authorities of their capacities, powers and laws to manage common woodlands, which were passed to the Forestry Service. This paper, based on Ostrom’s hypothesis that state intervention can have negative consequences for the conservation of common resources, is a case study of what happened in the province of León. It is shown that, although the conservation of common resources was endangered because those who were more directly concerned with protecting them were deprived of the means to do so, peasant communities staunchly defended the commons by maintaining traditional practices and uses in their commons.

Keywords: Collective action, collectivism, commons, liberalism, Spain

“The common wastelands were never more exposed to dismantling and devastation as when the central government took charge of them (...) Precisely now, when the State has an abundance of agronomists, assistants, overseers and civil guard, is when the common wastelands suffer more; and they suffer more because those who are more directly concerned with protecting them have been deprived of the efficient means they once had in order to do so”.

E. López Morán (1900), 295–296

1. Introduction

The decision to award the Nobel Prize to Elinor Ostrom in 2009 resulted in a significant boost to the study of the commons, one of her contributions being

that, under certain principles, traditional communal property systems can ensure efficient and sustainable resource management (Ostrom 1990). Nevertheless, prior to this well-deserved recognition, the commons had been an object of historical study due to a long tradition of communal institutions in Europe, which were an essential feature of the economic reproduction of rural societies. Historiography has also paid close attention to the dismantling processes of the communal regime, which took place in continental Europe from the mid-18th century onwards, based on doctrines that defended the idea that communal property was an obstacle to economic growth and did not guarantee conservation of resources. However, it seems to be true that communal property did not constitute an obstacle to economic modernization (Allen 1999), but the processes of dispossession had very negative consequences for the peasantry (Thompson 1991; Neeson 1993). On the other hand, collective studies (De Moor et al. 2002a,b) have shown that the traditional systems were efficient in terms of resource management, as can be seen from their coherence and persistence despite the diversity among them; furthermore, after the Liberal Revolution, common property became synonymous with egalitarian usage rights (Van Zanden 1999; Lana Berasain 2008).

Despite the progress that has been made, there is still a lack of understanding with regard to the role of the State and the political, economic, social and environmental consequences resulting from the suppression of the traditional management system of common lands during the final decades of the nineteenth century and the first third of the twentieth century. While it has been argued that, historically, governments rarely intervened in the operational practice of commons management (De Moor et al. 2002a,b, 255), E. Ostrom (1990) suggested that central government intervention can seriously destabilize the balance of the system, either because new reforms lead to greater problems, or because regulations developed locally governing access and use of commons are not recognised as being legitimate or effective by national authorities.

This article is a case study of what happened in León (Spain) between 1850 and 1936 with regard to state intervention in the commons. Therefore, the main objective is to study the consequences of state intervention. As will be discussed, it is found that the commons survived privatisation attempts and, in addition, traditional uses on them prevailed. In one way, this contradicts De Moor's hypothesis that corporate collective action needed backing from the state in order to succeed (De Moor 2008, 210). Conversely, it seems that what explains the continuity of the commons was the resilience of rural societies rather than the objectives of higher overarching political powers, as maintained by Curtis (2013, 214–215). In this sense, in line with Curtis' hypothesis, we found that many Leonese rural communities succeeded in upholding their commons, regardless of political intolerance from above. It is also proved that, although State intervention could have undesired consequences endangering the preservation of common resources, peasants were able to negate and limit the disruptive effect of state intervention. In other words, it is suggested that rural communities in many cases were resilient in the face of external shocks in the form of intrusion of the state in their commons.

This study has been divided into five sections: the first provides a general picture of León, highlighting the spatial importance of common lands in this province of Spain; in the second, the most characteristic common land uses and regulations in force in the 19th century are described; the third part deals with the changes which occurred with regard to liberal State intervention in the commons; in the fourth chapter the hypothesis raised is discussed in a more consistent way; the final chapter sets out the conclusions we have reached.

2. Common lands in the province of León

The province of León, located in the northwest of Spain, is a region of great geographical complexity due to two factors: one is the relief and altitude, because the Cantabrian Mountain Range, stretching across the northern third of the province, reaches the Castilian plateau through a rugged relief full of rivers and streams; another is the climate defined by the clash in this area of two very different climate domains: the Atlantic characterised by humidity and the Mediterranean climate defined by dryness (Figure 1).

León is characterised by a particular form of territorial organisation the origins of which lie in the Middle Ages; there, normally, by delegation of the reigning monarchs, a family group occupied an area, more or less delimited by the geographical contours of a natural valley, which became a collective property and farming unit based on agriculture, livestock and the exploitation of forests. The growth of these villages became associated with a free and organised peasantry grouped around the so-called *concejos* (Sánchez Badiola 2000). By the Early Modern Age there were more than 1200 rural communities (*concejos*) with a high level of self-government and control over large areas of communal lands (Rubio Pérez 1993). In León, as in other parts of Europe, commons became consolidated



Figure 1: Location of area under study.

as the predominant form of land use and management because it guaranteed stability both with regard to resources as to income distribution among different sectors of society (Van Zanden 1999; De Moor 2008; Lana Berasain 2008).

By the beginning of the 19th century, traditional agriculture in this region, as in other parts of northern Spain like Asturias or Galicia (Balboa 1990), was based on the use of commons. While the “commons” category should include goods like mills, ovens or other communal properties, this paper focuses on those goods which yielded a direct product for the peasants, like forests and woodlands, grazing areas and arable lands; we are dealing with around 913,00 hectares (843,000 of which were classified as “woodlands of public interest” by the Spanish Forestry Service). These commons that were exploited directly by the *vecinos*¹ were the warp of the agrarian system and were subject to a complex exploitation regulated by a detailed set of common law rules as in other European regions (De Moor et al. 2002a,b). These customary laws, often recorded in written local ordinances, were very heterogeneous depending on the district and the uses carried out, and by the middle of the 19th century were beginning to be considered out-dated in some areas.

3. Traditional management of common lands in León

3.1. Common pastures

Around 1850, in León common pastures were indispensable to the agrarian economy. Backed by large areas of common pastures, peasants could sustain livestock and especially labouring cattle at no cost, and they did not need to use arable land for feed and fodder; secondly, given the organic nature of this agriculture, manure was essential to provide crops with nutrients; thirdly, livestock generated by-products which in turn led to more self-sufficient familiar economies.

Besides “pasture communities” between neighbouring villages and the collective pasturage rights on fallow land, the type of use and size of common pastures was wide-ranging across the province based on an integral and organised exploitation of the land and on different feed uses and demands of the livestock. One usual feature was the strict regulation of common pastures: the significant role that commons played in livestock upkeep meant that great care had to be taken to ensure that nobody could acquire any right that could have a negative effect on the community (Pérez Álvarez 1996, 122).

The best common pastures were used for the most productive and profit-making animals; it was customary that in riparian and relatively humid areas

¹ To access the commons, the concept of *vecino* was essential. Being recognized as a *vecino* implied rights like access to communal resources, and obligations like participating in local government (*concejo*). In every village, the requisites or conditions that granted access to *vecindad* (the condition of being a *vecino*) were clearly defined; normally it was mandatory to be born or married in the village, reach a certain age (23–25 years) and be the head of a village household (*tener casa abierta*).

close to villages “*cotos boyales*” (common meadows, also referred to as “*coutos*”, “*dehesas boyales*” or “*boyerizas*”) were established for labouring cattle to graze in the summer months, when the demand for labour was much greater. In areas where arable land was predominant, these “common meadows” were indispensable to small farmers who did not own private pastures. Ordinances set out the period of exploitation of the “*coutos*”, which normally ran from May to September², as well as the type and number of livestock that could use the pastures. The regulations prohibited and punished sheep and goat grazing³ and restricted the number of oxen and labouring cows: each *vecino* was normally allowed to have two cattle grazing on common pastures⁴, and the grazing of fattening cows on them was normally prohibited⁵. However, when the population increased in the 19th century – and, therefore, the number of labouring cattle –, by-laws began to allow the *vecinos* to introduce more cattle on the common pastures⁶; in some cases, the *vecinos* could pay a sum agreed by the *concejo* (local governing body) which allowed them to graze more cattle.

In the highland districts, livestock was the main livelihood and common pastures occupied most of the productive land. There, specific typologies of commons such as *puertos de montaña* (high pastures), *brañas* (summer pastures) or ‘*prados de concejo*’ (communal meadows) can be found, which provided significant economic benefits to the villages; for instance, the ‘*puertos*’, used to pasture raising cattle, were sometimes leased to the *Mesta* flocks of sheep, and this provided an important source of income for local finances.

Cattle for raising, sheep, and goats grazed on the so-called “*monte bajo*” (scrubland), or on those parts of wasteland pastures located close to the borders of the common lands that were less productive. As a rule in these areas, covered in wild bushes and grass, there was no limit to the type and number of livestock

² The ordinances of Ferreras de Cepeda of 1859 set out that every year from Saint Georges’ Day until Saint Bartholomew’s Day (24th August) two different *veceras*, one of oxen and another of cows, should be established [AHDPL, *Fondo Histórico, Libro 4/9*].

³ The Soto de Valderrueda Ordinances (1857) set out that from the first Sunday of March to the 30th of November no sheep or goats can enter the common meadow (*coto boyal*) under penalty marked by the ordinances [AHDPL *Fondo Histórico, Libro 4/27*].

⁴ The bylaws of Mirantes de Luna of 1843 set out that each *vecino* could graze only two oxen (or cows) in the common meadow (*boyeriza*) [AHPL, *Fondo Archivo Municipal de Barrios de Luna, Legajo 11.496*]; the ordinances of Vegas del Condado of 1829 stipulated that only cattle intended for tillage and breeding was allowed to graze in the common meadow [AHDPL, *Fondo Histórico, Libro 3*].

⁵ The ordinances of Burón of 1821 and 1869 prohibited grazing of any cattle purchased for fattening on common high pastures (*puertos*) [AHDPL *Fondo Histórico, Libro 6*] [AHDPL *Fondo Histórico, Libro 6*].

⁶ The ordinances of Burón of 1869 allowed each *vecino* to graze two oxen or cows on the common meadows, but added that if they cultivated fifteen *fanegas* (almost 24 acres), they could graze three head of cattle, and if they cultivated twenty-two *fanegas* (around 35 acres) they could graze four [AHDPL *Fondo Histórico, Libro 6*].

that could graze, although in the past prohibitions and limits were usual⁷. Besides pastures, common lands also provided acorns, thistles, asphodels, or ‘*fuyacos*’ (prunings) to feed animals⁸.

It must be noted that all aspects of livestock management, such as animal breeding, the livestock sanitary policy⁹, or shepherding and shepherd responsibility in case of damages caused by wolves or negligence were ordered in local ordinances. As a rule, ordinances imposed collective grazing systems by means of *veceras* – that is, a system of turn-taking employed in herding – that allowed each family unit to have a few sheep or goats without there being too much work involved¹⁰.

3.2 Commons as arable land

In León, from medieval times, those areas more suitable for cropping, like valleys with rich deep soil, were cultivated, and it was successive ploughing of common lands that sustained population growth in the Early Modern Age (Rubio Pérez 1999). Although during the 17th and 18th centuries, important areas of common arable lands were privatised, by the mid-19th century a significant percentage of cultivated area were commons, and it was quite normal for *concejos* to grant exploitation rights on them by allotting and distributing them in *quiñones* among the *vecinos*.

Customarily, an area of woodland marked by the *concejo* was cleared and divided into as many lots or plots as *vecinos* there were and was shared out among them. The *vecinos* then ploughed and worked the land on their own. According to local customs, each farmer was allocated his plot for five or six, or even ten years, after which it had to be given back or shared out again. These periodical draws prevented anybody acquiring rights over the land and, therefore loss of the condition of common land. The significance of this “temporal” agriculture varied from one district to another, but some features were shared: rye, cultivated through biennial or triennial rotations, was the predominant crop, although occasionally, when land was ploughed up, wheat, potatoes or pulses were sown;

⁷ The Villoria ordinances stated that every villager could graze up to 80 sheep (Fernández del Pozo 1988).

⁸ The *fuyacos* (prunings) were dried branches from oaks and other trees that farmers gathered at the end of the summer to feed sheep and goats during the winter. This activity sometimes appeared regulated by local bylaws; for instance, Vegas del Condado ordinances set out to preserve holm oak forests and allowed shepherds to cut their branches during the harsh winters to feed their livestock [AHDPL, *Fondo Histórico, Libro 3*].

⁹ For example in Barrios de Luna, before introducing cattle into the common herds, the former had to be inspected by the *concejo* who had to authorize it (AHPL, *Fondo Archivo Municipal de Barrios de Luna, Legajo 11.496*); in other cases, farmers were obliged to separate sick livestock from herds and flocks [AHDPL, *Fondo histórico, Libro 4; Doc. 13* “Ordenanzas de Lomba”].

¹⁰ The *vecera* system implied labour savings in grazing and permitted a more efficient exploitation of pastures since livestock could be separated by age and/or purpose (Behar 1986, 203–212; Pérez Álvarez 1997, 137).

another important trait was that livestock grazing on lying fallow was the source of soil nutrients.

Although it was a fairly rare practice, commons were sometimes cultivated collectively as observed for example in La Cabrera, where the *vecinos* cultivated collectively the so-called '*bouza del concejo*' using the income to pay for communal needs and expenses, which could be considered as a tax disguised in the form of personal services. Also in municipalities on the *Esla* River, like Cabreros or Vilaornate, the *senaras*, or common lands cultivated collectively survived until the middle of the 18th century, and the harvests were shared out among those who cultivated them (Pérez García 1993; Martínez Veiga 1996).

In the flatter districts of the province, usually common arable lands were permanent crops that, divided into allotments, were shared out every few years among the *vecinos*; one example is Villaquejida, where in 1931 600 hectares of common land (of a total of 803) were used for cereal crops or vineyards¹¹. There could also be intensive cultivation land: in Carrizo de la Ribera in 1931, there were 480 hectares of common land equally divided among the *vecinos* and dedicated to crop cereals and flax¹².

Apart from these allotments, there were other systems like the '*vitas*', the *dehesas de labor* in Valdemora and Castilfalé, the *apréstamos* in Gusendos de los Oteros, or the *quiñones de Villayerro* in Mansilla de las Mulas that were exclusively exploited by the oldest farmers of the village. For instance, in this latter village, there were 55 *quiñones* or plots – each one consisting of between 22 and 27 estates–, and covering a total of 465 hectares; when one plot became vacant, the Town Council granted it to a new farmer who had applied for it. The oldest *vecino* who did not already have a *quiñón* had preference over all other applicants and he was obliged to cultivate the plot by himself, because if he loaned or rented it to anybody else, he would lose it¹³. In some villages, only villagers with oxen had the right to obtain a lot, depending the amount of land given on the number of oxen (Costa 1898, 108). In other places, the *concejo* held onto some "lots" in case there was an increase in the population before a new draw was held (Costa 1898; López Morán 1900, 1902). With regard to the managing of *dehesas de labor* or *apréstamos*, sometimes the *concejo* and the *vecinos* had only the right to cultivate the land and had to pay a manorial tax to the owner.

Despite the importance of agricultural uses on the commons, rules concerning their management were rarely written down. By-laws usually regulated that part of the economy of a collective nature, and in the case of permanent ploughing no rules governing individual exploitation were necessary. On the other hand, if ploughing and cultivation of common land was on a short-term basis, after a few

¹¹ AIRYDA. *Reforma Agraria (Comunales y Señoríos)*. Legajo 75, "Nota expresiva de los bienes comunales de este ayuntamiento de Villaquejida".

¹² AIRYDA. *Reforma Agraria (Comunales y Señoríos)*. Legajo 75, "Relación de los bienes comunales que posee la Junta Administrativa de los pueblos de Carrizo-Villanueva".

¹³ Redonet y López-Doriga (1916, 160); also Costa (1898, 142–143).

years land it had to be abandoned and returned to the commons¹⁴, and no strict regulation was needed. Instead, because ploughing could reduce the grazing area, by-laws prohibited and punished unauthorised ploughing, which was permitted solely in those areas authorised by the *concejo*¹⁵.

3.3 Common woodlands: more than timber and fuel

One important resource obtained in the commons was timber. This was essential in all districts of León for building and tools, and in many mountain villages a small cottage industry had emerged. There, the *concejo* authorised *vecinos* to cut down a small fixed number of trees for making farm tools – stands, carts and clogs– which were sold at local markets or even in Castile; the money they made allowed them to buy wine, grain, flour, pulses and other products they did not farm (Madoz 1850, 321; Alba 1863).

Moreover, until the mid-20th century, wood was the main source of fuel in rural households, charcoal also being used in towns, forges and blacksmiths'. The sale of firewood or charcoal (from heather or oak) obtained in the common woodlands was a seasonal and complementary activity to farming, mainly for poorer villagers; in areas close to forges (*ferrerías*) or towns like León, Astorga, La Bañeza or Ponferrada, some money could be made from this activity. Although in the Early Modern Age ordinances limited or even prohibited the buying and selling of products obtained in the forests¹⁶, in 19th century by-laws there is no trace of such prohibitions.

In order not to exhaust woodlands, traditional law regulated the rights and obligations of *vecinos* with regard to the exploitation of timber and firewood; usually “domestic” uses were free, but even then felling had to be authorised by the *concejo*¹⁷. In some districts it was common for *vecinos* to be entitled to the *quiñón de leña* (plot of firewood); that is, the woodland was divided into lots and allocated in a draw one to each *vecino* so that he could exploit the brushwood located there (López Morán 1900). Generally, the ordinances indicated the exploitation interval, the number of carts of wood that each *vecino* could take

¹⁴ Sometimes this is set out in the ordinances; for instance, Mirantes de Luna by-laws of 1865 forced to leave for common pastures the lands ploughed in the valley [AHPL, *Fondo Archivo Municipal de Barrios de Luna, Legajo 11.496*].

¹⁵ The by-laws of Donillas of 1857 ordered that nobody could plough up beyond their own properties [AHDPL, *Fondo Histórico, Libro 4, Doc. 8*].

¹⁶ For instance Abano ordinances prohibited the sale of wood from the *debesas* (common forests) [AHDPL, *Fondo Histórico, Libro 1 / Doc. 1*]; the by-laws of Escuredo [original document 1669, copy 1857] prohibit the sale of charcoal [AHDPL, *Fondo Histórico, Libro 1 / Doc. 9*]; Castropodame ordinances restricted the number of ovens for manufacturing bricks and tiles due to the amount of firewood they consumed (Alonso Ponga 1999, 98).

¹⁷ The ordinances of Burón of 1751 stated that any *vecino* who built a new house or rebuilt an old one could obtain the timber needed in the communal forests marked in those ordinances [AHDPL, *Fondo histórico, Libro 3*].

away and how the trees had to be cut (branches or trees had to be left so that the forest would continue to grow).

Furthermore, to guarantee timber for domestic or village uses (repairing bridges, water dams, or public buildings like the school or *concejo* hall), there were enclosed areas or *debesas* where felling was not permitted. Although State legislation in force in the mid-19th century severely punished the extraction of forest products, the *concejos* imposed fines in the form of money or wine depending on the firewood or timber taken and these fines could be doubled if the infringement was committed during the night. Sometimes the ordinances even obliged the planting of trees in common lands¹⁸ and regulated how wood was to be exploited, and stipulated that care be taken to ensure that the forests regenerated.

Common woodland, among other items, produced herbs – used as drugs and for medicinal purposes–, honey and wax from bees, bark for tanning, all of which were important for peasant economies; it is also found that certain private uses, such as *poznera*, were allowed on common lands. Normally, neither these “uncommon” uses nor activities like hunting and fishing were regulated in ordinances; fish and game, very abundant and important for the income of poorer villagers¹⁹, were considered informal and seasonal activities.

3.4 Common lands and local finances

Apart from the direct exploitation, which was far more important for rural economies, common lands also provided incomes for *concejos*, enabling them to cover expenses (taxes, for example), or carry out improvements for the benefit of the community (like the endowment of the school). This “exploitation” of commons meant that the *vecinos* did not have to pay some taxes or community costs and the *concejos* had financial resources; for instance, until well after the beginning of the 20th century, renting out high pastures, and sometimes, selling manure, provided such a significant income, that it allowed a number of villages to have a salaried teacher, surgeon or rural guard²⁰. In those areas of the province where the area of common lands was smaller, the main income came from taxes charged on trade and consumption, and the *propios* or common properties that the *concejo* could rent in order to raise money to pay the expenses of local finances²¹.

¹⁸ An example of this are the ordinances of Donillas of 1815 that stated that trees should be planted and that anybody who did not plant them had to pay a penalty [AHDPL, *Fondo histórico, Libro 7*].

¹⁹ In Madoz (1850) there are numerous references to the abundance of hunting; c.f. also García de la Foz (1867) or Tascón Fernández (1991, 167–168). With regard to fish, until the decades before 1900 when coal washing damaged the main Leonese rivers, trout were sold in local markets but also in Madrid by muleteers (*arrieros*) (Fernández y Fernández 1925, 44–45).

²⁰ In the mid-19th century, the village of Lario (Burón) had on its *concejo* pay-roll a castrator, a blacksmith, a surgeon and a guard, thanks to the income obtained from renting pastures (ACLario, *Legajos varios*).

²¹ In the province of León a distinction can be made between *propios* and *comunales*; while *propios* were rented by the *concejo* to obtain an income, *comunales* were *directly* used free of charge by the *vecinos*.

One example of this is the “Dehesa de Trasconejo” in Valderas, where every year the Town Council auctioned the exploitation of common pastures. In other places, either a fee on the livestock or on the arable land had to be paid for the use of commons.

4. The intervention of the state in common lands in the 19th century

In the eighteenth century, based on physiocratic theories and the idea that the wealth of nations derived exclusively from agriculture, common properties came to be considered as a symbol of backwardness and an obstacle to economic development. As a result, during the latter part of the eighteenth century and the nineteenth century, most of the common lands across Europe came to be enclosed, privatized or both (De Moor et al. 2002a,b, 17). For instance, in Flanders under the Law of 25 June 1847 gradually nearly all common land would disappear (De Moor 2002, 127); in France, from the end of the Ancient Regime to the 1790–1820 period most common lands were distributed (Vivier 1998); also in Italy, from the Napoleonic wars and during the Unification process, between 1868–1880 much of the communal property disappeared (Corona 1996). In Spain there were no differences with the rest of Western Europe and in the 19th century, commons and the communal regime were fiercely attacked under the auspices of a liberal political project (GEHR 1994; Balboa 1999).

This intervention can be synthesized in four lines of action. Firstly, the state sold off most of the common lands through forced sales; secondly, pushed by liberal policies and as a result of the breakthrough of market relations, a move towards a more intensive agriculture was made, resulting in the disappearance of pasture areas and a breakdown of the balance between agriculture and livestock, which also altered social relations. Thirdly, old political units such as the ‘*concejos*’ (village councils) were replaced by larger and hierarchically dependent municipalities. Fourthly, common woodlands came under state control and were monitored by Forest Engineers, a bureaucratic structure created in 1853 for this purpose.

4.1 The sale of common properties

With regard to the sale of common properties in the province of León, the first step of the process was the so-called “forgotten disentailment”: due to the debt of local administrations resulting from the War of Independence (1808–1814), many common properties were sold (Serrano Álvarez 2006, 195–208). This led to a lowering of income and a new way forward from which there was no turning back. As communal properties had been sold, there was no rent for local finances, which, in turn, made it necessary to increase taxes for taxpayers or sell more commons. The second landmark was Mendizabal’s disentailment of church

properties (1837) resulting in the sale of great farming estates belonging to the Church, like forests, *dehesas de labor* and properties which were exploited by the village *vecinos* and administered by the *concejos*. Apart from some purchases made collectively by the village communities, in León most of the Church properties that were collectively exploited fell into the hands of bourgeois landowners, who imposed new conditions on the *vecinos* who cultivated them.

Finally, Madoz’ disentailment (1855) was the great attempt to sale village properties and a direct attack on the communal regime. Unlike other Spanish provinces, the commons sold in León were insignificant: at the height of the selling period between 1859 and 1881 (Figure 2), 36,500 hectares were sold (<5% of the total common lands) (Serrano Álvarez 2006, 283–316). There were many reasons explaining why such a small area was privatized: commons were a basic part of agriculture so an alliance between different social sectors was forged to maintain them, using both legal strategies – collective purchases or court proceedings, among others – and illegal ones – violence against buyers or sky-high bids which fell through later, for example–; also the lack of interest on the part of agrarian landowners in common woodlands and pastures unsuitable for arable land should be pointed out (Serrano Álvarez 2005, 441–444).

4.2 The penetration of market relations and liberalism

The disentanglements were not only a phenomenon of dispossession, but also the sales of rustic properties attracted wealthier groups and urban bourgeois speculators to the countryside. The liberal State fostered land commodifying as it abolished land servitudes and manorial regime; for instance, in the 19th century in many villages of León, lands with a divided ‘dominion’ (direct and useful) that was not in the hands of one single possessor and did not fit in with the liberal property model are found. This “alternative mode of possession”, as Grossi (1977, 38) called it, was complicated to manage, so it was suppressed. Usually the *concejos*, holders of the useful dominion of woodlands and pastures, were not recognised as proprietors,

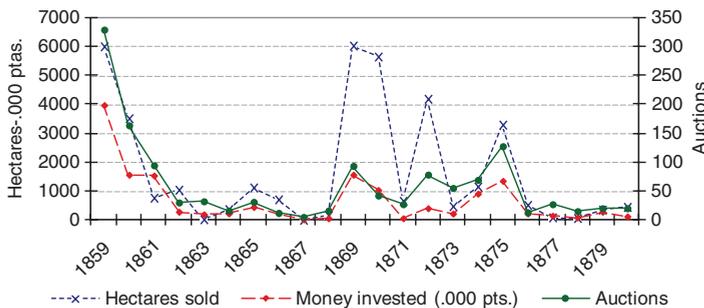


Figure 2: Evolution of village property sales, León (1859–1881).
 Source: AHN. FC Hacienda, “Libros 4.224, 4.225 y 4.226”

so in these cases villagers lost out on lands, which until now had been an access to long-term security for them.

Another consequence of the liberal measures was the progressive subordination of society to an individualist mercantile logic that clashed with local ordinances and with the limits that the latter imposed on individual freedom. For this reason, some articles from the local ordinances were suppressed as they contradicted the idea of private property consecrated by liberalism. In 1857, therefore, all the villages in León had to send a copy of their local ordinances to the provincial government office to be “examined”. The local government legal representative decided that some articles could not be applied as they were contrary to property law and, therefore, had to be abolished; for example, Article 27 of the Burón bylaws established that male animals could not be castrated until they were examined by the *concejo*, which decided which animals could be used as studs at the service of the community. The legal representative argued that ordinances cannot “force any farmer to bring his sires for the service of the communal flocks if he does not wish to do so”²². That is, those articles that imposed collective “constraints” were considered an open attack on “*the sacred law of property*”.

Changes in productive uses can also be observed with many consequences deriving from them. One was an increase in ploughing and individualisation of common lands, which basically reflects a breakdown of the integration between livestock and agriculture; a decrease in the number of sheep and cows and an increase in working cattle, mules and donkeys is noted (Figure 3). We can deduce, therefore, that, in an organic agriculture dependant on livestock manure, the dramatic drop in sheep must have affected agricultural yields. Secondly, mules, asses and horses, which were more difficult to feed and did not provide any other income, replaced cows and oxen. And thirdly, the decrease in the number of sheep and beef livestock could have affected the income of the poorer peasants. That is, liberalism introduced changes that distressed the whole of agriculture and rural society in general.

4.3 State intervention in common land management (i): the creation of municipalities

The first phase of State intervention in common property management began with the 1812 Constitution and the creation of municipalities that were finally constituted in 1835. From then onwards, the different laws governing commons, and specifically those concerning woodlands, only recognised Town Councils as

²² At the Ordinances of Burón there is a note in the margin of each article indicating whether it was in force, had been repealed or was subsisting; some of the articles were repealed because certain attributions were passed to the Town council, and in other cases they were repealed because they limited property law [AHDPL, *Fondo histórico, Libro 6*]. Likewise in Lario, a document from the provincial government points out that after having examined the ordinances of Lario, they have agreed to submit the approval except for the property right [ACLario, *Legajo 4, Sign, 17*, “Ordenanzas para el gobierno de Lario”].

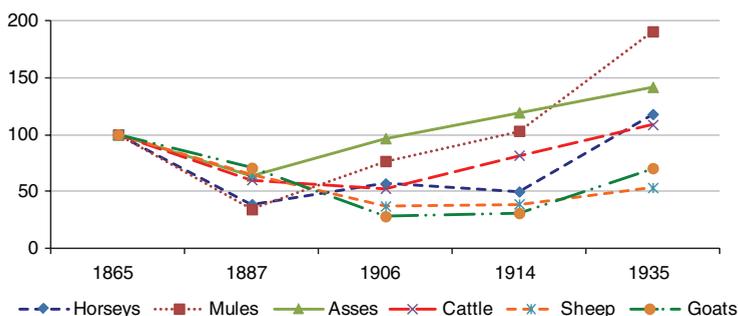


Figure 3: Evolution of livestock in the province of León (1865–1935) (1865=100).
 Source: 1865: Junta General de Estadística (1868); 1887: Crisis Agrícola y Pecuaria (1887–1889);
 1906: AHN, Fondo Mesta, Legajo 1.233; 1914: AGA, Agricultura, Legajo 443, “Avance estadístico
 de los ganados existentes en el año actual en la provincia de León”; 1935: COCIL (1936).

interlocutors between the villages and the public administration. This was a tough blow for the *concejos* and villages of León since municipalities are (and always have been) an administrative body and with very few exceptions they did not and do not possess commons: the common lands, and among them woodlands, belonged and belong to the villages. This intervention was developed further under new laws, like the Royal Decree of 22nd May 1848 which stated that *vecinos* were not authorised to carry out exploitations in their woodlands “except through Town Councils”. Also in León, different Governor circulars ordered that all permissions had to be requested via the Town Mayor²³ so common woodlands must be administered by Town Mayors and Councils and not by rural *concejos*²⁴.

The main consequence of these measures was that the *vecinos*, represented by the *concejos* or *Juntas Vecinales* (Village councils), no longer had the power to punish those who broke local rules. The Provincial Government of León even consulted the Central Government about the possibility of the *Juntas vecinales* being able to act like the Town Councils with regard to dealing with those who disobeyed adopted agreements (Flórez de Quiñones 1924, 107–109). The State Advisory Council (*Consejo de Estado*) was quite clear on this point noting that the *Juntas Vecinales* had no jurisdiction, nor the power granted by law to the municipalities; when there was any infringement, the *Junta Vecinal* should inform the municipal corporation, which was the sole authority with the power to issue ordinances on urban and rural matters. As was set out later (Royal Decree of 30th January 1875), the *Juntas Vecinales* could not enact laws nor impose fines, which meant also that the assembly of villagers could no longer pass ordinances (Flórez de Quiñones 1924, 107–109). As a result the *concejos* were being denied the

²³ The Governor’s text remarked that the village’s mayor should not hereafter address the provincial government with requests of any kind [BOPL, nº 51, 28/04/1848].

²⁴ BOPL, nº 47, 20/04/1849 “Circular disponiendo la manera de instruir los expedientes de cortas ordinarias”.

power to manage their own properties; as López Morán (1900, 51) pointed out, since then, customs and ancient ordinances were definitely dead in the legal order.

Taking into account that only the highest taxpayers could be elected for the Town Council, municipalities, subordinated to the interests of the patrons or *caciques*, were thus the backbone of clientelism or *caciquismo*. This led to disputes between the Town Councils and the *concejos* regarding common property management with many attempts by the former to seize village properties by registering them in the Property Registration Office on behalf of the municipalities.

4.4 State intervention in common land management (ii): forest engineers

A second interference in traditional management of the commons came with the forest engineers from 1853 onwards. The arguments in favour of the Forestry Service involvement were *ecological* (it was said that the common land system led to over-exploitation of resources) and *economic* (it was necessary to introduce “forest science” principles in forest management). With regard to conservation, the engineers’ approach was similar to Hardin’s “*Tragedy of Commons*” (1968), inasmuch as it took for granted that the woodlands were overexploited due to a lack of control in usage access. For this reason, the forestry law passed on May 24th 1863 (*Ley de Montes*) only recognised those uses that were not “incompatible with tree conservation”, being declared extinct all those which did not comply with this. From then on, the customary uses of commons that we saw in the second section of this essay, and in particular grazing, were prohibited or restricted, because they were contrary to forests conservation.

As in other parts of Spain, the main goal of the Forestry Service was to boost timber production by imposing reforestations and planned forest management (GEHR 1994; Balboa 1999). Based on State laws and the Civil Guard and repressive methods, forest engineers argued that consuetudinary law no longer protected villagers’ collective rights and hereafter, to obtain any woodland product, whether pastures, woods, farmland, crops, or firewood, villagers should be authorized by the Forestry Administration. But, despite possible good intentions, they were taking away the competencies the peasants had to manage their woodlands while the Forestry Service did not have the means to carry out effective surveillance; barely fourteen forest employees had to monitor more than 1200 ‘registered’ woodlands, which covered an area of around 500,000 hectares. If we compare this with other countries (Table 1), it can be seen that a forestkeeper in León had to “watch” almost 50,000 hectares of woodland.

The main consequence of this lack of control was that, as stated by the Forestry Facultative Council in a report on the forestry plan of 1894, anarchy reigned in the execution of forestry plans in the province of León²⁵. As they pointed out,

²⁵ AMAPA, PAFs (León), Legajo 102/5. “Informe de la Junta Facultativa sobre la memoria justificativa y estado de del plan de aprovechamientos forestales correspondiente al año forestal de 1894–1895”.

Table 1: Comparison of forest land area and employees c. 1880.

| | <i>A Forest area</i> | <i>B Engineers</i> | <i>A/B Ha./Eng.</i> | <i>C Guards</i> | <i>A/C Ha./Guard.</i> |
|-----------|----------------------|--------------------|---------------------|-----------------|-----------------------|
| Russia | 3,300,149 | 740 | 4460 | 6141 | 537 |
| Bavaria | 938,418 | 588 | 1596 | 1586 | 592 |
| Italy | 1,000,000 | 360 | 2777 | 5980 | 454 |
| France | 2,895,024 | 361 | 4254 | 3500 | 342 |
| Spain (a) | 6,481,387 | 103 | 62,926 | 400 | 16,203 |
| León (a) | 491,218 | 4 | 122,804 | 10 | 49,121 |

(a) Data for the 5-year period 1875–1880.

Source: Moreno Fernández (1996, 332); Dirección General de Agricultura, Industria y Comercio (1887, 38–39).

acknowledging the sincerity of the Forest Engineer in charge, at the end of the 19th century, timber auctions and forest management were running out of control of the Forestry District of León which had abandoned the common woodlands to the hands of users and the highest bidders.

Although the León Forestry District drew up forestry exploitation plans (PAF) annually, these were merely a formality required by the headquarters in Madrid²⁶. The control over the woodlands by the state was purely in name, and pastures, and not timber as the forestry service had intended, continued to be the main production of the woodland as reflected in the forestry exploitation plans (PAF). In Figure 4 it can be seen how between 70–85% of the value assigned to public woodlands were pastures, whereas exploitation of firewood and timber was far smaller. Traditional practices such as pruning or ‘ramoneo’, the cutting of tree branches (*fuyacos*) to feed livestock during the winter, should also be noted. Although the Forest Engineers considered that this practice was harmful for trees and around 1870 they tried to prohibit it, they eventually had to accept it and include it in the annual forestry plans.

Another consequence of the State intervention in woodlands was the long conflict-ridden relationship between the Forestry Service and the *vecinos*, reflected in the so-called “forest crimes” that increased significantly at the beginning of the 20th century (Figure 5). A detailed study of the data shows that the “crimes” reported were related to traditional activities carried out in the woodlands like ploughing, livestock grazing and timber firewood gathering; therefore, it seems that, to a certain extent, their origin lies in state constraints and prohibitions.

5. The sustainability of the common lands in León at the beginning of the 20th century

What happened in León was no different to what took place in other parts of Spain. Large areas of common lands survived in the northernmost regions of

²⁶ As Balboa (1999, 103) points out ironically, annual plans are fictitious statistics whose only utility is to confuse historians a hundred years later.

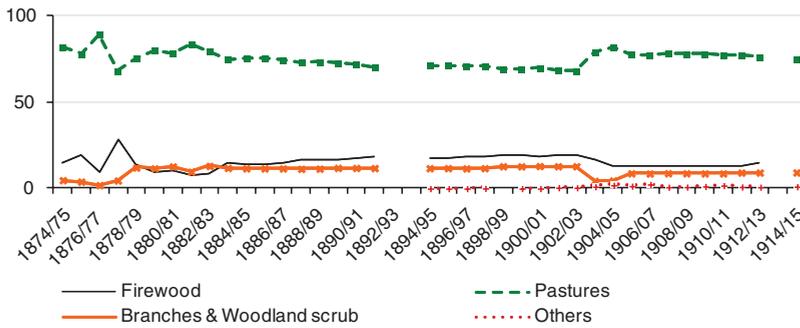


Figure 4: Monetary value of woodland uses between 1874–1875 and 1914–1915 estimated by the León Forestry District (expressed as a percentage of the total)

Note: “Firewood products” includes trunks and thick branches; “ramón” includes smaller branches and woodland scrub and undergrowth; “others” includes things like game and resins.

Source: AMAPA, PAFs (León), Legajos varios, “Estadillos estadísticos, 1874–1915”

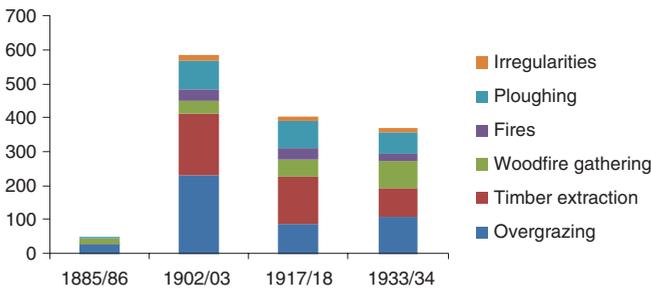


Figure 5: Types of forest crime reported, León (1885–1886 to 1933–1934).

Source: AMAPA, PAFs (León), Legajo 53/10; AHPL, Fondo ICONA (Denuncias), Libros varios.

Spain (GEHR 1994) due to different factors like social and environmental conditions (Beltrán Tapia 2010) or the consensus of all the members of the peasant community to maintain them (Iriarte Goñi 2002). On the other hand, the Central Government’s attempt to commodify common properties was not successful either; in northern regions of Spain, traditional uses persisted in woodlands (Balboa 1990; GEHR 1999; Jiménez Blanco 2002) and the commons systems were flexible enough to adapt to a changing economic context (Iriarte Goñi 2002). However, in terms of social history, critical approaches can be found about the way the State dispossessed peasants and local powers of competencies and favoured interests which had nothing to do with the rural communities (Moreno Fernández 1996; Balboa 1999). Paradoxically, as a Leonese scholar of that time stated, the commons were never more exposed to dismantling and devastation as when the central government took charge of them, because those who are more

directly concerned with protecting them have been deprived of the efficient means they once had in order to do so (López Morán 1900, 295–296). As we saw in the previous section, from the point of view of sustainability, Ostrom’s hypothesis that state intervention had negative consequences is sound: although the attempt to privatize and manage commons did not always end on a positive note for the State, the reforms initiated and the non-recognition of the capacity of local communities to manage their commons ended in a significant imbalance.

Notwithstanding the above, it is observed that in León around 1936, there are evidences of the eight principles identified by Ostrom as contributing to long-term sustainability of common resources (Ostrom 1990, 89–101). Although Ostrom’s principles have been revisited (Agrawal 2001; Cox et al. 2010) and criticised either because they are rather vague and only focused on positive aspects of common lands (De Moor 2002, 138) or because they ignored local and external socioeconomic factors (Cox et al. 2010), such as market-related changes, population and demographic changes (Agrawal 2001), we think that they provide a very good starting point as noted by De Moor et al. (2002a,b, 28).

With regard to the first principle, it is observed that there have always been clearly defined boundaries, not just between villages but also between different exploitations and uses of common land within the village itself; in this sense, the concept of *vecino* continued to be fundamental to accessing common land, as this condition carries rights (resource usage) and obligations (participation in collective activities and local government).

The second design principle refers to the “congruence between appropriation and provision rules and local conditions” (Ostrom 1990, 92). The local ordinances, drawn up to address useful and convenient concerns for the common good²⁷, that governed rural communities until the middle of the 19th century were continuously adapted and made to suit local conditions. When in 1857 the ordinances were repealed, in some cases it is possible that customs were dying out, while in others the villages continued to make local agreements that were signed by all the *vecinos*. For instance, in many mountain villages, as soon as the ordinances were no longer in force, the *vecinos* together in assembly agreed to form local regulations based on the old community ordinances, which were subsequently signed by each and every *vecino* and recorded in the ‘*Libros de pueblo*’ (López Morán 1900, 56–57).

The third principle implies that “most individuals affected by the operational rules can participate in modifying the operational rules”. In León it is observed that whenever it was necessary, local rules were modified by the *concejo* or the local assembly adding or removing articles to adapt them to changing circumstances (Flórez de Quiñones 1924, 144); for example in the Concejal Archive in Lario the ordinances of 1823, 1827, 1842 and 1847 are preserved, as well as later livestock-farming by-laws of the early twentieth century²⁸. It must be pointed out

²⁷ Original text in Spanish: “para tratar las cosas útiles y convenientes al bien común”; cited in Acebedo ordinances of 1857 (AHDPL, *Fondo Histórico. Libro 4. Doc. 10*).

²⁸ ACLario, *Legajo 4, Sign. 17*.

that on the one hand, every *vecino* had the right to participate in the *concejo*'s decision-making process; on the other hand the *concejo* (assembly) took decisions on matters affecting the community and, therefore, group interest was above individual interest and all the *vecinos* could take part in the amendment of the rules in force (Flórez de Quiñones 1924; Behar 1986).

Regarding the fourth principle, monitoring, we saw that the State had no means to monitor uses in the woodlands. Undoubtedly, this lack of control opened the way for abuse and extra-limitations by users, whether they were villagers or timber companies, of which there are many examples²⁹. Moreover, at the beginning of the new bureaucratic system neither the Town Mayors nor the Civil Governors processed the fines imposed by the León Forestry District. As one forestry engineer argued, this indifference and apathy of the authorities demoralized and discouraged the forest guards in charge of public forests, encouraging offenders³⁰. Given the lack of surveillance and the strong market demand for forest products in the first decades of the 20th century, it is possible that forest resources had been put under greater pressure. In this respect, it must be taken into account that this period was a turning point, a cause of demographic and economic growth with a high demand for lands and woodland products, such as timber for mining. For instance, and paradoxically, despite the prohibitions regarding seasonal ploughing, a greater importance of the individualisation and common land appropriation phenomenon is noted in those years. We cannot, therefore, reject the hypothesis that a reaction of the rural communities to the deprivation of their rights and to the restrictions imposed by the State was an increase of overexploitation and fraudulent uses in the commons.

There is, however, evidence that, in the 1930s of the last century, rural communities in León still maintained vigilance systems to prevent access of outsider *villagers* and possible abuse on the part of members of their own community on their commons; they often had a turn-taking system or employed a guard³¹. Furthermore, a significant percentage of forest crimes were reported by

²⁹ One example is the illegal felling of 1608 oaks in the forests of the Sahagún district in 1885 [AMAPA, *PAFs (León), Legajo 53/10*. "Memoria sobre la ejecución del plan de aprovechamientos forestales correspondiente al año forestal de 1885 á 1886".

³⁰ AMAPA, *PAFs (León), Legajo 45/9*. "Memoria de la ejecución del plan de aprovechamientos forestales, año de 1883 á 1884".

³¹ For instance in Lario, the *concejo* records (Actas concejiles) refer to the contracting and appointing of a country guard; in 1871, a *vecino* was appointed, and he received an annual wage of 200 *reales*. His job involved fining lawbreakers and reporting every Sunday when the mass finished, the number of livestock that had entered the common pastureland, and any damage on the common waste and forests. He was held responsible if he could not find those who had carried out the damage; in 1929, the last year recorded in the *Libro de Actas de Concejo*, the *vecinos* continued to appoint a harvest guard who was paid an annual wage of 400 *pesetas*, half of which was paid from public funds and the other half by the villagers [AJVLario, *Legajo 3, Sign. 11*, "Actas de concejo"]. The ordinances of Mirantes de Luna of 1843 stipulated the provision of country guards in turns after Michaelmas (29th September), as has been customary in the village [AHPL, *Fondo «Archivo Municipal de Barrios de Luna»*, Legajo 11.496]; Redonet y López-Doriga (1916) and López Morán (1900) also describe traditional agrarian vigilance systems.

vecinos, although often reflected the conflicts within the community regarding the use of resources³².

Principle 5 specifies the efficiency of graduated sanctioning systems to deter users from successive infringements of community rules. In the early twentieth century in León two levels of action can be observed, rather than a graduated system. On the one hand, offences continued to be punished according to old ordinances, generally in the form of fines, which increased according to the nature of the crime committed. On the other hand, infringement of the law could be reported to and prosecuted by state authorities. It is noted, however, that villagers or local traditional authorities rarely reported their neighbours for uses in the woodlands linked to their livelihoods such as ploughing or grazing³³. On the other hand, it should be taken into account that being reported to the State authorities, like the Civil Guard, could result in a severe punishment. Therefore, this could suggest that this measure was used as a last resort against those who did not observe the local common laws, such as *vecinos* of other villages or *vecinos* who did not abide by the punishment set out by common-law.

With regard to the sixth principle – the presence of low-cost conflict resolution mechanisms – we can say that at the beginning of the 20th century there were certain contradictions running counter to this principle (and, therefore, to the sustainability of the commons). One of them was the punishment for breaking local ordinances. Although it could be assumed that social reprobation mechanisms were still effective, and fines and punishments were still meted out, the *concejos* and *Juntas Vecinales* were stripped of their authority to punish lawbreakers. As mentioned above, state repression of traditional uses was not a good solution either, because it was disproportionate and collided with the logic of consuetudinary law which tolerated those uses which guaranteed the “right to subsistence of all members of the community”; a second contradiction was that within rural communities there was increased conflict over the use of common lands by different sectors with opposing interests (i.e. crop farmers versus livestock farmers, etc.); and thirdly, liberal legislation brought into conflict the “new” individualist logic and the “old” collectivist logic by putting individual interests before group interests.

This supposed “forest delinquency” is connected on the one hand with the affirmation of uses and common-law rights that the villages had always had, regarding commons, rights and uses they considered could not be taken away from them; and on the other hand with a rejection of a foreign intrusion in the management of common properties like the Forestry Service or the timber companies (Balboa 1999; Sabio Alcutén 1997; Moreno Fernández 1998). Furthermore, certain traditional uses like ploughing or producing charcoal were

³² Surprisingly, complaints between villagers were perceived by forest guards as the result of betrayal or quarrels [AMAPA, *PAFs* (León). *Legajo 32/6*. “Memoria sobre la ejecución del plan de aprovechamientos correspondiente al año forestal de 1878 a 1879”].

³³ This can be verified in the Registers of Forestry Infractions (Libros registro de denuncias forestales) held in the León Provincial Archive [AHPL, *Fondo ICONA*].

recognised by a law or “moral economy”³⁴ which established that the “right to subsistence” (as defined by Behar 1986, 263 or Scott 1976, 33) or the “right to live” (Polanyi 1944) of all the members of the community was above the laws of the State. For instance ploughing, so reviled by the forest engineers, could be understood as a “loan” from the commons to the *vecinos*, which is how Behar (1986) sees it in his book on the village of Santa Maria del Monte del Condado (León); that is, in times of crisis, when sufficient harvests were not yielded from private land and family subsistence was in danger, the *vecinos* went to the common land “bank” to obtain more land to cultivate crops. To call this assault or ‘crime’ implies that it was carried out with a malicious or fraudulent purpose and with no legal justification (Behar 1986, 237). In other words, to consider consuetudinary uses of commons as crimes is to ignore that economic behaviour in these traditional societies was firmly rooted in morals and culture (Thompson 1991); hence, the legitimacy or illegitimacy of certain economic practices was not attached to laws of the State, but to existing moral rules and obligations.

Indeed, the persistence and repetition of these crimes throughout time, their collective nature, the community support for those who broke the laws claiming there were actions legitimated by “local traditions and customs” make them a peasant protest. In this sense, sometimes protest could be labelled as “weapon of the poor”, because it was also a thought and a symbol (Scott 1985; Thompson 1991, 84–87). It was not only a question of rejecting outside interference, but the aim of this protest was to safeguard the reproductive logic of an agriculture based on the integration of agriculture and livestock and a complex and integrated exploitation of the commons which was in danger as a result of the State intervention.

Regarding the seventh design principle, a minimal recognition of rights to organise, as we have already mentioned, the liberal State did not recognise the *concejos* and *Juntas vecinales* and challenged them, passing all their administrative competencies to Town Councils. However, it is found that in the face of such a huge attack from the State, the peasants were forced to join forces to defend their common property and the “old” ordinances and “took refuge in their customs and in their ordinances as if they were havens of salvation, and continued ruling by them” (López Morán 1900, 56). As Flórez de Quiñones points out (1924, 143) the peasants “when they needed, in short, any essential improvement, have themselves to resort to tradition, to their old customs, which is the only way that their needs can be met. This is perhaps one of the causes of the tenacious survival of the old Law”. It is noteworthy to add that this defence of the commons had to do with utilitarian economic calculations but also, as Behar (1986, 261) says, with the nature of the village community in León which was still imbued with a residue of an older ethos, that of the small medieval settlement where you either “worked together or died separately”.

³⁴ Term coined by Thompson (1971).

With regard to the eighth principle there is no evidence that governance activities were “organized in multiple layers of nested enterprises”. Instead, a parallel system based on patronage (*caciquismo*) tried to control the appropriation, provision, monitoring, obeying of rules, or resolution of common resource conflicts and governance at the different governmental levels. For instance, within the new state forestry administration created in the nineteenth century, it was very negative to place in the hands of mayors and governors the processing of forestry complaints and all the administrative procedures related to forestry uses; as noted above, in addition to not processing forestry infringements, they used to their advantage the common woodlands to play politics. In contrast, and bearing in mind that the patrons or *caciques* had to “respond to” the demands of those they “represented”, political clientelism networks were not always negative for the continuity of commons and the communal regime; for instance, to gain electoral advantage from the villagers’ support, patrons played an active role defending the commons against disentanglement measures implemented during the 19th century.

Ostrom’s hypothesis that central government intervention may cause serious distortion would appear to be true: in León, commons disentanglement created “legal insecurity” and mistrust of a state which tried to sell collective village properties; secondly, the Forestry Service imposed drastic restrictions on traditional uses of common lands depriving villages of their powers regarding woodland management; and thirdly, the *concejos* were divested of all their powers and these were passed to Town Councils. However, local communities, in the face of the threat posed by the state to their livelihoods, perpetuated old rules beyond those that had been formally approved by the government. Traditional old rules and commons were defended as they were the pillar supporting the agrarian system; because common land occupied most of the productive land in most of the districts of León; because traditional rules and regulations guaranteed the balance of the system by sharing the space between agriculture and livestock, taking care that nobody impaired collective rights on common uses; because by defending common property and traditional rules and regulations, they were also defending village culture and a peasant way of life; because community rules and regulations, although they did not prevent unequal use of common property, did have a strong egalitarian nature and imposed the same obligations on all *vecinos* and established obligations of solidarity. In short, in the first third of the 20th century it was still necessary to maintain all forms of traditional management. Not only because these rules held the community together, but because behind these forms of traditional management there was a rationality which secured the common properties, which in turn guaranteed the reproduction of the rural society which was in danger precisely due to State intervention. Centuries earlier, the dependence on the commons led to strict regulations on their use in order to prevent abuse and achieve better and more rational exploitation. At the beginning of the twentieth century, the peasants remained bound to carry out “rational” management of resources with the aim of guaranteeing the survival and reproduction of their societies, by establishing mechanisms limiting individual action as opposed to collective interest.

6. Conclusion

Therefore, in the light of the arguments raised, we can conclude that the state intervention in the 19th century does not appear to have had irreversible consequences for the balances of the system in large areas of the province of León: the sale of commons in compliance with the Law of 1855 was relatively restricted; the control over the woodlands by forestry engineers was purely in name only; local communities enacted regulations that circumvented the new regulations passed by the government by using specific agreements, which were recorded in the '*Libros de pueblo*'. In this respect, it seems that the State had little success in implementing its plan to control the woodlands and its potential for forcing widespread changes was limited. It seems, therefore, that longevity of the commons is highly dependant on the strategies of rural communities rather than on the whims of tolerant or intolerant states (Curtis 2013, 215). In the case of León, it seems quite clear that in spite of the government's attempts to dissolve the communal regime, customary laws and commons survived because rural communities defended and fought for them.

To a certain extent, we would be dealing with the concept of resilience, which has been widely used within ecology, political science, political ecology or environmental history. Referred to the "capacity of a system to absorb disturbance and reorganize while undergoing change so as to still retain essentially the same function, structure and feed backs" (Walker et al. 2004), this concept is, however, complex to handle for social and economic historians. In spite of this, there is no doubt that history could provide new perspectives in this regard because factors which involve historians, such as the distribution of wealth, social cohesion, or the capacity of self-organization and self-government, appear to play an important role with regard to resilience. Therefore, new interesting and fruitful approaches are opening to researchers.

Annex I – Glossary of terms

Apréstamos / Préstamos – Literally 'loans'. See '*vitae*'.

Bouza del concejo – Plot of common land cultivated collectively. For more on *bouzas*, c.f. López Morán (1900, 107–108); Martínez Veiga (1996) or Costa (1898, 150–151).

Braña – Typical of the district of Lacia, these were the common pastures located in the most protected part of the mountain where cattle were taken for grazing at the beginning of the summer; each *vecino* had a *cabana* to milk the cows and make cheese or butter (Díez González 1982).

Concejo – Village council. While this word has multiple meanings (council, assembly, place, meeting, local government, or administrative entity, among others), in this article it refers to the assembly of all the *vecinos* of a place and to the corporate governing body that represented this assembly; for more on *concejo* c.f. López Morán (1900, 259–279), Behar (1986, 132 and 155–159), and Rubio Pérez (1993, 41).

Cotos Boyales – Literally, “enclosed for oxen”. Named also as ‘boyerizas’, ‘coutho’ or ‘dehesa boyal’, were “common meadows” or enclosed areas of the commons for cattle grazing and closed to other animals.

Debesa – In the province of León generally this term is referred to a restricted area of the communal woodland reserved to obtain wood for domestic uses. Felling in this area without the *concejo*’s permission was strictly forbidden.

Dehesa de labor – Large farming estate, usually closed subjected to multifunctional agrosilvopastoral uses with areas for grazing and agriculture.

Fuyacos – Prunings / Tree branches that were cut before the autumn; once they were dry, they were stored and used to feed livestock, such as goats and sheep, during the winter.

Junta Administrativa – See Junta Vecinal –

Junta Vecinal – Village council. Formed in 1870, as replacing the old *concejos*, it was the village government committee; it was composed of a chairman and two members, who were elected by all the *vecinos* of a place.

Libros de pueblo – Record books, where collective village agreements were registered.

Monte bajo – Scrubland.

Poznera – Traditional practice, very common in NW Spain, referred to the right to plant fruit trees like chestnut trees or walnut trees in common lands for the exclusive benefit of the *vecino* who planted them.

Prados de concejo – Located in the Burón area, where the huge meadow of the Riosol valley was divided into permanent lots. Numbered and drawn between the villages (*concejos*) that made up the municipality, each *concejo* then divided the lot between the *vecinos* so that each one could gather their own grass (Costa 1898, 125–126).

Puertos de Montaña – High pastures. This normally refers to an accessible mountain pass and the surrounding areas used for grazing in the summer.

Quiñones – In the province of León, this term is generally referred to each plot of land, when common arable lands were divided and distributed among all the *vecinos*. It also designates the part of each one in a collective property.

Quiñón de leña – Plot of woodland, where each *vecino* could cut firewood for domestic uses; each year the *concejo* established as many plots as *vecinos*, drawing the lots and sharing them among the former.

Seara / Senara – Lot of communal land transferred by the *concejo* (village assembly) to *vecinos* who did not own land. From this term the word ‘*senarero*’ derives that means ‘landless farmworker’.

Vecera – From ‘vez’, meaning time, turn, this term refers to a system of turn-taking employed in herding. In proportion to the number of cattle and sheep introduced to the communal flocks, each villager had to shepherd them a certain number of days.

Vecindad – Village citizenship. The attribute of being *vecino* of a village or a place.

vecino – Literally ‘neighbour’. Village citizen. The person head of a village household, who was member of the *concejo* and had the rights to exploit the commons. See also footnote no. 1.

Vitas – From ‘vida’, lifetime. In Southern districts of the province of León in many villages, the arable lowlands were divided into a fixed number of lots (*vitas*), and shared among the *vecinos*; on the death of a *vecino*, the land was not passed to his heirs, but to the *vecino* who had been waiting the longest on the *vita* waiting-list; if there were sufficient allotments, these were given to young *vecinos* when they got married (Costa 1898, 142).

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