

**CONSTITUTING THE COMMONS**  
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**“Economic Adaptation and Social Resilience to State Intervention in the Spanish  
Common Forests (1855-1925)”**

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**1. Introduction**

Following the traditional categories of liberal economic theory, most European historians tend to interpret the disappearance of collective lands as something truly inevitable and historically necessary. However, in the light of more recent investigation, it seems that the disappearance of common rights in Europe was a much more complex and less uniform process than previously assumed. Without ignoring the advances of agrarian individualism and the consequent diminution of spaces for common usage since the middle of the 18<sup>th</sup> century, at present it becomes evident that the phenomenon of privatisation was far from standard and indeed highly heterogeneous in terms of both space and time. The enclosures in England presented very different characteristics from the partitions undertaken in Austria and Prussia or the privatisations in France. Similarly, the repartition of commons lands in Spain and Portugal, defended by enlightened thinkers, did not affect collective rights in the same way as the disentanglement which followed in the 19<sup>th</sup> century<sup>1</sup>.

Neither was the theoretical debate which accompanied privatisation since the middle of the 18<sup>th</sup> century marked precisely by a uniformity of criteria. Confronted with the most orthodox ideologists, some defenders of the liberal cause attempted to delimit the expansion of individualism and recognised the unsettling effects of privatisation on traditional forms of agrarian organisation<sup>2</sup> Furthermore, in the second half of the 18<sup>th</sup> century, the theories of the German school of forestry gained acceptance throughout Europe, spreading the idea that it was necessary to maintain some areas of collective property under State control. The Germans sustained that the logic of profit maximisation led individuals to overexploit wooded areas without taking into account those protective functions which the market did not remunerate. Now that the beneficial influence of woods on climate and water management had been established, it became necessary to assure the conservation of forests through the establishment of institutions which would guarantee the generation of positive externalities. From this point of view, the public sector appeared to be the only entity capable of combining the quest for economic profit with a concern for ecological conservation. The State should, therefore, maintain forests of general utility in public hands and, at the same time, exert detailed control of those other surfaces which continued in communal hands. This marked the beginning of a European school of thought in favour of public forestry which considered collective utilisation as incompatible with ecological conservation<sup>3</sup>.

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<sup>1</sup> See Rodrigues (1987), Thompson (1991), Corona (1996), Mayaud (1996), Neeson (1996) and Iriarte (1996b).

<sup>2</sup> See Grossi (1986) and Giménez (1990).

<sup>3</sup> The debate concerning this subject is still alive and is fuelled by the polemic articles of Hardin (1968 and 1994) about the “tragedy of the commons”. See Thompson (1975), McCay & Acherson (1987), Berkes (1989), Ostrom (1990), Aguilera (1991), Martínez (1992), Cobo, Cruz & González (1992) and Sala (1995).

In Spain, as in other parts of Europe, the theoretical debate concerning the future of assets administered by municipalities (*propios*, *arbitrios* and *comunes*) has been driven, since the middle of the 18<sup>th</sup> century, by a diversity of criteria<sup>4</sup>. Within the liberal fraternity, some authors have qualified negatively the impact of competitive individualism on the rural world. Likewise, the 19<sup>th</sup> century forestry theory developed an insistent campaign for the nationalisation of Spanish forests which was clearly influenced by German thought. In contrast, the sector most critical to the advance of economic liberalism not only relativised the supposed incompatibility between collective ownership and agrarian growth, but even advocated the extension of communalisation to the detriment of private property<sup>5</sup>.

The plurality of the debate has been amply reflected in the evolution of legislative activity. In spite of the strong encouragement given to the process of disentailment by liberal governments, the insertion of production factors into the market was not always the only finality of privatisation law-making. Some ministerial cabinets recognised the negative effects of the inequality within rural communities and attempted to use legislation to guarantee the participation of the less privileged sectors of society in the disarticulation of collective property. The differences between the different objectives of economic policy generated a corresponding variety of mechanisms set up by the State to privatise municipal assets. Apart from disentailment, consisting of nationalisation and subsequent public auction to the highest bidder, other less well known legal figures were used to pass commons to the individual: free distribution, perpetual leaseholds and the legalisation of occupations. Furthermore, Spanish liberal legislation succumbed to the pressure of European forestry theory and passed to the central administration the greater part of common forest area. Not all governments of the time considered privatisation or nationalisation as the only options for surfaces traditionally destined to collective utilisation. If on some occasions the legal process of the redefinition of property rights was paralysed, on others it concentrated precisely on the rescue of old communal rights.

Not all regions reacted in the same manner to the contradictory regulatory measures of the State<sup>6</sup>. In some places, liberal projects were strongly contested by the local communities and had to be abandoned or, the best of cases, redefined to suit local conditions. When privatisation could count on local support, the adopted model of agrarian growth not only depended on the physical characteristics of the terrain, but also on the formulas employed to adjudicate the collective surfaces in question. In those periods when nationalisation dominated, the forestry administration had to deal with the previous beneficiaries in order to apply forestry regulations. At times, the restriction of collective utilisation led to the devastation of woodland by the local peasantry. For all that, liberal agrarian reform did not always have to struggle with a rural environment characterised by the collective management of natural resources. Improved knowledge of the privatisation process has revealed that not only did the market precede the law on multiple occasions, but also, that in spite of it, the communities enjoyed sufficient space for manoeuvre to interpret central directives to their own benefit.

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<sup>4</sup> In order to make for easier reading, I employ the term 'municipal' to refer to all rustic patrimony administered by local corporations; *comunes* refers to assets of free and gratuitous utilisation, while *propios* denotes assets with a limited and onerous utilisation. The term *arbitrios* is used for gratuitous *comunes* which have been temporarily converted to onerous *propios* by the municipality. A more detailed analysis of these terms can be found in Nieto (1964), Cuadrado (1980) and Mangas (1981 and 1984).

<sup>5</sup> See, for example, Nieto (1964), Gómez (1992) and Casals (1996).

<sup>6</sup> See, among others, Díez (1986), Araque (1990), Montiel (1990), Balboa (1990), Artiaga (1991), Moreno (1991), López (1992), Cobo, Cruz & González (1992), Artiaga & Balboa (1992), Lana (1992), Manuel (1994), Moreno (1994), Brunet (1996), Iriarte (1996b), Jiménez (1996), Bonales (1997), Sabio (1997) and Sala (1998).

Until recently, however, Spanish academics followed, without much reserve, the theory that identifies the penetration of the market into the rural world with the rise of the liberal state. The correlation between these two circumstances had become so popular in contemporary economic analysis that, even for the most critical of researchers, the privatisation process of the means of production had ceased to have any profile of its own and had been converted into a mere adjunct of the consolidation of liberal bourgeois reform. As a consequence of such simplifications over the last thirty years, the liberal State has become regarded as an autonomous entity capable of implementing a market economy by decree. Only few academics have explicitly recognised the indisputable responsibility of society in the face of the State's changing policies or the capacity of traditional economic activity to adapt to market forces<sup>7</sup>. This explains the apparent contradictions in Spanish literature when interpreting the unequal progress of individualising tendencies in the rural world or the heterogeneous evolution of resistance against decommunalisation.

In the following pages no attempt is made to resolve all the different problems posed by the study of the redefinition of property rights in the economic history. The endeavour of this paper is to discuss and put into perspective some of the more polemical hypotheses through an analysis of the privatisation process in a delimited area (Extremadura) and a defined timeframe (1855-1924). The importance of forest area directly or indirectly administered by the municipalities in Extremadura in the middle of the 19<sup>th</sup> century endorses the choice of this region to test the various interpretations put forward in the debate regarding the economic functionality of common assets. The chronological delimitation, which the reader will notice is not strictly respected, corresponds to the timeframe in which the presence of liberal State, over the long and fluid process of privatisation, is most clearly felt from a legislative point of view: the General Law of Disentailment of 1<sup>st</sup> May 1855 approved the individual appropriation of municipal property and the Municipal Statute of 8<sup>th</sup> March 1924 finally paralysed the legal process of the individualisation of collective patrimony.

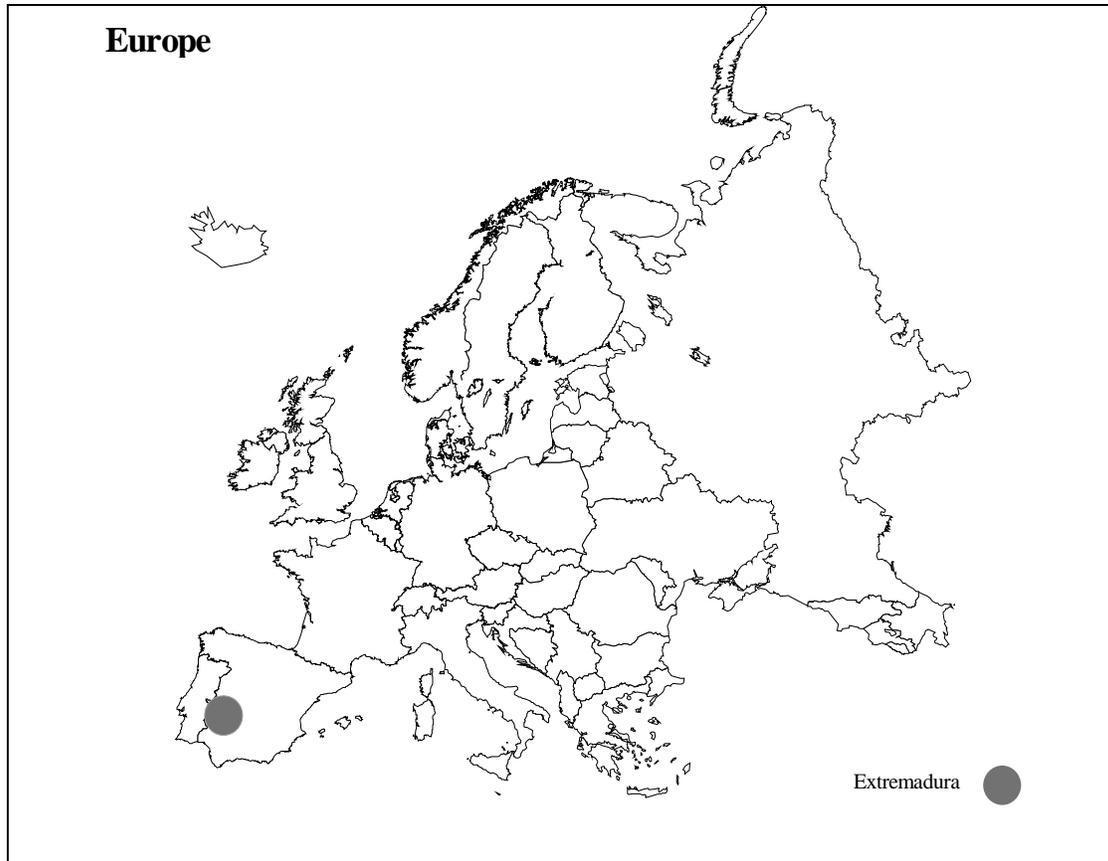
In terms of income per capita, Extremadura today is the most backward region in Spain and figures in the fourth quartile of European Union regions<sup>8</sup>. With an area similar to that of Switzerland (40,000 km<sup>2</sup>), it lies in Southwestern Spain and, since 1833, is administratively divided into two large provinces: Cáceres and Badajoz (Map 1). Surrounded by mountains in the North, the East and the South, the Extremaduran plateau gradually descends into Portugal on its Western frontier. High summer temperatures and irregular winter rainfall contribute to a hostile climate which situates the region among the driest in Spain. The barrenness of the soil, added to the aridity, strongly conditions agricultural activity in the region. Only xerophilous species, able to survive the summer aridity, can prosper in high forest and scrubland. The different oak species, which dominate the wooded areas of the region, give a natural protection against erosion and provide irreplaceable fodder for livestock. Herbaceous species are practically limited to those which germinate in winter. Vines and olive trees can compensate the waterless summers with the mild temperatures of winter, but the risk of frost in autumn and the irregular rainfall of spring can deter germination. On the other hand, the concentration of rain in March and October favours the abundance of grazing during most of the year. This fact underpins the region's animal husbandry which has dominated Extremaduran agrarian activity in the last two centuries.

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<sup>7</sup> In economic history, perspectives, however, are beginning to change. See, for example, Domínguez (1992), Grupo de Estudios de Historia Rural (1994), Moreno (1996) and Iriarte (1996a).

<sup>8</sup> See Villaverde (1992)

Map 1  
**Extremadura in Europe**



### **3. The common patrimony in the middle of the 19<sup>th</sup> century**

#### *3.1. Predominance and flexibility of the 'dehesa' system*

Given the imperfection of available sources, it is difficult to calculate exactly the area covered by woodland in the patrimony of Extremaduran municipalities in the middle of the 19<sup>th</sup> century. However, a detailed analysis of the inventories made by the local authorities between 1845 and 1855 statistically confirms the rustic wealth of the communities often referred to by regional historical literature (Table 1). Considering exclusively woodland surfaces, the classifications of the forties and fifties show a total area of over a million hectares, divided between 1,923 holdings. In relative terms, the surface covered by municipal forests in the middle of the 19<sup>th</sup> century represented more than a quarter of the region's total extension and more than a third of its productive surface<sup>9</sup>.

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<sup>9</sup> The estimation of Extremadura's productive surface is taken from Grupo de Estudios de Historia Rural (1994: 136-140).

In spite of the differences between counties, the arithmetical mean shows clearly that the large holding predominated. They were usually properties of around 600 hectares, generally located in the least fertile areas of each village and mostly at the confluence between two or three municipal districts. In fact, a good part of municipal forests belonged to the neighbours of various localities.

Table 1  
**Forest Area of Municipal Patrimony in Extremadura in 1855**

| Dominant Species | Badajoz Province |              | Cáceres Province |              | Extremadura (Region) |              |
|------------------|------------------|--------------|------------------|--------------|----------------------|--------------|
|                  | Hectares         | %            | Hectares         | %            | Hectares             | %            |
| Holm Oak         | 338,238          | 67.2         | 441,822          | 59.6         | 750,060              | 62.8         |
| Cork Tree        | 3,005            | 0,6          | 21,666           | 3.1          | 24,671               | 2.1          |
| Common Oak       | 37,701           | 7.5          | 129,524          | 18.8         | 167,243              | 14.0         |
| Pine             | 392              | 0.1          | 7,932            | 1.1          | 8,324                | 0.7          |
| Others           | 498              | 0.1          | 1,981            | 0.3          | 2,479                | 0.2          |
| Thicket          | 35,811           | 7.1          | 87,866           | 12.7         | 123,677              | 10.4         |
| Without Trees    | 64,831           | 12.9         | 27,236           | 4.0          | 92,067               | 7.6          |
| Unknown          | 23,195           | 4.5          | 2,622            | 0.4          | 25,817               | 2.2          |
| <b>TOTAL</b>     | <b>503.671</b>   | <b>100.0</b> | <b>690,667</b>   | <b>100.0</b> | <b>1,194,338</b>     | <b>100.0</b> |

SOURCES: Propios, Arbitrios y Comunes (1835-1855), Relación (1846), Interrogatorio (1851), Inventario (1855), Dirección General de Agricultura, Industria y Comercio (1859), Dirección General de Agricultura, Industria y Comercio (1864), Dirección General de Propiedades y Derechos del Estado (1897), Dirección General de Agricultura, Industria y Comercio (1901) and Planes de Aprovechamientos Forestales (1873-1925: Estados de 1925).

As to tree species, the analysis of the data from the local inventories shows the importance of native Mediterranean forest flora. Oaks and cork trees in the high forest, and arum, thyme, heather, broom, wild olive and lentisc in the scrubland represented almost 75% of the forest surface of municipal property. They are xerophilous species, perfectly adapted to the aridity and irregularity of the Mediterranean climate and to the fragility and barrenness of the brownish southern soils, which explains why they are disseminated in almost all Extremaduran counties. The common oak, however, in spite of its significant contribution to the regional total, is in fact only documented in the northern and north-eastern zone of Cáceres and the southern zone of Badajoz, coinciding with the region's wettest and most mountainous terrain. A similar distribution is found for the pine, chestnut, gall oak, alder, ash and poplar, although none of these species by themselves account for more than 1% of the assessed area. A larger proportion of the forestry surface is composed of areas in which tress and bushes have been largely eliminated in favour of extensive livestock farming. This type of terrain, characterised by a growth of cereals, pulses and some oak species, appears throughout the region, but is more often found in those counties where plains predominate.

The importance of treeless areas in the region and the frequency with which the authorities use the descriptions "little growth" or "very little growth" referring to municipal woodlands is proof of man's intervention in the native woodlands of the region. By the middle of the 19<sup>th</sup> century, a large proportion of woodland patrimony in Extremadura consisted of areas already partly given over to pasture (*dehesa*). This aspect is fundamental to

the understanding of the special circumstances in which the privatisation process of common woods takes place in such region.

The Extremaduran 'dehesa' is exploited in three distinct facets: animal husbandry, forestry and agriculture. It is above all the singular and masterful adaptation of a rural population to the hostile conditions of its natural environment. Human intervention consists of gaining pasture and, in due time, arable land from densely forested areas. Through periodic burning of brushwood and felling of trees, the impenetrable woodland begins to acquire a polyvalent and alternative use. The great virtue of the traditional *dehesa* is precisely that it can offer an increased and triple exploitation, achieved with immaterial technical modifications and without endangering the Mediterranean ecosystem<sup>10</sup>.

In spite of ploughing and deforestations on municipal land since the end of the 15<sup>th</sup> century and, especially since the 18<sup>th</sup> century<sup>11</sup>, the system of mixed use continued to survive by the middle of the 19<sup>th</sup> century. The grasses of autumn and winter and the spring and summer pastures were consumed by both beasts of burden (oxen and mules) and breeding livestock (sheep and goats). From October to January, the authorities reserved those *dehesas* populated by oaks and cork trees for the pigs to feed on acorns shaken from the trees with rods. Subsequently, the villagers would prune and trim both trees and underwood in order to assure the production of acorn for the next season and to stock up on firewood for the next winter. Meanwhile, in years of insufficient rainfall, goats would supplement their diet with the tender branches of the different oak species. Between April and May, a part of the extracted wood was transformed into charcoal. In those commons which contained fully grown cork trees, every nine or ten years, from June to August, the bark would be stripped from the trees. The inner part of the bark, imbued with a high content of tannin, served the local leather industry as a tanning agent. The outer part, the cork proper, apart from domestic uses (wall and floor covering, receptacles, decoration), served to construct beehives and was of course sold to the bottle cork industry. On those surfaces most suited to agricultural use, the villagers would sow winter and spring cereals (corn, barley and oats), with fallow periods of between four and fifteen years. Once the crop had been harvested, the fields would be cleaned by all classes of livestock, which would also graze these plots in fallow periods. Moreover, the *dehesas* represented a tremendous resource in terms of wildlife to be hunted (hares, rabbits, partridge, boar, deer, roe-deer) and fished (trout, barbels, carp, eels, salmon), of mushrooms and medicinal plants to be gathered and of stone, sand and clay to be quarried.

The periods and duration of each of the customary rights of use was generally regulated by local ordinance, and thanks to the strength of custom and of oral transmission, perfectly understood by all the members of the community. The existence or more or less formalised moral codes did, of course, not guarantee the absence of conflict within the community, but, at the very least, it legitimised the complaints of its weakest members against the self-interested conduct of neighbours and strangers<sup>12</sup>. Nor did it assure the equitable distribution of the product of the commons in a region where internal differences had grown perceptibly since the middle of the 18<sup>th</sup> century, but it did guarantee to a certain extent the survival of those customs which contributed most strongly to the peasantry's income: fodder for animals of burden, small plots for cultivation, construction material, the necessary sustenance for pigs, charcoal and firewood, and the products of fishing and hunting. The recorded survival of these rights in the municipal woodlands of Extremadura up to the middle of the 19<sup>th</sup> century provides an essential explanation for the lack of uniformity in the

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<sup>10</sup> Martín (1966), Elena, Bureau & López (1980) and Campos (1984)

<sup>11</sup> Rodríguez (1985), Pereira (1990) and Linares (1998)

<sup>12</sup> This is another manifestation of the "moral economy of the crowd" defined by Thompson (1984: 62-134) in his brilliant work on the English peasantry of the 18<sup>th</sup> century.

subsequent privatisation and nationalisation process derived from the Disentailment Law of 1<sup>st</sup> May 1855.

### 3.2. *Community and market in the history of Extremaduran municipal property*

Since the end of the Middle Ages, the Extremaduran winter pastures began to be included in the seasonal cycle of Castilian transhumance, which accounted for the early mercantilisation of the pastures in woodland commons<sup>13</sup>. The expanding international demand for merino wool, the progressive growth of fiscal exaction and the steady increase of economic requirements of the corporations, centred on the natural pastures and ended by converting them into the principal source of income of Extremaduran municipalities. The corporations began to pact with the villagers in assembly the temporary conversion of some of the common surface from free to onerous utilisation and concluded by approving though decree the permanent conversion of gratuitous *comunes* to onerous *propios*, at times passing through the legal figure of the *arbitrio*<sup>14</sup>.

This triple process –decommunalisation, municipalisation and mercantilisation of the common winter pastures– coincided, since the 1750s, with the emergence of new interests in the utilisation of municipal lands. As in other areas of the country, during the 18<sup>th</sup> century, the Extremaduran population grew perceptibly faster than regional agrarian production. The difference between supply and demand of food provoked a general increase in prices which affected grain products far more than meat and other livestock products. The relatively improved price position of grain against meat and wool raised the leases of arable land and encouraged putting more pasture surfaces under the plough. The new incentives to reduce the common areas dedicated to rearing livestock converted the municipal *dehesas* into a target for small and large farmers. But they were not the only ones to claim rights of usage of the municipal lands: added to the traditional rights of transhumant merino breeders, there arose a new class of livestock breeder who reared merino sheep locally all year round and who now sought access to *dehesa* lands<sup>15</sup>.

If the tense equilibrium between the different interests implicated in the exploitation of the municipal *dehesas* was maintained until the beginning of the 19<sup>th</sup> century, without any need to recourse to privatisation, the downfall of the *ancien régime* and the crisis of the Castilian transhumance between 1800 and 1830 caused old restrictions regarding the definitive alienation of municipal patrimony to be forgotten and placed in the hands of the local corporations the final decision concerning the future of those lands<sup>16</sup>. As a result, on the one hand, thousands of hectares were sold to local landowners and, on the other, vast stretches of *dehesa* pasture were put under the plough by small and medium farmers in the first third of the last century<sup>17</sup>. The most important characteristic of this twofold process – outright property transfer and individualisation of utilisation rights– was that it parted from local initiative and preceded the establishment of the liberal régime. Only once the process was consummated, did the central administration attempt to sanction it by law and to integrate it into its political programme: the consecration of private property rights and one of many attempts to solve growing public treasury problems<sup>18</sup>.

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<sup>13</sup> For an overview of the Castilian transhumance (the seasonal migration of merino sheep herds from Castilian plateau to the plains of Extremadura), see Klein (1936), Pastor (1973) and Ruiz & García (1998).

<sup>14</sup> See Melón (1989), Pereira (1990), Rodríguez (1990), Pérez (1993) and Linares (1995).

<sup>15</sup> See, among others, Llopis (1982), García (1985) and Sánchez (1988).

<sup>16</sup> See Llopis (1982) and García (1985).

<sup>17</sup> See Zulueta (1975), Fuentes (1993), Llopis (1985) and Linares (1998).

<sup>18</sup> Extremadura was not an isolated case in Spain. See Alonso (1986), Fontana & Garrabou (1986), Torre (1991) and Otaegui (1991).

In spite of the consolidation of liberalism, the penetration of the market economy in the rural world, and, more specifically, in municipal patrimony in Extremadura, did not always follow the principles laid out by liberal agrarian reform. In fact, in the twenty year period from around 1835, when Isabeline legislation had enabled local corporations to sell municipal patrimony, less surface was privatised than during the Peninsular War at the beginning of the century, when there was no legal basis for the transfer of municipal terrain<sup>19</sup>. Provincial authorities even saw themselves obliged to intervene, repeatedly exhorting the local corporations to draw up the registers foreseen by legislation<sup>20</sup>.

It is difficult to corroborate fully why, from 1835 to 1855, the forces supporting privatisation did not exploit the possibilities afforded by the law. Clearly, the answer must be closely related with the beginning of Church property disentailment and with the temporary consensus subsisting between cattle barons and smallholders during the period. It must be noted that between 1836 and 1855, the confiscation and ensuing alienation of Church property resulted in 170,000 hectares entering private hands in Extremadura. The greater part of this surface consisted, without a doubt, of pastures and arable lands<sup>21</sup>. Given the greater profitability of this type of land compared to municipal woodland it seems reasonable to deduce that it was much more attractive to buy Church land at market prices than common land at political prices. Additionally, it must be remembered that the progressive monopolisation of municipal power by the local landowners during the *ancien régime* reached its zenith in the 1830s, when electoral legislation handed control over the town halls to the major taxpayers of each community. This authority enabled the landowners to manipulate and even freeze municipal pasture leases which affected their production costs. As central legislation, moreover, had set no significant deadlines for municipal privatisation, it is quite possible that the local agrarian oligarchies used this period to invest in Church lands, while waiting for a more opportune moment to assume ownership of municipal *dehesas* at an advantageous price<sup>22</sup>.

This last assumption does not invalidate the idea of the consensus between large cattle ranchers and small farmers. Archive sources for the period 1836-1855 show clearly that the traditional tension between livestock owners and farmers had abated to a certain degree. To an extent, this is related to the entry of Church lands into the market, but, in the main, it demonstrates the capacity of the Extremaduran *dehesa* system to absorb the pressure of the distinct utilisation of tillers and livestock breeders without requiring one to reduce use at the expense of the other. Of course, there are physical limits to expansion, but these appear not to have been reached or, much less, surpassed, in the 1830s. In reality, the archives present a period in which the most conflictive adjudications of common rights take place pacifically: the documents available show annual rentals of tillable land to a large number of small farmers in return for a modest sum and of pasture to a reduced number of livestock breeders for equally modest amounts. This social equilibrium did not exclude the needier parts of the population: those gratuitous common rights of importance for the survival of the poorest peasants continue to be very present. This is indicated by the comprehensive regulations issued every year governing access of beasts of burden to their own reserved pastures, by continuous reminders to the community to make use of the acorns rights to feed their pigs, or

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<sup>19</sup> For the province of Badajoz, see Fuentes (1993).

<sup>20</sup> Circumstances were different in other parts of Southern Spain, as recently shown by Jiménez (1996).

<sup>21</sup> These data are taken from García (1994) and Naranjo (1997).

<sup>22</sup> It was, in fact, the major landowners who most benefited from the sale of the 170,000 hectares between 1836 and 1855. See García (1994) and Naranjo (1997).

by the multiple references to the exercise of such rights as charcoal making, hunting, fishing, plant gathering or quarrying.

By the middle of the 19<sup>th</sup> century, therefore, before disentanglement was enacted, the situation of Extremaduran municipal patrimony does not conform with an idyllic image of primitive communism, nor with the egotistic representation of individualism, nor with the confrontational notion of Marxist class warfare<sup>23</sup>. The market had penetrated the traditional common rights system in several ways: the assignation of winter pasture rights to individuals, the outright privatisation of many entire properties and the transfer of tillage rights for cultivable areas. The mercantilisation of an important part of municipal patrimony did, however, not imply the disappearance of traditional, collective utilisation in both agricultural and silvicultural terms. The physical flexibility of the *dehesa system*, the respect for custom and the consensus between the users had permitted the integration of individualising and collective tendencies without state intervention. Up to what point could this equilibrium be maintained?

#### **4. The redefinition of property rights (1855-1875)**

##### *4.1. From municipal property to public property*

At the beginning of February 1855, the Minister of Finance, Pascual Madoz, presented a bill to the Parliament which would later be approved, without many modifications, as the General Law of Disentanglement of 1<sup>st</sup> May 1855. The draft foresaw, on the one hand, the public auction of those Church assets which had not yet been transferred (following the disentanglement of Church property in 1836) and, on the other hand, the sale of municipal property. This marked the culmination of a long and fragmented privatisation process, in which, as pointed out earlier, the liberal State by no means always played the determining role. It was perhaps due to this that the new project, much more radical than any presented before, met with resistance from all sectors of Spanish society<sup>24</sup>.

In Extremadura, as in many other parts of the country, the initial protest against the project was articulated through the municipal corporations themselves. Few weeks after becoming aware of Pascual Madoz's plan to cover the chronic deficit of Spain's central finances, numerous towns in Southwestern Spain began to send deputations to the Parliament to lay out their own ideas of how *propios*, *arbitrios* and *comunes* should be contemplated in future disentanglement legislation. The more radical corporations demanded the outright rejection of the bill, arguing that municipal patrimony represented the private property of every community and could not, therefore, be nationalised or sold by the State. Other less resolute municipalities chose not to indict the legal principles of privatisation, limiting themselves to petitions for the exemption of those holdings which were necessary to support local livestock rearing and animal husbandry. The majority of the deputations, however, while opposing the idea of public auction, advocated the distribution of land to resident families by means of emphyteutic leaseholds or leaseholds with a predetermined right to acquire the freehold. Only a very reduced number of communities expressed their full support

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<sup>23</sup> See Sala (1998: 10-33)

<sup>24</sup> For an overview of the debate provoked in Spanish society by the disentanglement bill, see Jarque (1972) and Fernández (1986).

of the bill submitted by the Minister of Finance in February 1855<sup>25</sup>.

The reaction of the Extremaduran countryside to the imminent nationalisation of municipal patrimony did not only express itself by means of direct deputations to the Cortes. During the parliamentary debates, the members representing the region took up the local cause and attempted to sway the chamber by a discourse founded on paternalism towards the less privileged members of rural society. The argument that the low profitability of municipal patrimony was directly attributable to the corporations' poor management was contested by the Extremaduran parliamentary members who counterclaimed that low monetary income was the result of sensible moderation in charging for common rights utilisation. They argued that, in the case of common land, it was precisely the gratuity of use which guaranteed the day to day subsistence of the poorest peasants. In the case of onerous utilisation, the low rents charged helped to secure the region's cattle rearing activity. From this perspective, they reasoned, the social function of municipal patrimony should have priority over any fiscal function linked to local income and that, in consequence, the Spanish parliament should reject Pascual Madoz's proposal<sup>26</sup>.

From my point of view, the arguments employed by the region's parliamentary members on behalf of the local corporations were based on irrefutable realities. While I question whether the real concern of either of the two parties was in truth the fate of the weakest members of the Extremaduran peasantry, it has to be noted that their true motivation was in no way detrimental to the greater mass of their constituents at that point. The interests driving the struggle against disentanglement did not necessarily coincide with those of the community so often invoked in the arguments employed. Hence, the reduced number of corporations which protested against the concept of disentanglement itself, a not surprising circumstance given the diverse privatisation processes in Extremaduran municipal property which predate Madoz's liberal project.

The object of parliamentary protest was, in my opinion, not so much privatisation itself but, much rather, the model of privatisation planned by the Finance Ministry. According to this model, the transfer of property was to be effected by means of simultaneous public auctions held both in the locality of the property to be sold and in the nation's capital: Madrid. The bill did not foresee any preferred right of acquisition for the former users of the property, so that the projected alienation was open to competitive bids from anywhere. This fact probably alarmed the local Extremaduran oligarchy more than any other: the possibility of losing control over the privatisation process to outside competitors at a time when many of them had invested heavily in disentailed Church lands between 1836 and 1855.

The oligarchy to which I refer, consisting of large owners of land and cattle, wielded a considerable amount of power locally, but when compared to similar groups in the rest of Spain, represented but a middle class with fairly low level of capital and income<sup>27</sup>. Throughout all the privatisation schemes of the first third of the 19<sup>th</sup> century, the main interest and focus of Extremaduran landowners had been the legal recognition of a pre-emptive right to the municipal land to be privatised for neighbours and common right users. Madoz's project, however, opened the door to the auctions to all and any interested parties, most especially to the flourishing bourgeoisie of the nation's capital. It is therefore not surprising to find among the reasons purported by local Extremaduran institutions against the enactment of the bill the fear that "mighty capitalists and bankers will unite to exploit villages and

<sup>25</sup> Diario de Sesiones (1880: 2,290; 2,474; 2,526; 2,605; 2,842; 3,167; 3,214; 3,242; 3,274; 3,504, 3,638; 3,781; 3,810; 3,837; 3,934 and 3,994)

<sup>26</sup> Diario de Sesiones (1880: 3,250-3,294)

<sup>27</sup> For a comparison to other regions, specifically Navarra, see Iriarte (1996a)

peasantry<sup>28</sup>.

The fact that local landowners had reason to protest against the State's privatisation scheme does by no means imply that the poorer members of society resigned themselves to its implementation<sup>29</sup>. As some authors have shown, the inequitable use of municipal property, derived from differences in individual wealth and the control over municipal institutions, did not necessarily hinder a coincidence of interests between different users. The large cattle owners were, without a doubt, the greatest beneficiaries, in absolute terms, of the production of municipal lands, but, in relative terms, the peasants' rights to the use of common pastures were just as important<sup>30</sup>.

But it is a different matter whether this certain coincidence of interests also led to a coincidence of action. In this sense, the Extremaduran experience of the fight against State interference shows clearly that each of the implicated groups developed its own, particular, form of resistance. In the first phase, corresponding to the parliamentary debate of Madoz's draft bill, the protest was mainly directed at the behest of the large landowners, by means of deputations and parliamentary speeches. Without disagreeing with the concept of privatisation, the protest concentrated on the State's imminent intervention in the process. Subsequently, once the bill had been enacted and the foreseen privatisation of properties initiated, resistance took on an entirely different approach. Given that it became patent that the large landowners were willing to play an active role in the auctions, it is the weaker members of society who now react and take the reins of opposition. This phase is dominated by a mixture of low-risk individual actions<sup>31</sup> (moving of boundary markers, illegal entry of cattle, theft of crops, laying fires, threats, rumours) and of organised collective tactics (occupation of properties, massive ploughing, toppling of fences, insurgencies, attacks against local authorities, threats to new owners). This type of popular action begins to play a major part in Extremadura only after the fall of the Isabeline monarchy in 1868.

Meanwhile, Spanish forestry engineers made their influence felt for the first time and propagate the principles of European forestry based on the theories developed by the Forestry Academy of Tharandt (Saxony) and its founder, Heinrich von Cotta. The pioneers of forestry in Spain more or less successfully incorporated the two main axioms of Cotta's teachings into the government's strategy in this area: the requirement for the State to assume directly the management of the wood producing high forests and to regulate and control the exploitation of all other woodland areas through a corps of specialised engineers<sup>32</sup>. Unexpectedly, this combination of State intervention and conservationism quickly gained a foothold in national politics and determined the process of redefining property rights. Moreover, from then on, many of the debates in regard to privatisation were directly linked to the difficulty of bundling both liberalisation and State control into the same legislative package.

Initially, the Law of 1<sup>st</sup> May 1855 attempted to solve the problem by exempting from general disentanglement those woodlands which the State did not consider appropriate for alienation. At the same time, heeding the request of the corporations, the privatisation of common use lands was excluded and, a few months later, the *dehesas* reserved for beats of burden. These measures, added to the proposal to enact hypothecary legislation to guarantee

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<sup>28</sup> Barrantes (1875: 487)

<sup>29</sup> Bernal (1978)

<sup>30</sup> Sala (1997)

<sup>31</sup> See Thompson (1975) and Scott (1985).

<sup>32</sup> On the introduction of European Public Forestry to Spain, see Gómez (1992), Jiménez (1991) and Casals (1996).

the private property rights of the new owners, officially inaugurated the beginning of the redefinition of property rights in Spain. For the next ten years, the liberal governments' legislative activity concentrated on defining the criteria which any property, originally excluded from the provisions of the Disentailment Act, had to fulfil.

With respect to lands of common use, the act charged the corporations with the drawing up of exemptions, instructing the provincial delegations of the Finance Ministry to approve the same. The corporations had to present property titles of those estates they wished to exempt and, furthermore, prove that their utilisation had been gratuitous since 1835. These requirements often became insurmountable obstacles for many Extremaduran communities: firstly, because as in many parts of the world, very few villages in the region were able to prove property through more than custom; secondly, because, as documented above, the multiple produce of *dehesa* land had allowed the corporations to particularise some of the uses while keeping others common and gratuitous. The difficulty, therefore, of adhering strictly to the act's demands gave the Ministry ample opportunity to reject many of the petitions for exemption presented by Extremaduran villages.

It was a little easier, in theory, to obtain the exemption for pastures for beasts of burden as, in this case, the villages were not required to prove title nor the gratuity of use. The only evidence required was that of the need for the requested lands, which was obtained through a census of animals. This allowed villages to obtain exemption for land previously leased out, even though the limit of demonstrated need still applied. In reality, many of the problems associated with the exemptions for this type of exploitations were founded on the difference in criteria between the corporations and the provincial Finance Ministry delegates concerning the amount of land need to maintain the villagers' animals.

As to the woodlands the government wished to exclude from the general disentailment, the criteria applied for exemption were not uniform in the years following the enactment. The first attempts at classification were based on the consideration of the beneficial influence of forest surfaces on the environment. It would have been appropriate to determine the protective function of each individual wooded surface, but, under the pressure of time and circumstances, the forestry engineers resorted to a more generic and indirect classification by dominant species. This procedure was based on the not entirely correct assumption that the protective function of a forest was conditioned by altitude and that altitude itself determined the species that could grow there. Following these tenets, the experts initially classified three types of woodland: to be exempted (fir, pine, Spanish fir, juniper, lime, beech, chestnut, hazel, birch, alder, holly, common oak, gall oak and viburnum); possibly to be alienated (holm oak, cork tree, and kermes oak); and woodlands to be privatised (ash, poplar, knotgrass, wild olive, terebinth, lentisc, broom, heather, arum, thyme and boxtree). According with this cataloguing there was hope for the Mediterranean ecosystem and, therefore, for Extremaduran *dehesa*. In fact, the General Classification of Public Forests of 1859 exempted a substantial percentage of the municipal surface populated by holm oak, cork trees, broom, arum and thyme from disentailment<sup>33</sup>.

Very soon, however, the budgetary necessities of the State substantially curtailed the conservationist tendencies of Spanish forestry engineers. To satisfy the demands of the Treasury, the government disposed in 1862 that only forest property of more than 100 hectares, populated with pine, common oak, or beech would be exempt from disentailment. This new twist implied a blow for Mediterranean vegetation and a notable reduction in the woodland resources of Extremaduran villages. It suffices to mention that, according to the Catalogue of Public Forests Excluded from Disentailment of 1864, the surface legally exempt

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<sup>33</sup> Dirección General de Agricultura, Industria y Comercio (1859)

from alienation according to the new criteria (minimum extension + dominant species) only represented 7.1% of Extremadura's municipal patrimony of 1855<sup>34</sup>.

The restrictions imposed on the protective function of woods in the mid sixties inaugurated the legal process of the redefinition of property rights. Following the Disentailment Act, and under the influence of liberal doctrine, the *proprios*, *arbitrios* and *comunes* began to be defined and treated in legal practice as public or state property. This conceptual *volte-face* legitimised the State's intervention in those municipal assets which had been exempted from disentailment. Legislation had established two distinct categories for the latter: forests exempted for ecological reasons (more than 100 hectare surface with pine, common oak, or beech) and forests exempted for socio-economic reasons (common use lands and *dehesas* reserved for beasts of burden). While the corporations retained administrative competence over one and the other, technical competence (conservation and utilisation) was assigned to the forest engineers of the Development Ministry. For lands of common utilisation and the *dehesas* reserved for beasts of burden, however, the Finance Ministry was responsible for the approval of exemption proposals. Those municipal lands which had not been exempted for ecological or socio-economic reasons proceeded to be considered as public assets which could be alienated. Once auctioned off to the highest bidder, these lands had to be inscribed by the purchaser in the Register of Property, newly established by the Hypothecary Law of 2<sup>nd</sup> February 1861. Initially, the technical control of such properties, similarly to the exempted municipal woods, was to be exercised by the Development Ministry's engineers, a solution which led to numerous conflict of competence in the last third of the 19<sup>th</sup> century in all of Spain.

#### 4.2. From indiscriminate privatisation to widespread resistance (1865-1875)

A Royal Decree of 17 May 1865 approved the regulations for the supervision of exploitations in Spanish public woodlands. It disposed that the Development Ministry engineers posted in each province should conscientiously study the exploitation proposals presented by each municipality and, based on them, produce a provisional utilisation plan which included the following year's targeted production and the previous year's real output. The underlying objective was not only to adapt the traditional uses of woodlands to the rationality of scientific forestry, but also to convert the free and gratuitous uses into restricted and onerous rights by means of auction. Equally, the State attempted through this technical ordinance to impose, for the first time, the collection of taxes on the production of public woods in order to pay the costs of the forestry administration itself. However, it was unclear whether the villages were prepared to simply renounce their customary rights of utilisation, especially when, around 1865, the sales of former municipal patrimony had reached very substantial volumes.

For some authors, the period following the regulation of forestry uses was one of the most terrible in ecological terms in the history of Spanish forestry. The "triumph of the predators" coincided with the democratic upheaval and the penury of the public treasury, opening the way for a process of over-exploitation in which Spanish public woodland was seen exclusively as a source of income<sup>35</sup>. The Extremaduran region was no exception to this

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<sup>34</sup> Dirección General de Agricultura, Industria y Comercio (1864)

<sup>35</sup> See, among others, Bauer (1980), Sanz (1986a) and Jiménez (1991)

destructive process as can be seen in the comments of the engineers stationed in the region in the provisional utilisation plans. According to them, the provincial Finance Ministry delegates ignored both the forestry engineers' recommendations as well as the legal dispositions of disentailment and sold off numerous forest properties which had been legally exempted<sup>36</sup>.

But the Finance Ministry's greed was not alone responsible for diminishing Extremadura's municipal forest wealth. On the one hand, it has to be noted, that in order to sell a property, once it had been nationalised, an individual had to formally petition for an auction to be held. In this sense, the provincial finance delegations sometimes acted as instruments of privatisation supporters in the rural communities. On the other hand, the aggressive acquisitions of disentaile lands by the region's country oligarchy were corresponded by actions undertaken against exempted municipal property by the poorest strata of peasant society which were qualified as criminal by liberal legislation and the forestry corps. Some of this behaviour can be qualified as simple resistance in the defence of traditional rights. In other cases, however, the abolishment of collective usage, coupled with the outright sale of lands, put such pressure on the remaining properties of common use that their very sustainability was put in question. This is well documented by the reports of uncontrolled felling, laying of fire, illegal ploughing and overgrazing so often found in forestry statistics of the period<sup>37</sup>.

It appears clear that the common interest of poor and rich in defence of common usage rights began to dissolve between 1865 and 1875. No doubt this was fuelled by the fact that the local oligarchies, who had protested Pascual Madoz's bill in 1855, were subsequently the first to petition the auction of nationalised woods once the bill had been enacted. The respective positions became more radicalised in the climate of civil liberties produced by the triumph of the revolution of 1868 and proclamation of the First Republic in 1873. As a result, alongside popular actions against exempted lands, there appeared a new manifestation of the peasantry's dissatisfaction: attacks, whether collective or individual, against privatised properties, their new owners and against the official organisms which had brought about the change. Documentary evidence of the time speaks of actions which are unusual for the region in their savagery – not only do we find the more usual forms of protest such as setting fire to common pastures, felling of trees, massive theft of produce, putting cattle to pasture in privatised lands, threats to the new landowners, destruction of fences and invasions of property, but we also see more political actions such as the distribution of former municipal land to the poorest villagers. This period coincided with the beginnings of a strong movement in Extremadura associated to the I International<sup>38</sup>.

The widespread participation of the dispossessed in the unrest obviously represented the more dramatic facet of the struggle against disentailment, but, meanwhile the legal effort continued. As before, Extremaduran corporations sent deputations to the Cortes and were defended in parliamentary debate by their local members. In both cases, the objective was the invalidation of previous alienations, the partial or total termination of the privatisation process and the gratuitous adjudication of free utilisation in the former *proprios*, *arbitrios* and *comunales*. The principal focus for all parties involved, though, was the favourable resolution of petitions by the Extremaduran communities for exemption from the privatisation process of properties for free use and for pasture of working animals<sup>39</sup>.

Judging by the research available, many Extremaduran corporations requested

<sup>36</sup> Planes de Aprovechamientos Forestales (1873-1925: Memorias de 1873, 1874, 1875 and 1876)

<sup>37</sup> Dirección General de Agricultura, Industria y Comercio (1866-1887) and Zapata (1986)

<sup>38</sup> See García, Sánchez & Merinero (1985) and Sánchez (1992).

<sup>39</sup> Diario de Sesiones (1870: 566; 816; 817; 1,553; 2,534; 1,440; 3,420; 3,757; 5,083; 6,116; 7,216 and 8,248) and Diario de Sesiones (1874: 391; 561; 562; 575; 668; 682; 796; 943; 1,023; 1,106; 1,109; 1,949 and 2,011).

exemptions for communal property, but the provincial finance delegations very seldom granted either the extension or the properties they had originally demanded. While the corporations based their case on the necessity of feeding beasts of burden and on the gratuity of usage, since time immemorial, of the specified properties, the fiscal authorities almost always found weighty reasons, based on current legislation, to at least partially reject the petitions: often the principal justification advanced to limit or reject a proposal was that the extension requested was not commensurate with the number of local cattle; in other instances, the grounds for rejection were that the specified extension had already been exempted on ecological grounds (minimum extension + dominant species). But the most common pretexts used by the fiscal administrators to reject petitions for exemption were the lack of valid title to prove communal property and the fact that the solicited terrain had not been freely utilised since 1835 (one of the prerequisites mandated by legislation)<sup>40</sup>.

As explained above, it was difficult for the Extremaduran villagers to provide documentary evidence for collectively utilised lands. Use and immemorial custom were the only titles which had guaranteed collective possession until liberal legislation invented the register of property. And what was the point of demonstrating a condition which was promptly negated by the disentailment law on converting *proprios*, *arbitrios* and *comunales* into transferable or, at best, public property? Moreover, Spanish government policy of the time was highly contradictory as, aside from the question of title, it also imposed proven gratuitous use (both since 1835 and henceforth) as a *sine qua non* condition. Contradictory, because it expected the municipality to finance its own public services (administration, education, healthcare, public works) without endowing it with the necessary budgets, and at the same time, denying it, for the moment, the possibility of collecting rents for the use of its terrain<sup>41</sup>.

As in many other regions of the country, the Extremaduran villages rose to the challenge and discovered means to avoid the alienation of some woodlands of common use. Given the ample extension of the area and the dearth of personnel charged with forestry supervision in the provinces of Badajoz and Cáceres, it was not too difficult to hide the very existence of certain properties from the representatives of the central administration. This is attested by the engineers stationed in Extremadura in the last third of the 19<sup>th</sup> century when they remark on the insertion of certain hitherto unmentioned woods into the yearly forestry production plan<sup>42</sup>. This represented, without doubt, another form of extra-legal resistance, in which the local corporations played a crucial role. But note that not all Extremaduran corporations consistently maintained such a combative attitude against the dissolution of traditional practices. Some town halls, after having requested and obtained the legal exemption of common use properties, promptly requested the provincial finance delegation to auction off those properties<sup>43</sup>. In this sense, I reiterate that the institutions charged with the execution of the disentailment process were not so much autonomous entities capable of imposing privatisation as instruments which channelled the various tendencies (individualist and collective) already extant in the rural world.

## **5. State intervention in Extremaduran woodlands (1875-1924)**

### *5.1. Forestry science and popular resilience*

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<sup>40</sup> See García (1986).

<sup>41</sup> Concerning this subject, see García & Comín (1995).

<sup>42</sup> Planes de Aprovechamientos Forestales (1873-1925)

<sup>43</sup> Planes de Aprovechamientos Forestales (1873-1925: Memorias de 1874, 1875 and 1876)

From around 1875, the privatisation process initiated by the Disentailment Act of 1<sup>st</sup> May 1855 acquired a new direction. Alienation of property decreased, and State intervention increasingly concentrated on the technical aspects of “normalising” woodland production on municipal property. The restoration of the monarchy and the consolidation of an oligarchic régime (caciquism), characterised by control of electoral system and the contention of dissent, assured the local land-owning classes secure tenure of the disentaile lands and command over the local labour markets. Popular protest and unrest was quelled by the deployment, in 1876, of the governmental *guardia civil*, a billeted rural police force ascribed to the army, for both regular countryside and forest guard duty, to supplement the existing *guardería rural*, the civilian corps maintained by each community. The various workers’ movements, which had sprung up during the democratic period of 1868-73, survived undercover for some time, but the régime’s repression and control led to a political demobilisation and, consequently, no further worker’s associations emerged. In their absence, the protest against disentanglement measures was largely effected by individuals and focused on the forest lands controlled by the State engineers.

In Extremadura, one of the Spanish regions where caciquism was most widespread, a decline in alienation of municipal property from 1875 onwards was accompanied by a sharp increase in the sale of wood and felling rights, in spite of the constant reproach of the Development Ministry engineers noted in the forestry production plans for Badajoz and Cáceres. Generally, this refers to the consolidation of different usage rights, which had, up to then, been shared between the neighbours of one or more villages and various individuals. The engineers reacted to these incidents, many of them technically illegal, by blaming the Extremaduran villages for their passivity. In their opinion, the local corporations did not denounce the partitioning of municipal property, at times because of mistrust of the judicial system and, at others, because they were directed by the oligarchies, interested in buying at a low price through “well known procedures which have become notorious”<sup>44</sup>.

While not differing with the analysis of the forestry engineers, I would doubt that passivity accurately characterises the Extremaduran villages’ attitude of the time. On the contrary, as in many other parts of the country, the reaction to the engineers’ attempt to rationalise the forestry production of the former *propios*, *arbitrios* and *comunales* continually met, in spite of tendencies towards privatisation, with the spirited resistance of those unwilling to lose entirely the communal rights acquired through the ages. The fact that this resistance was no longer violent or marked by civil unrest as in former years did not signify that the rural communities had finally submitted to the privatisation process<sup>45</sup>.

One of the most frequent practices employed by Extremaduran villagers to avoid submission to the control of the district forestry engineers was not to send them their annual exploitation proposal as stipulated by the 1865 directive. The indifference and neglect toward official requirements by the corporations is one of the most frequently cited reasons offered by the engineers to explain the difference between forecast and real woodland production (Table 4). Firstly because, given the supposed apathy of the municipalities, the production plans, especially until the beginning of the 20<sup>th</sup> century, did not represent more than ‘wish lists’ based on forestry theory. Secondly, because even when the villages handed in their proposals, the local execution of them hardly ever conformed to the principles and conditions dictated by the engineers.

Another manifestation of resistance against State intervention was the refusal of the

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<sup>44</sup> Planes de Aprovechamientos Forestales (1873-1925: Memorias de 1880-1890)

<sup>45</sup> For others Spanish regions, see Sabio (1992), Manuel (1994), Sala (1994) and Bonales (1997).

villagers to pay the taxes imposed by the central administration on the use of that land which had not been disentaied. From 1877, 10% of the total production value of Spanish public woods was destined to pay for reforestation and improvements. In principle, nobody could engage in land utilisation without a certificate accrediting the payment of this tax to the local forestry administration. The policing organs (*guardia rural* and *guardia civil*) were supposed to impede the exercise of any usage right without the corresponding certification and to heavily fine any infraction detected. The forestry budgets, however, confirm that not only did hardly anybody pay tax, but also that very few fines were ever levied. Only in the 1890s does the payment of the annual 10% tax become more regular, although it remains unclear whether this is due to improved enforcement methods or because owners of usage rights began to view the possession of the correct accreditation as a guarantee to exclude unauthorised users.

Table 2  
**Forest Area of Municipal Patrimony in Extremadura in 1900**

| Dominant Species | Badajoz Province |       | Cáceres Province |       | Extremadura (Region) |       |
|------------------|------------------|-------|------------------|-------|----------------------|-------|
|                  | Hectares         | %     | Hectares         | %     | Hectares             | %     |
| Holm Oak         | 72,694           | 62.7  | 43,632           | 28.4  | 116,326              | 43.1  |
| Cork Tree        | 335              | 0.3   | 4,907            | 3.2   | 5,242                | 1.9   |
| Common Oak       | 32,711           | 28.2  | 53,087           | 34.5  | 85,798               | 31.8  |
| Pine             | 0                | 0.0   | 5,332            | 3.5   | 5,332                | 2.0   |
| Others           | 0                | 0.0   | 457              | 0.3   | 457                  | 0.2   |
| Thicket          | 5,946            | 5.1   | 39,654           | 25.8  | 45,600               | 16.9  |
| Without Trees    | 4,008            | 3.5   | 5,107            | 3.3   | 9,115                | 3.4   |
| Unknown          | 250              | 0.2   | 1,544            | 1.0   | 1,794                | 0.7   |
| Total            | 115,944          | 100.0 | 153,720          | 100.0 | 269,664              | 100.0 |

SOURCES: Dirección General de Propiedades y Derechos del Estado (1897), Dirección General de Agricultura, Industria y Comercio (1901) and Planes de Aprovechamientos Forestales (1873-1925: Estados de 1925).

The 1890's also mark the beginning of regular auctions of utilisation rights of public forest land. Up to that point, the engineers had not really overcome, with any lasting success, the Extremaduran villagers' innumerable displays of opposition. Liberal governments had, since 1865, gradually tried to increase the value of auctioned exploitation and decrease the value of products from free rights of use, in order to augment the cash income from public woodlands and increase tax generation from forest produce. But, in practice, it was not easy to impose the free market. However far the forest engineers lowered the reserve prices at auctions in order to find bidders, the villagers would agree among themselves not to bid at all so that they could continue exploiting the property according to their own rules. The absence of bidders at the annual auctions to adjudicate grazing or produce rights is frequently mentioned in the forest engineers' dispatches. Only when, in the last decade of the century, Development Ministry officials combined the rights *invernadero* (winter pasture) and *montanera* (acorns for fodder) and also proceeded to award them to the highest bidders for longer periods of three or four years, did the auctions begin to gain a certain level of

acceptance with the local population<sup>46</sup>.

But still, the system of adjudication to the highest bidder rarely guaranteed that the tenant would submit to the conditions established by the forestry engineers at the time of auction. Futile, for example, were the engineers' attempts to limit the number of cattle entering municipal woods – the villagers consistently introduced more than had been agreed at auction. This resistance against the principles of forestry science was especially relevant in the case of goats, which were seen as declared enemy of the forest by engineers of the time. The Extremaduran villages paid no heed to the recommendations of the Development Ministry officials and continually increased the number of goats held on still non-disentailed *propios*, *arbitrios* and *comunales* woodland. In this case the market proved much stronger than the State. The reason could lie in the fact that the traditional communities were perhaps more averse to the interference of the State than to the system of demand and supply itself.

The force of custom became apparent to the engineers stationed in Extremadura shortly after the forestry service became functional. Educated in the tenets of German forestry tradition at the *Escuela Especial de Montes*<sup>47</sup> and clearly influenced by direct contact with Central European forest exploitation, the newly stationed engineers had to first overcome their disappointment on being faced with the totally different Mediterranean biotope. As they researched their new surroundings, they grew aware that the traditional multiple usage practices of the Extremaduran *dehesa* showed up the disparity between their own rationality based on science and the local rationality based on experience. Over time, the engineers, without renouncing the teachings of the *Escuela Especial de Montes*, began to bow to the weight of evidence regarding local practices, among them, for example, the possibility of tilling part of the forest surface. While, initially, the locally stationed engineers strongly objected to this custom, they concluded by defending the convenience of the custom to the country's forestry authorities. In this manner, the cleaning and ploughing of the *dehesas* ceased to be considered "atrocities" and became "improvements"<sup>48</sup>.

Similar changes of attitude can be observed with regard to game and firewood. In both cases, the engineers in Badajoz and Cáceres attempted to impose a system of public auction for these rights. But, in spite of the central administration's demands, they finally recognised the impossibility of regulating these rights of use. They had always been free for the local inhabitants and continued to be so after the arrival of the engineers. This typified the need to reconcile the ambitions of forestry and the interests of the rural community. Faced with the impossibility of abolishing certain local practices, the Development Ministry engineers had no option but to accept them in order to gain a minimal acceptance in the villages, and, above all, to avoid indiscriminate attacks on woodland property as retaliation to prohibitions<sup>49</sup>.

The creeping convergence between engineers and villagers in the last third of the 19<sup>th</sup> century does not, however, signify, that the villagers managed to neutralise the privatisation schemes and interventionist tendencies of the State: firstly, because the forestry administration did succeed in establishing the auction system for some usage rights which had previously been gratuitous; secondly, because the villagers, at times, gave more heed to the demands of market than to the requirements of the State; and, finally, because, apart from

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<sup>46</sup> For some historians, the imposition of the auction system to adjudicate forest utilisation rights was fundamental for the penetration and expansion of the market economy into the rural world. See Sanz (1986b) and Jiménez (1991).

<sup>47</sup> Founded in 1848 as a national forestry school and located in Villaviciosa de Odón (Madrid). The *Escuela's* teachings were so heavily based on German principles that German language study formed a compulsory part of the curriculum.

<sup>48</sup> Planes de Aprovechamientos Forestales (1873-1925: Memorias de 1875-1880)

<sup>49</sup> See, for example, Manuel (1994).

technical intervention in public forests, the woodland surface traditionally reserved for collective use was drastically reduced as a consequence of the disentailment process. According to my calculations, the woodland properties transferred to private owners between 1855 and 1900 represented no less than 75% of the wooded surface in municipal hands at the middle of the century (Table 2). All in all, therefore, one cannot speak of a victory of the peasantry against the State, but much rather note the rural communities' ability to adapt, with great flexibility, their reaction to the circumstances imposed by the central administration.

### 5.2. Other facets of the Extremaduran 'dehesa' (1900-1924)

At the end of the 19<sup>th</sup> century, the government introduced a substantial modification to the criteria for exemption from the Disentailment Act. The budget of 1896, apart from confirming the familiar exemptions for properties of common use and *dehesas* for beasts of burden, additionally considered exempt from disentailment a new class of woodland property: the *Montes de Utilidad Pública* (forests of public worth or value). Into this class fell those surfaces, which, because of their physical characteristics, should be protected or reforested in order to guarantee public health, water regulation, soil fixation and fertility. The restricted principle applied till then (minimum extension + dominant species) to determine legally which woods could not be alienated, was substituted by much more ample criteria which not only explicitly recognised the protective function of woodland surfaces but also the need to protect reforestable areas<sup>50</sup>. The newly catalogued forests of public worth passed under the control of the Development Ministry's engineers. All other woodland surfaces (lands of common use, *dehesas* for beast of burden and disentailed but still unsold properties) were placed under the authority of a new corps of engineers dependent on the Finance Ministry<sup>51</sup>

In essence, the technical experts of either ministry continued to depend on yearly plans as the instrument with which to exercise their technical supervision of the woods in their charge. Unfortunately, the reports written by the newly created Finance Ministry engineers in the first two decades of this century remain lost or mislaid. The only sources for the period to which we can turn are the Official Bulletins of the Provinces, which faithfully reflect the annual production forecast, but not the conditions or circumstances regarding the execution of those plans. These details would be crucial to ascertain the extent to which production plans were applied and to determine the evolution of privatisation in the last phase of disentailment, as, according to my calculations, between 1900 and 1925, the woodland surface of Extremaduran municipal patrimony had decreased by somewhat less than 16,000 hectares (Table 3). It is clear that the impetus to buy had waned since the mid 1870's, among other reasons, because the best forests had already been sold during the first decades after the Disentailment Act of 1855. Nevertheless, the few data available allow to conclude that, at the beginning of this century, individuals still continued to exercise their legal right to acquire former *propios*, *arbitrios* and *comunes*<sup>52</sup>.

This right was dealt a deathblow in 1917 when the government began to elaborate new regulations for the administration of municipal finances, suspending, on that account, the provisions of the Disentailment Act. In 1921, all woodland surfaces dependent on the Finance Ministry passed back to the Ministry of Development, but not for long. Three years later, the dictatorship of Primo de Rivera returned the management of all forest surfaces, exempt or not, to the local corporations. This was formalised by the Municipal Statute of 8<sup>th</sup> March 1924 which put an end to the process of property transfer opened by the General Law of

<sup>50</sup> See Jiménez (1991) and Manuel (1994).

<sup>51</sup> The Development Ministry's forests are listed in Dirección General de Agricultura, Industria y Comercio (1901) and those of the Finance Ministry in Dirección General de Propiedades y Derechos del Estado (1897).

<sup>52</sup> Similar patterns are observed in other parts of the country according to Jiménez (1991: 260).

Disentailment of 1<sup>st</sup> May 1855 by rescinding the disentailment measures and confirming the authority of the municipal owners with regard to the administration of the former *propios*, *arbitrios* and *comunales* woodlands. Thus were abolished the two mechanisms the State had applied to intervene in municipal patrimony: sale by public auction and technical supervision of production.

Table 3  
Forest Area of Municipal Patrimony in Extremadura in 1925

| Dominant Species | Badajoz Province |       | Cáceres Province |       | Extremadura (Region) |       |
|------------------|------------------|-------|------------------|-------|----------------------|-------|
|                  | Hectares         | %     | Hectares         | %     | Hectares             | %     |
| Holm Oak         | 69,633           | 65.9  | 40,795           | 27.6  | 110,428              | 43.5  |
| Cork Tree        | 335              | 0.3   | 4,907            | 3.3   | 5,242                | 2.1   |
| Common Oak       | 26,488           | 25.1  | 51,888           | 35.0  | 78,376               | 30.8  |
| Pine             | 0                | 0.0   | 4,978            | 3.4   | 4,978                | 2.0   |
| Others           | 0                | 0.0   | 457              | 0.3   | 457                  | 0.2   |
| Thicket          | 5,763            | 5.4   | 39,654           | 26.8  | 45,417               | 17.9  |
| Without Trees    | 3,279            | 3.1   | 4,657            | 3.1   | 7,936                | 3.1   |
| Unknown          | 250              | 0.2   | 764              | 0.5   | 1,014                | 0.4   |
| TOTAL            | 105,748          | 100.0 | 148,100          | 100.0 | 253,848              | 100.0 |

SOURCES: Planes de Aprovechamientos Forestales (1873-1925: Estados de 1925).

The information available from the forestry districts managed by the Development Ministry shows that, since the beginning of the century, the engineers' scientific principles had become increasingly compatible with the interest of the Extremaduran villagers. For one, the difference between forecast and real production no longer differed as dramatically as in previous decades (Table 4). For the other, in spite of the growing number of rights of use sold by auction (*ordinary*) compared to free rights (*communal*), the engineers' reports show a marked decrease in conflicts regarding woodland use during the first quarter of this century. This was partly due, without doubt, to the engineers' adaptation to regional reality and the subsequent development of a new woodland economy based on the recognition of the traditional resources of the Mediterranean forest<sup>53</sup>. Not only the engineers accommodated themselves to local reality; the villagers, too, gave up some of the principles passed from generation to generation in order to gain exclusive rights to woodland access within the new order.

The main focus of the Development Ministry engineers' adjustment to local reality was the acceptance of productive practices hitherto condemned by forestry science: the increase of cattle grazing and the expansion of tillable surfaces. With regard to grazing, the engineers stationed in Badajoz and Cáceres recognised the importance of smaller cattle in the local economy and began to ignore the unvarying central directives to reduce the grazing of sheep and goats on public woodland and, gradually and surreptitiously, over the years, expanded the surfaces open to this activity. Some technicians even went so far as to openly promote more widespread pasture rights for goats, the traditional *bêtes noires* of forestry

<sup>53</sup> See Gómez (1992).

science. In the case of crop cultivation, the impulse to increase the cultivated surface of the *dehesas*, at times, even came from the central authorities themselves. So, for instance, the Finance Ministry in 1915 instructed its technicians to study, on a regular basis, which forest surfaces could be cleaned, ploughed and sown. This instruction remained in force until 1921. While the Development Ministry was clearly not of this persuasion, its engineers also subscribed to this view, as can be seen from the frequent inclusion of new areas for cultivation in the production plans, acceding, thus, to the local villagers' petitions<sup>54</sup>.

Table 4  
**Forecast and Real Production in Municipal Woodlands in Extremadura**  
 (Constant Pesetas of 1913)

| Three Years | Planned Production (I) | Real Production (II) | Difference (I-II) | Percentage (I-II/I) × 100 |
|-------------|------------------------|----------------------|-------------------|---------------------------|
| 1875-1877   | 1,122,968              | 324,042              | 798,926           | 71.1                      |
| 1895-1897   | 1,547,747              | 1,278,298            | 269,449           | 17.4                      |
| 1923-1925   | 1,106,214              | 1,073,391            | 32,823            | 2.9                       |

SOURCES: Planes de Aprovechamientos Forestales (1873-1926) and Dirección General de Agricultura y Montes (1926-1928)

The significance that such petitions acquired in the first two decades of the century was in consonance with the state of agriculture in Extremadura, following the agricultural crisis of the end of the century. As in the rest of Europe, the expansion of the global market for agricultural produce caused a decline of the sector in Spain which affected each region differently<sup>55</sup>. In Extremadura, the reaction to the crisis expressed itself by a notable increment in cultivated surface dedicated to cereals and pulses, but not, as in other regions, by a substantial modification in soil use. But the increase in cultivated surface did not suppose a reduction in cattle rearing. In fact, the Extremadurans took advantage of the growing national and international demand for meat products, resulting from higher standards of living, to expand their secular animal husbandry. In relative terms, the production from sheep, goat and pig rearing grew faster than crop production in the first quarter of the twentieth century. This expansion was not the result of any important technical innovation in Extremaduran agriculture, but rather the consequence of realising the potential of the *dehesa* system to the limit. After all, the expansion of arable land in the *dehesa* was not achieved at the expense of pasture land but through the careful cleaning and elimination of impenetrable brushwood, which, in turn, benefited pasture quality<sup>56</sup>.

In this process of expansion without innovation, based on the *dehesa* system, the woods sold through the disentailment process played a fundamental part. But there are also indications to think that the non-disentailed surface was equally affected by the dynamic development of the *dehesa* in the first quarter of the century<sup>57</sup>. It is this capacity and potential for development which was ultimately recognised by the forestry engineers stationed in Extremadura when they ceased to enforce strict Germanic forestry principles, which were difficult to apply to the Mediterranean woodlands of the Spanish Southwest, and attempted to

<sup>54</sup> Planes de Aprovechamientos Forestales (1873-1925: Estados de 1900-1925)

<sup>55</sup> See Garrabou (1985 y 1988).

<sup>56</sup> For an in-depth analysis of the evolution of the agricultural sector in Extremadura in the first decades of the 20<sup>th</sup> century, see Zapata (1985).

<sup>57</sup> Zapata (1985)

conjugate the increase of cultivation with a simultaneous expansion of cattle rearing. The fact that they finally ignored instructions to increase the production of wood and firewood from municipal lands and abandoned their previous disapproval of activities such as hunting, plant gathering or quarrying, brought supervisors and the rural communities closer together. In return, the forestry administration managed to impose some of its other criteria with success, such as the regular payment of tax on the production of disentailed, but still unsold property, and the reduction of gratuitous use in favour of a system of public auction of temporary rights (Table 5).

Table 5  
**Forest Uses in Public Woodlands in Extremadura**  
 (Three Year Averages)

| Period    | Constant Thousand Pesetas<br>(1913 Prices) |          |               | Percentage of Each Period's Total |          |               |
|-----------|--|----------|---------------|-----------------------------------|----------|---------------|
|           | Ordinary                                   | Communal | Extraordinary | Ordinary                          | Communal | Extraordinary |
| 1878-1880 | 113  | 247      | 11            | 30,5                              | 66,6     | 2,9           |
| 1923-1925 | 603  | 465      | 4             | 56,3                              | 43,4     | 0,3           |

SOURCES: Dirección General de Agricultura, Industria y Comercio (1866-1880) and Dirección General de Agricultura y Montes (1926-1928).

Not all Extremaduran villages accepted the fiscalisation of the product from municipal patrimony or the auction system for usage rights straight away, but it is certain that, between 1900 and 1924, the generalised resistance of the local corporations against the engineers diminished substantially. The sources consulted do not allow to draw clear conclusions regarding the reasons underlying the increased acceptance of state intervention in municipal patrimony. While the increased presence of the *guardia civil* in rural areas contributed to assuring a greater observation of legal regulations, it was not so pervasive as to be able to crush the corporations' resolve. Much rather, it seems that the corporations changed their attitude to State intervention of their own volition. Much of this new attitude probably sprang from the fiscal needs of the corporations themselves, since liberal governments had not only sold the villages' principal sources of income, the *propios*, without compensation, but had, at the same time, made them responsible for the financing of most municipal services<sup>58</sup>. No wonder, then, that in view of the lack of compensation, those responsible for local finances concentrated their efforts on obtaining income from the properties which had not been disentailed and, consequently, accepted the imposition of the auction system for usage rights. The other factor contributing to local acceptance of the new rules were the growing complaints of those individuals who had not been able to accede fully to disentailed property. For this group, the auction system for usage rights represented the only method to accede at least partially to the resources of the woodlands. The importance of this safety valve increased as the rural world began to suffer the social consequences of the disentanglement process.

Among the consequences was the proletarianisation of the peasantry, which was particularly strong in the Spanish Southwest. Contributing to this was the *dehesa* system itself, characterised by its adaptability to the environment, but also by the low productivity of its soils, by the concentration of property and the low capacity to absorb labour. Under these conditions, market forces came to control labour relations at a very early stage<sup>59</sup>. While the

<sup>58</sup> See García & Comín (1995).

<sup>59</sup> Llopis & Zapata (1998)

traditional systems of collective use of property were still functioning, the country workers' wage could always be complemented by produce derived from common usage rights. But as these surfaces and their gratuitous use for community members dis-appeared, so the dependence of peasant families on wages for survival grew. The desire not to depend on exclusively on wages had always formed a strong component of the various forms of resistance displayed by the poorer members of Extremaduran society against the advance of agrarian individualisation. But it took until the beginning of this century for the defence of workers' rights to take over temporarily from the secular defence of communal rights.

The definitive rise of a workers' movement in the first years of the 20<sup>th</sup> century was marked in the Southwest of Spain by a substantial increase in conflict, as workers' associations sprang up. As a first reaction, the conservative government of the time tried to contain this social mobilisation through both repression and the attempt to steer it towards Catholic trade unionism, but neither measure could avoid the drift of the Extremaduran peasantry towards the left. Moreover, after the First World War, coinciding with the fall in salaries provoked by post-war inflation and with the crisis of the political system of the restored monarchy, Extremadura grew into one of the most active Socialist regions of the country. The workers' associations mobilised rural workers to defend salary raises, shorter working days, the abolition of journey-work and the introduction of minimum wages. The old forms of individual and collective subversion (aggression against property and property owners) were thus reinforced and partly even replaced by a new strategy of struggle, whose most distinguishing characteristic was, without a doubt, the strike<sup>60</sup>.

With the dictatorship of Primo de Rivera, the reinforcement of authority in the countryside and the tightening of legislation concerning political activity once again managed to paralyse the strength of the regional workers' movement. Organised activity in defence of workers' rights died down but did not disappear entirely. More importantly, the protest against the disappearance of a substantial part of municipal resources remained etched into collective memory – neither the agrarian oligarchy, nor the liberal State, nor the forestry administration, nor the property register, nor the *guardia civil* had managed to erase the memory of collective rights of use. With the advent of the Second Republic, these were not only recuperated, but even extended.

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<sup>60</sup> See García, Sánchez & Merinero (1985) and Baumeister (1996).

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