

IASCP Europe Regional Meeting
**Building the European Commons: from Open Fields to
Open Source**
Brescia - Italy - March 23-25,2006

**The strength of the community. The survival of commons in the Ebro
Valley: Navarra, 15th-20th centuries.**

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1. Proemium

Recently, two valuable books written by historians have reminded us of two significant notions about the long-term evolution of European rural communities:

a) The existence of common features in the historical commons systems and their patterns of management. In spite of such diversity we could highlight their coherence and duration. (Moor, Shaw-Taylor & Warde, 2002).

b) The existence during the 18th and 19th centuries of a wide and powerful movement throughout Europe towards the abolition of commons and the privatisation of lands (Démelas & Vivier, 2003).

Nevertheless, as mentioned in the call for this Congress, commons did not disappear on that occasion. After the construction of the liberal State and industrialization, commons survived in several regions and localities and are still relevant for local populations.

Navarra is one of these cases.

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I am very grateful to Joseba de la Torre, Gloria Sanz Lafuente and Josemari Aizpurua for their comments.

My purpose with this paper is to show a historical case of management of commons and their survival and transformation through the Liberal Revolution (18th-19th centuries).

The paper will be divided into three parts:

First, I will characterize the commons of the region and their management from 15th to 18th centuries, paying attention to outlining the resources, the users and the institutions.

Secondly, I will describe the dissolution of the commons in this region in the 19th century. This episode, part of a wider movement covering Europe and America, began with the collapse of the Hispanic Monarchy in 1808, and became generalized with the *Desamortización* Law in 1855.

4

Thirdly, I will examine some distinctive features that are out of place with the well-known scheme of the triumph of absolute private property. I will argue that these features are not residual or irrelevant. On the contrary, I will defend that these “anomalies” express the complex nature of the social change that took place between 1790 and 1900. Moreover, I will defend that these facts reveal the adaptability of community bonds despite their supposed decline.

2. The sense of commons in Navarra, 15th-18th centuries.

The area that I will review is the Upper Ebro Valley in Northern Spain. Concretely, I will study the historical region of Navarra, a territory with 10,421 km² between the Ebro river, the western Pyrenees and the Basque Coast.

We can divide this territory into four areas with different social agrosystems (see figure).¹

¹ The notion of social agrosystem is defined as “a rural production system based on the region-specific social relations involved in the economic reproduction of a given geographical area” (Thoen, 2004: 47). It refers, therefore, to the ecological and socioeconomic relations involved in the reproduction of rural societies.

In the north-west of Navarra (Area I) the dominant influence on climate is the Atlantic Ocean. Consequently, this area does not suffer the extremes of temperature experienced in other areas. Average annual temperature is between 11 and 14.5 °C, and average rainfall varies between about 1,600 and 2,500mm. On a layer silicon rocks from the Paleozoic, the soils are acid and the slopes are pronounced. Because of this, arable area is very limited (mainly devoted to maize and forage in enclosed fields), and the local economy is based on livestock. Here we find a mixed form of habitat, with some *villas* or concentrated settlements and a great number of isolated farms (*caseríos* or, in Basque, *baserriak*). A great number of these farms belonged to landowners living in villages and cities, and were improved by sharecropping. Access to commons was limited to *vecinos* (those who owned an entitled house with common rights) while a large part of the local community (*moradores* or, in basque, *maisterrak*) was excluded from common rights and political bodies. This strong sense of closed community (*vecindad*) was the direct result of the defeat of the feudal lords (*linajes*) in the band faction wars of the 14th-15th centuries.²

The north-east (Area II) is an alpine dominium. The lithological feature is flysch from the Eocene, and it is at a height of 1000m and more. Winter, therefore, is very long and the number of days without the risk of frost are few (between 160 and 90 days). Average annual temperature is between 7 and 12 °C, and average rainfall varies between about 1000 and 1,800mm. Below the Pyrenees the settlements are concentrated in villages, and have been politically clustered in valleys (Aézcoa, Salazar, Roncal) at least since the 11th century. The local economy rested on subsistence agriculture, nomadic flocks and timber. The social structure was quite equalitarian thanks to the institution of *hidalguía colectiva* (all the natives in this valleys were acknowledged as nobles) and the license to plough and cultivate in common lands. Despite a number of disputes and lawsuits between farmers and stockmen and between villages and the

² See Caro Baroja (1974), Arizcun (1988) and Imízcoz & Floristán (1993). Historically, the population increase caused growing pressure on commons, and a toughening of requirements to become a commoner. In the valley of Baztán there were 460 *vecinos* in 1553 and 692 in 1646, but in 1678 they were 748 and 725 in 1726. Meanwhile, the number of *moradores* grew from 100 in 1646 to 222 in 1678 and 374 in 1726 (Madariaga & Serralvo, 1998, 226). At the end of the 18th century this area shows the highest density in Navarra: about 30 inhabitants per km².

valleys, the valley community survived as an administrative entity until the 1840s and some of the common costumes have survived to the present day.³

In Area III settlement is greatly dominated by hamlets (*lugares*); although we find here some of the main cities like Pamplona and Estella. Topography is less rugged than in the former areas and the valleys expand allowing the cultivation of wheat, barley, oats, legumes, and, in the south side, vineyards. Soils alternate between lime and marl; average rainfall varies between 600 and 1200 mm, and the average annual temperature is between 10 and 13 °C. On this landscape of open fields and forests (beech forests in the north of this area and holm-oak groves towards the south), the hamlets are scattered in little groups of houses around the temples. Some of these hamlets were free, but others were manorial settlements, where the land and the common rights belonged to a lord. In free hamlets access to commons was linked to the condition of *vecino* (owner and resident in an entitled house), and the regulation of the commons was made in *vecino* assemblies (*concejo* or, in basque, *batzarre*). In these assemblies the *vecinos* approved and reformed the bylaws (rules and sanctions), they admitted or rejected new commoners, they designated officials, and finally they resolved disputes and imposed fines. The hamlets were grouped in valleys in order to establish their relations with external agents (crown, exchequer) and to make some wastelands profitable. Each valley had its mayor, authorities and officials, designated by ballot, by turn or by election. A distinctive feature of this area is that some foreigners had access to commons as they were acknowledged as *vecinos foranos* (foreign commoners), a privilege reserved to noblemen who owned an entitled house (even if it were in ruins). This was a key to the social struggle from 16th to 19th century, because the communities used to try to remove these privileges.⁴

Finally, we will pay attention to Area IV, the focus of this paper, that represents about 36% of the Navarrese surface and population in 1768. Here we have a Mediterranean plain that alternates between sandstone, clay and gypsum with alluvial soils; average rainfall is less than 600 mm (and in some zones below 400 mm); average annual

³ In 1726 the majority of the inhabitants had the title of *vecinos* (91.3%) and only 8.7% were excluded from commons and charges, while in the whole of Navarra the share of the commoners was 56.6% (Madariaga & Serralvo, 1998). More information on the community of Roncal, in Idoate (1977); about the valley of Salazar, Martín Duque (1963).

⁴ Zabalza Seguín (1994), Floristán Imízcoz (1985)

temperature oscillates between 12 and 14 °C; the long summer aridity is aggravated by a strong and dry wind from the northwest (*cierzo*). Woodlands are rare: poplar groves (*sotos*) along the rivers, and a few oaks and pines in some hills. With these features, the rivers (Ebro, Aragón, Arga, Ega, Alhama, Queiles) are responsible, in a way, for a small “miracle”. Thanks to more or less old and intricate dams and canals, cereals, legumes, hemp, wine and olive oil were the crops in arable lands over fluvial terraces (*huerta*), whilst in the dry highest pastures and wastelands (*monte*) cattle-breeding produced wool and sheep meat. The complex and expensive irrigation system, and the frontier character during the 10th/12th centuries, explain the concentration of settlements in larger villages (*villas*) and cities (1.200 inhabitants was the average size at the end of 18th century). Land ownership tended to be concentrated in hands of a few (nobility, church, urban oligarchy), and tenants obtained the arable land through lease, sharecropping or emphyteusis. Artisans (clustered in guilds) abounded in the bigger villages and, in general, the number of salaried workers and poor men rose in the 18th century.

Like in the middle and the south of Spain (where we can find a similar social agrosystem), the main institution that connected resources (crops, grazing, manure, hunting, firewood, esparto, building materials) with their users was the municipality. It was articulated at two levels: the assembly of commoners (*concejo*) and the political council (*regimiento*) that represented them. Since, the 15th century, at least, this institution constituted the social and political life in widespread areas of the Iberian peninsula. It adopted a wide range of forms: in some cases justices (? were designated by royal authorities or by lords, in other cases they were voted by entitled electors, otherwise the public ministries were sold by the Crown and became the patrimony of wealthy families.

The material basis of *concejo* (and its delegation, the *regimiento*) centered on *bienes de propios* (municipal properties like arable lands, pasture lands, mills, ovens, etc, that were leased regularly and provided earnings for the municipal budget and *arbitrios* (renting of commercial monopolies and excise taxes). One of the most important of these commercial monopolies was the provision of meat (*ramo de carnicería*), that could be hired in public auctions or directly managed by the municipality. The Public butchery used to have its own flocks and its marked out pastures on commons. *Concejo* was also the guarantor of the *común de vecinos* (common wastelands), and through the

approval and fulfilment of by-laws, protected the common use-rights of open fields (both private and municipal properties). So, there was a coherent and (in Tönnies's sense) organic articulation of private ownership, municipal properties and common rights, that was far removed from the mechanical opposition individual/collective. In the core of this juncture was *concejo*.

There were other institutions that intervened in commons: Lords, guilds of stockmen, irrigation communities, and royal courts.

37% of the population of this area, covering 40% of the land surface, lived in seigneurial villages. Lordship was therefore an important figure, through the naming of justices and officials, and through the approval of bylaws. However, in many of these *villas de señorío* there were social and political compensating mechanisms. For example, the social structure included some wealthy or noble families with prestige in the community and influence outside that could counterbalance the power of the lord. Also, in the majority of these villages, vassals used to designate, by ballot or turn, their own representatives and justices, with some functions in the approval of bylaws, monitoring the commons and managing municipal budgets.⁵

The local guilds of stockmen (*mestas* or *ligallos*) were another important institution in the south of Navarra and in the large manorial villages. These associations grouped cattle breeders in the village, assuring control of the workforce and the isolation of diseased livestock, resolving their disputes, and representing them in their relations with the municipality, with the lord or the crown, with the courts of justice and with other *mestas*. These guilds also used to divide the common pasture (of the *común de vecinos*) between the confrères and regulated the use of corrals, tracks and drinking troughs.⁶

The importance of irrigation in this agrosystem explains the existence of stable institutions to maintain the dams and canals, to distribute the cost of the repairs between the commoners, to punish depredatory behaviour, and to resolve disputes. In many of

⁵ Usunariz (2004) studied the manorial system in Navarra and its abolition.

⁶ I have examined the guild bylaws for the cities of Tudela in 1587, 1762 and 1817 (Archivo General de Navarra, Tribunales Reales, 12309, 99979), and Tafalla in 1582 and 1627 (ibidem, 73940, 94086). For the last city, see Esquíroz (1991).

these villages there were councils (*juntas de campos, diputaciones de campos*) that joined the landowners, because of the right to water inheres in the land itself. They designated the officials (*alamines, jueces*) that distributed the water and protected the good use of it.

Above these institutions was the power of the King. Royal courts (*Real Consejo de Navarra* and *Corte Real*) resolved disputes between collective or individual agents, approved the bylaws and assured their fulfilment. But, despite this coincidence of institutions, the *concejo*, the distinctive form of municipal power since the medieval age, was in the core of political and social life.

But, who made up the *concejo*? And, how were the *regimientos* formed? As distinguished from the former areas, here the condition of *vecino* did not use to be linked to the possession of an entitled house. It seems that the birth and the payment of taxes were enough to be considered a member of the community and to have use-rights in commons. During the 18th century the open assembly of *vecinos* (*junta de concejo*) tended to be replaced by a local council made up of twenty one wealthy persons resident in the village: the so-called *juntas de veintena*.⁷

Concerning the *regimiento*, a system called *inseculación* was the main system of choice since the 16th century. It consisted of casting lots with, usually, two groups or bags: one for nobles (*hidalgos*) and another for plebeians (*labradores*). The chief justice (*alcalde*) or mayor used to be designated by the lord or the king.⁸ In manorial villages some justices (*alcalde ordinario, regidores*) were elected by the assembly of tenants and proprietors besides the officials (*alcalde mayor*) designated by the lord.

⁷ Act number 48 of the Courts of 1757 justified the establishment of *Veintenas* because of “the tumults that happened regularly it does not vote with freedom, the persons in the Government are treated disrespectfully, and because the number of plebeians is greater, the deliberations of justices and respectable people do not take effect” (*Cuadernos de las Cortes*, I, p.339)

⁸ In the city of Tudela the disputes over the election system by parishes carried out by the adoption of *inseculación* in 1545. They laid out that there must be five bags: one for the selection of *Alcalde* (mayor) “among the more principal persons”, the second for aldermen (*jurados*) from the noblemen, the third for aldermen from among “people with agricultural knowledge” (*labradores*), the fourth for market official (*mudalafe*) and the fifth for treasurer. From the first bag one child extracted three names that were presented to the viceroy. In 1682 the city paid 1.000 *ducados* with the aim of extinguishing this ternary and since then the first name extracted was designated *alcalde*. This system terminated in 1813. (Yanguas, 1828: 59-63)

In short, we find a complex institutional framework with tenuous balance between social groups and political organs. If this framework could survive and perform (reasonably well) for four centuries, it was because the *concejo* system used to fulfil the eight conditions for long-enduring CPR institutions enunciated by Ostrom.⁹

The boundaries of the resource and the property rights were well defined. With the aim of making the pasture profitable, municipal lands (*propios*) and common lands (*común de vecinos*) were divided into *dehesas* (great demarcation of pasturage between about 500 and 3,000 hectares) and these were divided then into *ejidos* or *corralizas* (pasture estates of between about 100 and 400 hectares with a pen inside, where cultivation was forbidden and the pasture was limited to certain periods), with a space between them where the commoners were allowed to plough and cultivate. The municipality used to designate one or more *corralizas* exclusively to public butchery and the rest of the municipal *ejidos* used to be auctioned and rented for a short period to sheep breeders. Commoners enjoyed the *ejidos* of the *común de vecinos*.

And who were these commoners that enjoyed the resources? First, there were the cattle breeders associated in the *mesta*. Regularly, the guild used to ballot the use of the *corralizas* among the confrères for a certain period. Second, the farmers used to join their horses, mules, donkeys and oxen in collective herds (generally known as *dula*; when this herd was only for oxen it was named *boyería*) enjoyed, at the exclusion of others, the rich pastures of the *sotos* along the rivers. Third, all the commoners could add a limited number of animals to the collective herds known as *ganadería concejil* (common herd in general, but it usually referred to sheep and goats), *cinquena* (sheep; the name express that each commoner could add five animals and no more), *cabrería* (goats), *vaquería* (cows) and *yegüería* (horses for reproduction: breeding mares and foals). Four, all the commoners, under certain conditions, could extract some products from the commons, like firewood, rush (*Juncus sp.*), esparto (*Macrochloa tenacissima*), licorice (*Glycyrrhiza glabra*), hunting, fishing, manure, vegetal ashes (*hormigueros*), building materials, etc. And five, in some villages there were also foreign commoners

⁹ The eight design principles illustrated by long-enduring CPR institutions are: 1. Clearly defined boundaries; 2. Congruence between appropriation and provision of rules and local conditions; 3. Collective choice arrangements; 4. Monitoring; 5. Graduated sanctions; 6. Conflict-resolution mechanisms; 7. Minimal recognition of rights to organize; and 8. Nested enterprises in the case of CPRs that are part of larger systems. (Ostrom, 1990: 88-102).

(*vecinos foranos*) who could use the pastures on the *común de vecinos*. All these users could also use the pasture of the private open fields after the harvest, usually with the condition of respecting some costumes such as *ricios* (field sown with unmown grain) and *sobreaguas* (a certain time after the rain when the soil is still humid).¹⁰

The rules of use were regulated in the bylaws approved by the *concejo* and confirmed by the royal Court. These texts used to enumerate a lot of detailed conditions: the annual period of use, the times when the use was forbidden, the "stint" for limiting the livestock number, the form of denunciation, the scale of fines, the form of collection and their distribution, etc. Violations of these rules used to be judged in local court (*audiencia de concejo*), where the justices listened to the plaintiff and the defendant, and imposed a penalty conforming to the bylaws.¹¹

In short, we have a complex and highly wrought system that guaranteed the access and use by a wide part of society of natural resources, and that tended to guarantee the continuance of these resources. This was possible thanks to the construction of a well defined community, with internal and external bonds and balances. But, was it equitable? The answer is no. The uses of the different groups of commoners were much too diverse. The open access in the *común de vecinos* and in the private open fields to all commoners makes the extent of usage directly proportional to wealth. Particularly, the bigger stockmen, associated in guilds, were most favoured by the system, as they could divide and use the pasture without paying. The large farmers could nourish their horses and oxen in the pastures of the *dula*. The noblemen (*hidalgos*) enjoyed the privilege of using double share over plebeian people, and could use the commons in several villages as *vecinos foranos*. The irrigation system favoured the bigger and better-situated landowners. Definitively, the *concejo* common system was not designed with the aim of repairing the injustice, but to maintain the balance in a vulnerable society.

3. Revolution, liberal State and the commons, 1790-1865.

¹⁰ The stint (the limitation in the number of animals that each commoner could nourish in the commons) was a widespread mechanism in European historical commons. See Moor, Shaw-Taylor & Wade (2002).

¹¹ The stockmen's guilds used to have their own courts according to their bylaws, but in any case they were submitted to *concejo* court.

This system underwent a severe crisis in the first half of the 19th century. Just like the rest of the continent, the crisis and dissolution of commons had different causes here. I will examine some of them.

Firstly, there was a social crisis. The wave of economic growth during the 18th century was accompanied by deeper market relations, discernible in the rise of mercantile productions (wine, olive oil, wool). Parallel to this a slow transformation of the social structure towards a growing difference between the wealthy and the poor began to unfold, regardless of the boundaries of the “estamento” society¹². So, at the top, the most fortunate of the privileged stratum (*mayorazgos, títulos, hidalgos*) and of the plebeian or the lower orders (merchants, manufacturers, stockmen, wealthy farmers) tended to come together. They concurred in the second half of the 18th century in the local closed councils (*juntas de veintena*), and during the first half of the 19th century they fused into a social class of *propietarios* (landowners or bourgeois), that was to keep the local political power in line, under the liberal State thanks to restricted suffrage.¹³

Other social sectors tended to undergo a process of impoverishment owing to population growth and price fluctuations. In a context of growing prices of wheat in the last decades of 18th century, landless workers (*jornaleros*), tenants and farmers (*labradores*) tended to put pressure on *concejo* with the objective of breaking up and distributing common lands. Stockmen and landowners opposed because the cultivation of commons could damage their interests: first, it would reduce the extension of pasture and could weaken the control of guilds; second, the extension of the land supply would slow down the rent of their properties. At the same time, feudal earnings and prerogatives tended to be challenged by tenants through arrears of payment and riots. The authority of the manorial justices (*alcalde mayor*) was challenged. The privileges of the *vecinos foranos* were refused. The church also experienced problems in collecting

¹² “Estamento” refers to the orders or hierarchies of the ancien regime of society.

¹³ The Courts (Parliament) of the Kingdom of Navarra were going to approve the establishment of *juntas de veintena* in the Navarrese villages: 1 in 1705, 2 in 1724-26, 2 in 1743-44, 3 in 1757, 1 in 1765-66, and 6 in 1780-81. In 1794 the law number 27 determined the creation of these councils in all those villages with more than 100 *vecinos*. In 1817-18 they extended this act to those settlements with more than 50 *vecinos*. (Cuadernos de Leyes, vol.I, p. 81, 237, 339, 535, 581). The political construction of the liberal municipality, in Castro (1979).

tithes. A serious break up was becoming visible in the community around the control and management of common lands. ¹⁴

Table 1. A balance of the disentailment (*desamortización*) in Navarra. Surface area in hectares, valuation and sale price in constant pesetas of 1913.

	Estates No.	Surface Ha.	%	Valuation Pesetas	Sale price Pesetas	Δ %	Value %	Sale %
<i>Ecclesiastical disentailment</i>								
1806-1823	4,263	1,672	1.4	n.d.	n.d.	-	-	-
1838-1854	5,590	5,760	4.9	10,556,159	18,318,692	+73.5	54.8	58.2
1855-1893	6,398	2,374	2.0	2,088,865	4,043,868	+93.6	10.9	12.8
Total	16,251	9,806	8.4	12,645,024	22,362,560	+76.8	65.7	71.0
<i>Sale of common property and civil disentailment</i>								
1808-1820	4,261	18,122	15.6	n.d.	n.d.	-	-	-
1826-1854	3,125	47,756	41.1	2,943,490	2,695,288	-8.4	15.3	8.4
1855-1860	850	12,808	11.0	865,449	1,212,379	+40	4.5	3.9
1862-1923	1,997	27,736	23.7	2,782,590	5,175,615	+86	14.5	16.4
Sum	10,253	106,422	91.6	6,591,529	9,083,282	+37.8	34.3	28.9
Total	26,504	116,228	100	19,236,553	31,445,842	+63.5	100	100
*.- The data referring to municipal assets refers only to rural properties, the figures corresponding to disentailment of clergy property also includes urban estates. n.d.: no data available Sources: For ecclesiastical disentailment, Mutiloa (1972: 263, 331, 696) and Donézar (1975: 205-295); municipal data for 1808-20, in De la Torre (1991); data for 1862-1923 comes from Iriarte Goñi (1996: 183-230). I reconstructed the rest from notarial records. I converted the series in constant pesetas of 1913 using Sardá's deflator, reproduced by Ojeda Eiseley (1988 :66-67).								

In this context, the fiscal crisis took place. Like the finances of the Crown, the municipal treasuries were exhausted because of the lengthy war cycle in 1793-96, 1808-14, 1821-23, and 1833-39. The backbone of the *concejo* system finally broke. To solve their financial affliction, local councils (the *regimientos* with the approval of the

¹⁴ De la Torre (1992)

veintenas) began to sell not only municipal properties (municipal lands and pastures, buildings, mills, etc) but the *corralizas* of the *común de vecinos* too. Between 1808 and 1860 nearly 79,000 hectares of commons were sold in Navarra (7.6% of the province's surface) in a spontaneous movement from below. From 1862, through the application of the *Desamortización* Law of 1855, the Spanish State auctioned another 28,000 hectares of municipal and common lands off. Previously, in 1806-1813, the Spanish Courts of Cadiz had abolished the common use-rights over private open fields through the *Acotamientos* Law that allowed properties to be enclosed. The guilds of stockmen (*mestas*) were banned in 1818; the royal courts (*Real Consejo* and *Corte Real*) were suppressed in 1836; the manorial system was definitively abolished in 1837. The old institutional framework of commons seemed to be dying.

4. The transfiguration of community.

As in all Europe, commons were severely struck. Individualism advanced as a necessary alternative to community. Nevertheless, we can notice some remains of community bonds after the collapse of the *ancien regime*. I would like to defend that this could be understood as “a striking change in appearance or character or circumstances”; in short, a transfiguration. I will argue this in four ways.

First, not all common lands were sold: today, 44 % of the Navarrese territory remains as public lands; the majority woodlands and pastures, and their owners are in most cases the municipalities.

Second, the sales often reserved, for users and/or municipalities, some rights over the resources. Indeed, in 178 of the 500 extensive pasture estates (*corralizas*) that were sold between 1808 and 1860 commoners saved the ability to graze their labour cattle within a collective herd (*dula*) and only in certain seasons of the year. In 131 cases sale-contracts preserved the right to pasture with collective herds (sheep, cattle) at certain times and under certain conditions (they used to forbid goats and, sometimes, cows and oxen). In 155 sold estates the traditional users could gather firewood; in 64 cases they could plough and cultivate; and in 55 cases they could withdraw esparto (a fibre grass) and stones. The sales also respected the arable lands occupied by commoners,

facilitating in this way its conversion to private property. In a few cases it allowed the ploughing and sowing or the plantation of new lands, or what is the same, its appropriation by entitled commoners. In general, these conditions tended to favour the community as a whole and it seems that the intention was not to disrupt the local balance.

This fact did not disappear when the State assumed and improved the sale process. The State administration also respected some resources for the traditional users: in 39 % of the pasture that was sold, users maintained their rights over firewood, in 33 % they could continue extracting stone for building and gathering esparto for cordage; in 20 % they preserved hunting rights.

Table 2. Use-rights (*servidumbres*) reserved to commoners and/or municipalities in sold commons (number of pasture estates).

	1808-60		1862-97		Total	
	n°	%	n°	%	n°	%
Total estates	500,5	100	84	100	584,5	100
Surface affected (hectares)	115.470		28.323		143.793	
<i>Use-rights to grazing:</i>						
Common herds	131	26.2	4	4.8	135	23.1
Labour cattle herd (<i>dula</i>)	178	35.6	9	10.7	187	32.0
Cow common herd (<i>vaquería</i>)	55,25	11.0	0	0	55,25	9.5
Mare common herd (<i>yegüería</i>)	63,67	12.7	0	0	63,67	10.9
Goat common herd (<i>cabrería</i>)	14	2.8	0	0	14	2.4
Public butchery (<i>Carnicería</i>)	12	2.4	0	0	12	2.0
Horses and mules in work	93	18.6	9	10.7	102	17.5
<i>Use-rights to cultivating:</i>						
Respect to squatters	157,25	31.4	11	13.1	168,25	28.8
Ploughing and sowing	64	12.8	12	14.3	76	13.0
Planting vineyard	8	1.6	4	4.8	12	2.0
<i>Use-rights to gathering:</i>						
Firewood	155	31.0	33	39.3	188	32.2
Esparto	55	11.0	26	30.9	81	13.8
Rush	64	12.8	6	7.1	70	12.0
Hunting	46,67	9.3	16	19.0	62,67	11.6
<i>Use-rights to fertilizing:</i>						
Gathering of manure	28	5.6	0	0	28	4.8
Vegetal ashes (<i>hormigueros</i>)	24	4.8	0	0	24	4.1
<i>Use-rights to building materials:</i>						
Stone	55	11.0	28	33.3	83	14.2
Bricks (<i>adobes</i>)	9	1.8	0	0	9	1.5
Limestone	11	2.2	3	3.6	14	2.4
Gypsum	25	5.0	4	4.8	29	5.0
<i>Another use-rights:</i>						
Cattle track and way	37	7.4	6	7.1	43	7.3
<i>Abrevaderos</i>	23	4.6	6	7.1	29	5.0
<i>Ricios</i>	18	3.6	10	11.9	28	4.8
<i>Sobreaguas</i>	27	5.4	0	0	27	4.6

Note: The total number and surfaces includes all the sales, including those which were recovered by municipalities and newly sold after. So, some estates appear more than one time.
Sources: Archivo General de Navarra (AGN), Protocol, several records; AGN, DFN, cj.32669-32770.

I think that it is not an anecdotic. It reveals something about the nature of the process of privatisation and individualization that was taking place. Even in a revolutionary process it is necessary to preserve a minimum balance between groups and individuals. Many years later, between 1885 and 1905, in the context of the great depression and the failure of the first agrarian capitalism, the heirs of the buyers asked the State to abolish these use-rights, compensating the commoners according to the law of 15-6-1866. Only a few landowners made use of this possibility but it gives us a good idea of the value of the use-rights preserved. In 26 estates, sited in 9 villages, the value of the commoners use-rights represented 23.2% of the total value of the estate (including the price of sale and the price of compensation).

Third, sometimes farmers co-operated with the aim of preserving the collective use of some resources. Like other examples from the northern and southern Spain, in a few Navarrese villages collective societies were established which took part in auctions and bought some estates that the Spanish Government was selling. Some of these societies remained for a long time and they (like the case of *Sociedad de Corralizas y Electra* of Artajona, *La Esperanza Sociedad Corralicera* of Carcastillo, and the *Sociedad de Corralizas San Gil*, in Larraga) provided important services to the neighbourhood (electricity, sewage system, running water). The importance of this fact is that a new figure appears here: an association that was willing replace the old dead actor, the old community, and to adopt new forms, according to the new era. It is also a reply to the interference of the liberal State in the local space.¹⁵

And four, from 1868 the common lands that were not sold were connected with the so-called *Social Question* (the debate about the proletarian challenge), through the distribution of allotments or pieces of land for cultivation. In September 1868 a

¹⁵ The *Sociedad de Corralizas* up to 1894 bought eight estates with 2,600 hectares. In 1887 it undertook the building of the school and the market, with the public illumination in 1902 and with a floor factory in 1910 (Jimeno Jurío, 2000). In 1909 *La Esperanza* bought several estates with about 1,600 hectares. Some examples of similar strategies in Sabio (2002) for Aragón and González Dios (2005) for the Basque Country.

democratic revolution (*La Gloriosa*) brought the monarchy down and proclaimed universal male suffrage. In the following months more than 1,600 hectares were shared out among the residents of several villages in plots of under one hectare. The authorities justified this decision because “the number of labourers is too great and few landowners monopolize the land” (*“el número de jornaleros es muy considerable y que la propiedad está en muy pocas manos”*). So, “in order to improve the good fortune of the proletariat” (*“deseando mejorar la suerte del proletariado”*), the conditions of the distribution were very clear: the users had to be neighbours (whoever changed his abode would lose his lot); they themselves had to cultivate the land regularly (whoever stopped cultivating the lot three years running would lose it); nobody could sell or buy the lots, because “if this were the case maybe the lots could end up in the hands of wealthy classes, and in this way our purpose would be spoiled” (*“si tal sucediese podría acontecer que vinieran a parar a las clases más acomodadas y a desvirtuar por lo tanto el fin de la gracia otorgada”*); the use was not perpetual, it had to finish at 10, 12 or 25 years depending on the case; finally, the land had to remain as open field.¹⁶

Table 3 serves to illustrate the local effects of this limited political reform. In the village of Valtierra, where a revolt had reclaimed without results the break up and distribution of arable lots in the *sotos* in 1854, the change of political regime in 1868 carried into effect this desire. The structure of landholding changed visibly thanks to this reform. The number of land holders multiplied by 3.65 and irrigated land rose by 18%. So, it served to consolidate the reduced ownership under one hectare. It could have effects on the labour market and on rents, because workers and tenants strengthened their negotiation ability.

Table 3. Valtierra (Navarra), 1845-1889. Landownership structure in the irrigated fields before and after the dealt of common allotment.

		1845			1889				
		Owners		Land		Owners		Land	
Ha	n°	%	Ha.	%	n°	%	Ha.	%	
0-0,99	50	41,0	29,96	3,1	367	82,3	146,20	12,7	
1-,4,99	41	33,6	104,19	10,7	47	10,5	95,15	8,3	
5-9,99	11	9,0	80,15	8,2	14	3,1	105,39	9,2	

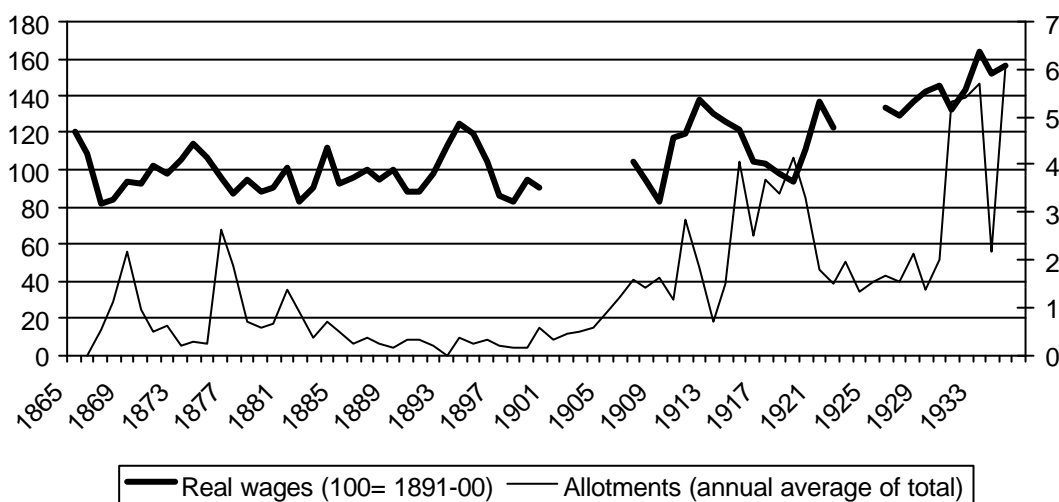
¹⁶ This argument is developed in De la Torre & Lana (2000)

10-49,9	16	13.0	376,89	38,7	12	2,6	270,08	23,5
50-99,99	2	1,6	119,30	12,3	4	0,9	269,54	23,5
100-160	2	1,6	262,98	27,0	2	0,4	259,92	22,7
Total	122	100	973,49	100	446	100	1146,27	100
	100		100		365		118	

Sources: Archivo General de Navarra (AGN), Protocolos, Valtierra, J.M.Lapueta, lg.224/2, n°43; AGN, Administrativo, Catastro.

When the term expired, the allotments were usually renewed under similar regulations. In the case of Valtierra the distribution of common allotments was renovated in 1893, and new rules were approved in 1898, 1919 and 1930.¹⁷

Figure 1
Navarra, 1866-1935: Evolution of rural real wages and common allotments.



Sources: Iriarte Goñi (1996); Lana Berasain (2001)

As figure 1 shows, distribution of common allotments tended to coincide with unfavourable conjunctures from the point of view of real wages. New allotment waves came in the years 1876-1885, stopping during the years of the Great Depression, and rose again from 1906 and, specially between 1915 and 1921. This coincidence leads us to speculate that it could be a response to demands from below and that it could be used by the authorities to mitigate the risk of social agitation. In 1935 the common land in cultivation in Navarra in this way exceeded 50,000 hectares, which represented the 14.2

¹⁷ The story of the 1854 revolt and the breaking of the *sotos*, in Gastón & Lana (2002)

% of the cultivated surface in the province (1,600 ha in irrigated lands, 3.75 % of all irrigated lands).¹⁸

After the Civil War of 1936-39, and specially after the regional industrialisation in the 1960s, cultivated common land was to be disconnected from the *Social Question*. In 1975 cultivation in common lands surpassed 68,000 hectares (9,000 in irrigated lands), which represented the 17 % of the whole (12.8% in irrigated lands). However, the concept of commonage as a resource against social injustice remained in the mind.¹⁹

We find again an example of the phenomenon that Van Zanden (1999) named as ‘the paradox of the marks’. Historical commons did not pursue equity. In fact, the use and profits of the commons were very unequal. However, after the Liberal Revolution and before the great structural transformation of the mid 20th century the commons became synonymous with equitable uses. Metaphorically it became considered as the bread of the poor. I think that this paradox could be explained by the great transformation that took place between the 18th and the 19th century. When the combined action of capitalism and liberal State destroyed the old local balances, the community suffered a transformation adapting to the new times. The survival of collective herds, the defence of the use-rights (*servidumbres*) over sold estates, the constitution of collective companies (*sociedades de corralizas*), and the push towards the distribution of allotments, reveal a renewed sense of community in which the idea of equity acquired an crucial role.

I am tempted to say that there are two ideas of the community: first, the old community was based on the notion of equilibrium; second, the new community seems to be concentrated on equity.

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¹⁸ Iriarte Goñi (1996). During the first decades of 20th century there was an increasing popular movement claiming the recovery of the common property to the privatized *corralizas*. This movement enlarged its intensity when the Second Spanish Republic was proclaimed (1931-1936). Franco’s coup interrupted the parliamentary debates about a Law for the recovery of the privatized common lands. See Majuelo (1989) and Arín (1930).

¹⁹ Floristán Samanes (1964).

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Glossary

Acotamiento: Enclosure

Alamin(es): Official of the irrigation system with the role of distributing the water between the fields according to their respective rights.

Alcalde mayor: Manorial official with juridical and administrative role that was designated by the lord.

Alcalde ordinario: Manorial official with juridical and administrative role that was elected by tenants

Alcalde: Official with juridical and administrative role that presided the meetings of local councils.

Arbitrio(s): Renting of commercial monopolies and excise taxes.

Audiencia de Concejo: village court in which the local jurors resolved disputes and imposed fines on malefactors.

Baserría(k): (Basque noun) Cottage or isolated farm.

Batzarre: Meeting of commoners.

Bien(es) de propio(s): Municipal properties like arable lands, pasture lands, mills, ovens, etc, that were leased regularly and provided revenue to the municipal budgets.

Boyería: common herd with oxen

Cabrería: common herd with goats

Caserío(s): (see *baserría*)

Cierzo: Strong and dry wind from the northwest in the Ebro valley

Cinquena: common herd with sheep in which nobody could have more than five animals

Común de vecinos: Common waste.

Concejo: Institutional form of the local community in Spain during the *Ancien Regime*.

Corraliza(s): pasture estates between about 100 and 400 hectares with or without a pen inside, where cultivation was forbidden and the pasture was limited to certain periods of the year.

Corte Real de Navarra: the second Royal Court of Justice in Navarra

Dehesa(s): A great demarcation of pasturage between about 500 and 3,000 hectares.

Desamortización: Political laws that determined the nationalization and sale of the properties of the church and the municipalities in 19th century Spain.

Diputación de Campos: Executive committee elected by the landowners with right to the water in an irrigation community.

Dula: Collective herd that joined the labour cattle of the commoners

Ejido(s): see *corraliza(s)*

Ganadería(s) concejil(es): In general, collective herds that joined the livestock of the commoners; it was used too to refer to a common herd of sheep.

Hidalgo(s): Noble; a person that had a privileged status from birth

Hidalguía colectiva: Privilege that guaranteed to all the natives of some regions in the country (valleys of Baztán, Roncal, Salazar, Aézcoa and Lana, in Navarra) the social consideration as noblemen.

Hormiguero(s): Vegetal ashes used as fertilizer.

Huerta: In general, the term refers to the part of the land that is devoted to cultivation with the help of an irrigation system.

Inseculación: Political system consisting of casting lots with one or more groups of bags to select the municipal body.

Jornalero(s): rural workers, usually landless.

Jueces de campos: Officials of the irrigation systems with juridical role.

Junta(s) de campos: see *diputaciones de campos*

Junta(s) de concejo: Meeting of the commoners

Junta(s) de veintena: Meeting of twenty one selected and wealthy commoners

Jurado(s): juror, see *regidor(es)*

Labrador(es): farmer

Ligallo(s): see *mesta(s)*

Linaje: Powerful feudal lords.

Lugar(es): hamlet; small sized settlement, usually around a temple.

Maisterra(k): (Basque noun) tenant without common rights.

Mayorazgo(s): Privilege of the noblemen to avoid the partition of the property, determining an explicit inheritance order.

Mesta(s): Guild of stockmen.

Monte: In general, the part of the land that was used mainly as pasturage and where the cultivation was temporary because of the lack of irrigation.

Morador(es): see *maisterra(k)*

Propietario(s): Landowner

Ramo de Carnicería: Municipal commercial monopoly for the supply of meat; it could be hired at public auction for one or more years, or could be directly managed by the municipality.

Real Consejo de Navarra: the first Royal Court of Justice in Navarra, with juridical, political and administrative power.

Regidor(es): aldermen

Regimiento: Municipal council elected by the Concejo meeting for a time (one or more years).

Ricio(s): The right to preserve the open field from livestock when a field was sown with unmown grain.

Servidumbre(s): common or individual use-rights on a property.

Sobreaguas: the right to preserve the open fields from livestock for a certain time after the rain when the soil is still humid.

Sociedad(es) de corralizas: local collective company created by former commoners with the aim of preserving their uses and rights on sold estates.

Soto(s): humid lands near rivers, frequently covered with poplars and bushes.

Título(s): noblemen with a title (duke, count, marquis,...)

Vaquería: common herd with cows.

Vecindad: The condition by which one person or family was considered as a member of the community with all the rights and obligations to commons and political bodies.

Vecino(s) forano(s): Privilege of some Navarrese noble families by which they could have access to commons in villages where they did not live.

Vecino(s): Commoner; member of the rural community with all the rights and obligations.

Villa(s) de señorío: Manorial villages

Villa(s): Borough; medium size settlement with some political privileges.

Yegüería: common herd with breeding mares and foals