

The common's versatility in the Southwest of Spain

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Abstract:

The main aim of this paper is to analyse, from a long run perspective, the evolution of collective property (communal and municipal lands) in Extremadura, a vast region located in the Southwest of Spain. In contrast to those authors who considers that consolidation of liberal state during the first decades of the 19th century was the main factor of dissolution of this kind of property in the country, my study reveals that the commons in this region were not unexplored and market-outside spaces on which the liberal reforms acted. But my work also shows that collective property in Extremadura neither was traditionally the jungle without law in which the worst instincts of rural society and, specially, the self interest of local oligarchy crystallized. Beyond abuse, the rustic patrimony of the villages of the region demonstrated to have, before Liberal Agrarian Reform, enough versatility for being, at the same time, source of economic growth, guarantee of social stability and ferment of economic inequality.

Key Words: *collective property, communal lands, municipal lands, Extremadura*

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I. Introduction

It is regularly accepted today that the process of dissolution of the commons in Spain became general around the middle of the 18th century. The turning point in this process was the critical analysis of the Spanish Enlightenment regarding collective property and, particularly, with regard to communal and municipal lands. Despite the fact that some regions were targeted with special privatisation laws by the monarchy since 1750, the redefinition of the commons in Spain throughout the second half of 18th century was more a spontaneous event than a regulated process conducted by the state. In fact, government control of privatisation did not begin to be a visible reality until the consolidation of the liberal regime in 1833. From that point on, legally speaking, all local communities were free to sell part of their rustic patrimony with the purpose of reducing the municipal debt. Nevertheless, though many villages made use of this possibility, the process of privatisation of the commons in Spain was only accelerated by Law of General Disentitlement of 1 May 1855².

During the last decades, this process of privatization has preponderantly focused the interest of the Spanish historiography. Until recently, besides, many academics have followed the hypothesis that identifies the penetration of the market into the rural world with the rise of the liberal state³. The correlation between these two circumstances has become so popular that, even for the most critical researchers, the privatisation process of collective property has ceased to have any profile of its own and has been converted into a mere adjunct of the consolidation of Liberal Agrarian Reform. As a consequence of such simplifications over the last thirty years, the liberal state is today considered 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 forces⁴.

The main aim of this work is just to analyse such capability by studying the evolution of collective rustic patrimony in Extremadura since the Christian Reconquest to the Age of Enlightenment. The analysis reveals that the commons in the region were constantly submitted to the redefinition of property rights. Certainly, collective lands were not unexplored and unyielding spaces over which the liberal state acted. But neither the commons in Extremadura were a jungle without law in which the worst instincts of rural society crystallized. Beyond abuse, collective patrimony in the region demonstrated to have, before Liberal Reform, enough versatility for being, at the same time, source of agrarian growth, guarantee of social stability and ferment of economic inequality. The study of such flexibility, enduring but also changing, is the central aim of the present paper.

II. The geographical framework

² A critical review of the Spanish legislation in the matter of privatisation since the middle of the 18th century can be looked up in Jiménez Blanco (1996) and Linares (2002).

³ See, for instance, many of the works collected in Congost & Lana (Eds.) (2007)

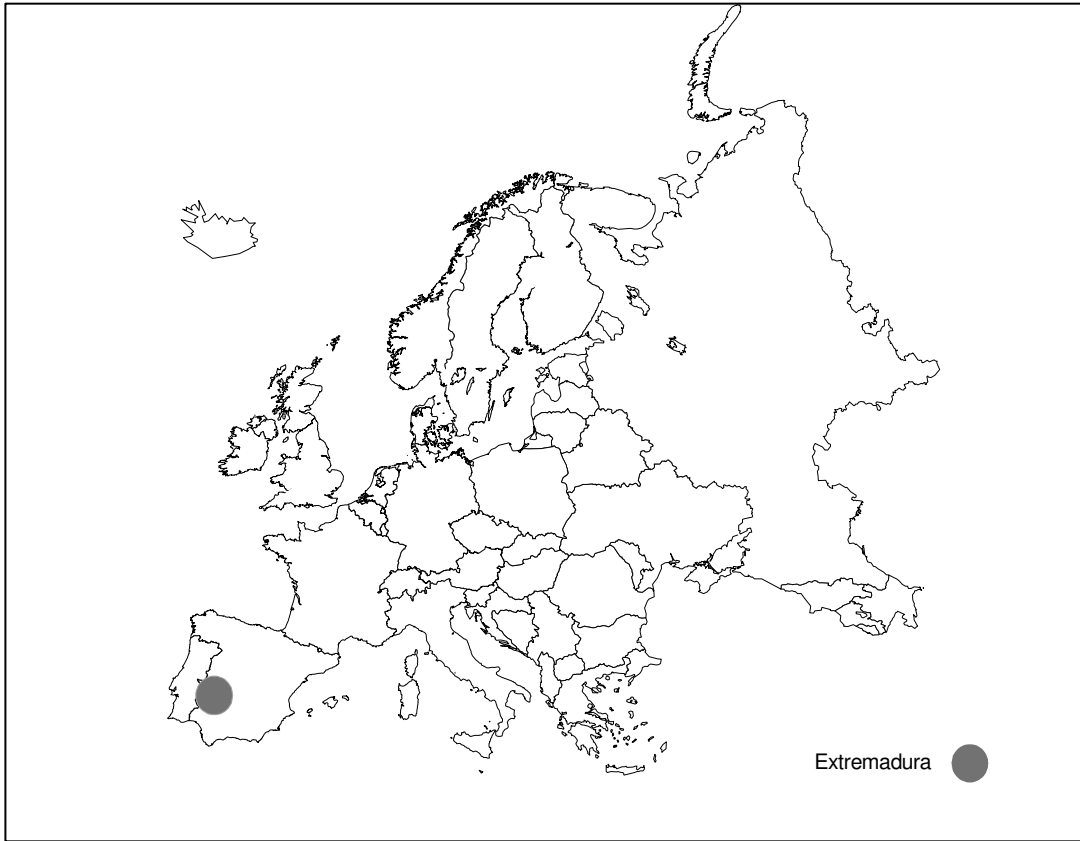
⁴ See Domínguez-Martín (1992), Grupo de Estudios de Historia Rural (1994), Iriarte (1996) and Moreno-Fernández (1998).

In terms of income per capita, Extremadura is today the most backward region in Spain and figures among the poorest ones of Europe. With an area similar to that of Switzerland (40,000 km²), it lies in southwestern Spain (Map 1) and, since 1833, is administratively divided into two provinces: Cáceres and Badajoz. Surrounded by mountains in the north, the east and the south, the regional 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 trees which dominate the wooded areas 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 explains the predominant livestock vocation that has dominated the agrarian history of Extremadura and helps to understand the peculiarities that the evolution of collective property presents in the region.

The Christian Reconquest of the areas previously submitted to Moslem influence marked in Extremadura, as in other places in Spain, the beginning of the current territorial structure's building. Since the establishment of the Moslem Empire in Andalusia (8th century) to the speediness of the Reconquest on the part of Christian kingdoms (12th century), initially placed in the north of Spain, Extremadura worked, firstly, as a no man's land and, after, as a military frontier. These last facts have a crucial meaning to correctly understand the double process of country planning and definition of the commons that took place in the region following the Reconquest.

Map 1

Extremadura in Europe



Except for the northern boundary of Extremadura, the remaining areas of the region did not start to be permanently invaded by the christian soldiers until the first years of the 13th century. From then on, military advance was relatively quick in Extremadura, but the greater fertility of the Guadalquivir Valley in Andalusia, which was reconquered at the middle of the 13th century, slowed down the process of recolonization in the region⁵. In this way, with a certain delay regarding to other zones in the country, Extremadura did not begin to be repopulated until the last decades of the 13th century. For then, however, the colonizing capability of the Christian kingdoms (Castilla and León) not only had been turned aside towards the rich Andalusian countryside, but that, really, not had still covered the demographic expectatives of the regions located in the north and the centre of Spain.

On the other hand, the military conquest was so quickly and left so land to exploit behind it that the repopulation in Extremadura could hardly give place to a dense village network⁶. Consequently, the model of country planning in the region was early characterized by low population density, big municipal districts and great distance between settlements⁷, situation to which the limited agricultural potentiality of Extremadura also contributed. Under such conditions, it is easy to comprehend why in the region common property was a key attraction point for the new settlers.

But to rightly understand this circumstance, it must be taken into account another fact: as a reward for the military help, the christian kings ceded the jurisdictional control of a good part of the region to military orders and lay and clerical manors. The coexistence of these two powers, together with the royal one, explains the legal competition for attracting settlers during the first phase of the repopulation. This rivalry, derived from the need of assuring fiscal rents in the new domains, had common property as a main protector. Moreover, freedom of use in collective lands was so decisive in the process of repopulation that, in some districts for which the calls to colonization did not include common use-rights, the results of them were limited⁸.

⁵ Martín-Martín & García-Oliva (1985: 288-289).

⁶ Mazo-Romero (1980: 51); Gerbet (1989: 40-42).

⁷ Barrientos (1985: 57-58); Bernal-Estévez (1998: 253-254).

⁸ It was the case of Zarza la Mayor (Cáceres), where, before a first summons without success, the authorities had to draw up new municipal charters, guarantying this time collective use of the non-privatized estates. See Martín-Martín & García-Oliva (1985: 308-309).

II. The process of clarification: communal and municipal lands

Section III. Heading XXVIII: About the things over which man can have got dominion and about how does he win it

Law III: The things that belong in common to all creatures

The things that belong in common to all creatures living in this world are these: air, water of rain and sea and its shore. Any living creature can use these things when it is necessary (...).

Law IX: The things that particularly belong to the common of each town or village and that can be used by every one.

The things that particularly belong to the common of each town or each village are these: fountains, squares where fairs and markets are made, places where town council meets, sandy grounds in river sides, communal lands and roads where horses race, forests and all other similar space which are established and granted to use in common of each town, village, cattle or any other place. All men who were residents can use all of these things because they are communal to all, so to poor person as to rich ones. But men which were inhabitants in other place cannot use those things against the will of those which be resident (...).

Law X: The things that particularly belong to the common of each town or village and that cannot be used by every one.

Towns and villages can have got arable lands, vineyards, vegetable gardens, olive groves and other states, livestock, slaves and other similar things that bear fruit or rent. Although these things pertain in common to all residents in the town or village to which they belong, every one separately cannot make use of them. But their fruits and rents must be devoted to communal services of the town or village, such as arrangement of walls, bridges and fortresses, tenure of the cattle, magistrates' salaries or other similar things belonging to the common of each town or village.

Siete Partidas (1252-1284)⁹

Obviously, G. Hardin did not know the 'Siete Partidas' of Alfonso X, the first great legal framework of the Christian Spanish Monarchy, when he predicted in 1968 'the tragedy of the commons'. If Hardin had had the chance of seeing this set of laws before publishing his ideas, probably he would not have supposed that collective ownership means open access for all individuals, concluding that common property is equivalent to no property¹⁰. Alfonso X's legislation, compiled during the period in which the Christian Reconquest started in Extremadura, clearly confirmed the difference between 'the things that belong in common to all creatures' and 'the things that particularly belong to the common of each town or village'. Only by pig-headedness, one may identify common property with lack of property after reading the Siete Partidas. Another matter is to know if, in the practice, this legal framework was operative for the future or was a loyal reflection of the different possibilities of access and use that the communal assets begun to show since the very process of Christian Reconquest.

In this last sense, the scarce historical scholarship developed in Extremadura until now reveals that the lands which were not shared among the settlers during the

⁹ Siete Partidas (1252~1284) (1565: 155-157).

¹⁰ A theoretical revision of this error can be looked up in Aguilera (1991).

first phase of repopulation were early submitted not only to the changes in the original municipal districts' frontiers, but also to the continuous clarification of the different tenure systems (municipal and communal) which later gave form to the vast rustic patrimony that is considered here as collective property¹¹.

In the current province of Cáceres, where royal jurisdiction was initially predominant, the model of repopulation gave in the mouth of the new local authorities the last word in terms of country planning. Thus, for example, the municipal charter of Cáceres' town (13th century), which was the legal basis for the rest of the calls to settling in areas under royal control, handed the power to accept or neglect the establishment of new families (new commoners) in the municipal district, as well as to share the surface to be ploughed among them, to the local corporation. For this purpose, the arable land of the municipal district was regularly divided by a local expert (*sexmero*) into six great parts (*sexmos*). Each one of them was after shared in twenty plots that were being adjudicated by the local corporation to the new settlers¹².

Among such fragments, the municipal charters of the province of Cáceres did not distinguish, by model of use or by addressees, communal lands in the strict sense of the expression, but they did common use-rights that the residents of each village could exercised in the previously shared plots: gleaning and fallowing. Likewise, the municipal charters pointed out the requirements that all commoners had to accomplish in forests and lands already enclosed by local councils to avoid overexploitation of pastures (number of animals by resident and by quality of grazing) and to assure tree preservation (ban on indiscriminate clearing and cutting, establishment of measures to forestation and, over all, fight against voluntary and involuntary fires)¹³.

It is at the end of the 15th century when the existing sources already allow to distinguish the different types of rustic assets that shaped the collective patrimony in the province of Cáceres. For then, however, two facts of a great economic and political meaning had taken place in the original country structure. On the one hand, the increase of the agricultural areas nearest to the first repopulated villages and the demographic growth of the 14th century had encouraged the development of small hamlets in the borders of the original municipal districts¹⁴. On the other hand, as a result of services done to christian kings, lay and clerical manors, as well as the Order of Alcántara and, in lesser measure, the Order of Santiago, had acquired the jurisdictional power over already populated settlements or over wasteland initially included into the municipal districts of the biggest villages¹⁵. Both facts made necessary to regularize and reorganize collective use-rights in the non-privatized

¹¹ The ideas which are summarized in the following paragraphs has been took from: Martín-Martín (1979) (1980) (1990); Borrero (1980); Mazo (1980); García-Oliva (1981) (1983) (1990); Fernández-Daza (1981) (1985); Santos (1981) (1986) (1990); Sánchez-Rubio (1983) (1994); García-Martín (1987); Clamente (1986); Cabrera (1987); Ramírez-Vaquero (1987); Molano (1990); Linares (1993); Clemente & Montaña (1994); Bernal-Estévez (1998).

¹² García-Oliva (1990: 67-97).

¹³ Martín-Martín (1979: 489-490) (1990: 12-17); Martín-Martín & García-Oliva (1985: 299 y 340-342); Sánchez-Rubio (1983: 309-314); Clemente (1986: 194-195), Ramírez-Vaquero (1987: 98-104); García-Oliva (1990: 75-88).

¹⁴ Martín-Martín (1980: 209-218); Sánchez-Rubio (1994: 45-51); Bernal-Estévez (1998: 111-122).

¹⁵ The case of the *sexmos* of Campo Arañuelo and La Vera is the best known one thanks to the scholarship of Santos (1981: 36-37 y 57-73) (1990: 377-380).

lands.

In the first case, the original structure did not suffer great changes. The new hamlets were integrated into the free and gratuitous use of collective estates by means of the so-called 'village and land communities' (*comunidades de villa y tierra*)¹⁶. The only difference regarding the earliest inhabitants of the municipal district was related to the use-rights in the areas that are named by the existing sources as 'municipal lands' (*tierras concejiles*). For accessing to them, the residents of the new hamlets had to pay an annual fee to the original village's local corporation. Eventually, this practice gave place to curious situations in some districts: by means of neighbouring apportionment, one or several hamlets finished up purchasing to the first municipality part of these municipal lands with the purpose of converting them into common property for that or those hamlets¹⁷. In this way, the process of municipalization of the commons, a process which is well documented in the province of Cáceres for the last centuries of the Middle Age, was compensated in some cases for the re-communalization, at small scale, of the non-privatized areas nearest to the secondary urban network.

The result of the seigniorial jurisdiction's insertion into royal areas was very different. In this case, it is reliable corroborated the quick appropriation of collective patrimony by aristocrat¹⁸. The main reasons of such speed seem to be related to the expansion of the transhumance and to the growing demand of winter grasses for the sheeps of the 'Mesta', a lobby of big stockbreeders of a great influence in the political economy of Spanish monarchy until the 19th century¹⁹. Not by chance, an important part of the land which was transferred from the town of Plasencia to the manors after the first repopulation was early converted into pasture and enclosed private use of the aristocrat²⁰. The later donation of the town to Stúñiga family (1442-1488) reinforced the privatization and the productive change of the communal lands even more. Indeed, the use of the old collective patrimony by livestock became so intense in this municipal district that Stúñiga family had to give specific instructions in 1471 to guarantee the preservation of some arable areas²¹.

The Order of Alcántara, established in the province of Cáceres' western zone, was more respectful with the commons. Without reaching to the extreme of defending the idyllic and equalitarian image that some authors have wanted to see in the country planning of this institution²², it is evident that the order promoted and guaranteed, to a great extent, the preservation of the original communal patrimony²³. The local ordinances of Valencia de Alcántara (1489) are a good sign of how this

¹⁶ See on this respect for Spain as a whole Mangas (1981: 35-62).

¹⁷ Santos (1990: 377).

¹⁸ In the areas where manorial jurisdiction was established since the first phase of repopulation the situation seems have been different. In this case, common property not only survived without great changes, but it was protected by the own manors during the last centuries of the Middle Age. See on this respect Mazo (1980), Fernández-Daza (1981), Cabrera (1987) and Molano (1990).

¹⁹ See Klein (1936) (1985)

²⁰ Santos (1981: 98-105 y 162-167).

²¹ Santos (1986: 348-352).

²² Bernal-Estévez(1998: 241-243)

²³ This is perhaps the reason why, during the last centuries of the Middle Age, the population in Extremadura tended to migrate from the royal and seigniorial areas to districts under control of military orders, idea that is collected in Martín-Martín & García-Oliva (1985: 309).

institution tried to assure the persistence of the extensive agricultural, livestock and forestry areas into the hands of rural community²⁴. Now then, it is also important to take into account that the Order of Alcántara received from the Spanish monarchy huge estates which were rapidly enclosed and converted into great grassing stores for the transhumant sheeps of the Mesta²⁵.

In view of all this, it seems difficult to find out in the province of Cáceres some regularity in the evolution of collective property through the Middle Age. Nonetheless, the evidences available for the 15th century allow to distinguish four great trends²⁶. On the one side, the lands which were not shared among the new residents during the first phase of repopulation remained divided into two different categories: communal lands and municipal ones. In other words, a part of original collective property was appropriated by the local corporations and converted into a source of income for the municipal accounts²⁷. In connection with this tendency, the second one was the growing presence of transhumant stockbreeders in the contracts to rent the winter grasses of those municipal lands²⁸. On the other hand, independently of the greater or lesser municipalization, some collective estates left the initial indefiniteness for beginning to accomplish a specific role: cultivation's lands, cattle's lands, horse's lands, sheep's lands, meat's lands, etc²⁹. At the same time, an important but impossible to quantify part of the original patrimony was privatized with the Spanish monarchy's acquiescence or by illegally appropriation³⁰.

These four trends, which went along with the decline of the 'open assembly' as a model of local management³¹, were in clear correspondence with the tendencies that collective patrimony showed in the province of Badajoz during the last centuries of the Middle Age. The only noteworthy difference is the greater homogeneity that this demarcation presented on remaining mostly submitted to influence of military orders. In this sense, the vast domain that the Spanish monarchy gave to the Order of Santiago in the centre and south of the province is what brings forward the best information about the process of definition of communal property. In fact, almost all information that serves as a basis for the following paragraphs was gathered by B. de Chaves in 1740 to defend against the monarchy the rustic patrimony owned by the order since the Christian Reconquest³².

The examples given on this respect show that, since 1229 to 1248, the jurisdictional power of a good part of the province of Badajoz was transferred to the Order of Santiago by monarchy. The delay and the speed of the conquest forced this institution to grant certainly attractive repopulation charters³³. Collective property was just one of the most important points of attraction for the establishment of new

²⁴ Bohórquez (Ed.) (1982).

²⁵ See, for example, Melón (1989: 272-281).

²⁶ I exclude from them the re-comunalization of estates previously appropriated by local corporations because, in the long run, this tendency showed, at small scale, the same line of evolution than the original collective patrimony.

²⁷ Santos (1981: 140-148); Martín-Martín & García-Oliva (1985: 340-341); García-Oliva (1990: 157-173); Sánchez-Rubio (1994: 229-235)].

²⁸ Martín-Martín & García Oliva (1985: 313-320 y 331-342); Bernal-Estévez (1998: 253-254).

²⁹ Martín-Martín (1990: 23-33); García-Oliva (1990: 158-170).

³⁰ Santos (1981: 36-37 y 98-112); García-Oliva (1985: 104-124); Sánchez-Rubio (1994: 227-231).

³¹ Fernández-Daza (1985: 427-428); García-Oliva (1981: 181-192) (1990: 219-242).

³² Chaves (1740) (1975)

³³ See Rodríguez-Blanco (1990)

families in the recent transferred lands. In this manner, given the limited population living in the province during the Moslem period³⁴, common rights stayed inserted into the manorial structure that the order imposed in the land distribution since the beginning.

At a first moment, a fragment of the new municipal districts (one third of the total surface, according to local charters of Mérida and Montánchez) was given in usufruct to the settlers. Meantime, the Order of Santiago preserved to itself the direct domain of that fragment and all property rights of the extensive estates adjudicated by the monarchy to own use of the institution³⁵. Together with these, the document used by B. de Chaves also talks about the spaces which were originally kept in reserve to collective use: 'fields of common and wasteland'.

The birth of new hamlets around the first repopulated villages perfectly fitted into the initial country planning thanks to the assignment of vast collective areas to be used in common both by the residents of the old villages and by the neighbours of the new ones. Nonetheless, the rapid enclosure of the original open fields and the demographic growth³⁶ did not take a long time to demand a territorial readjustment. So then, since the beginning of the 15th century, the Order of Santiago was a witness of a claiming movement in the province of Badajoz, with which the local corporations enquired, in their own interest, of course, the clarification of those imprecise fields of common and wasteland³⁷.

In view of such demands, the religious-military institution replayed through two different actions: converting villages' communities into neighbours' ones and increasing common use-rights for the towns with a greater political influence within the order's domain.

By means of the first action, many lands used in common by the residents of several villages became legally considered as communal estates for privative use of only one settlement. It was the case of 'Santiago del Moral', a pastureland over which the Santos de Maimona's neighbours repeatedly claimed an exclusive use against the grassing rights enjoying over it by the residents in Usagre, Hinojosa del Valle, Ribera del Fresno and Villafranca de los Barros. The sentence of the conflict, pronounced by the order in 1428, was favourable for the Santos de Maimona's inhabitants on finding the lands at stake as an "enclosed pasture for the oxens of this place"³⁸. It happened the same with 'Campo de Jobrecelada', a field of common and wasteland for the residents in Bienvenida, Usagre e Hinojosa del Valle. In 1470, this estate was granted to the Bienvenida's neighbours "for exclusive grassing of their beats of burden"³⁹.

Through the second action, some settlements that, during the 14th century, had achieved a considerable political importance within the territorial domain of the Order of Santiago were specially favoured. The more significant example on this respect was the case of the Llerena's town, that achieved to accumulate common rights for grazing use in wastelands placed in Montemolín, Fuente del Arco, Reina, Fuente de Cantos, Monesterio, Medina de las Torres, Calzadilla de los Barros,

³⁴ Bernal-Estévez (1998: 164-165)

³⁵ Rodríguez-Blanco (1985: 229).

³⁶ Bernal-Estévez (1998: 170).

³⁷ Linares Luján (1993: 135).

³⁸ Chaves (1740) (1975: 62).

³⁹ Chaves (1740) (1975: 67)].

Usagre and Guadalcanal⁴⁰. But also, at small scale, the geographical extension of the original grazing areas was a benefit to other lesser influential villages at the expense of the original fields of common and wasteland. In fact, the ploughing pressure in the areas close to settlements made the local corporations to repeatedly request the enclosure of pastures in this kind of spaces, demand to which the Order of Santiago acceded favourably many times⁴¹.

So then, by way of this double via of collective use redefinition the first peculiarities of the commons, regarding to addressees and forms of use, began to arise in the Order of Santiago's domain. Thus, in contrast to enclosed pasturelands (*dehesas adehesadas*), preserved to the exclusive use of the residents in a specific village, in fields of common and wasteland (*terrenos de común y baldío*), according to a general instruction of 1440,

all peasants of our domain, besides to eat or graze and gather acorns, can cut timber for yokes, ploughs, beams and all things which are necessary for cultivation, without any fine. And if they need timber for building or repairing houses, they also can get it in these fields of common and wasteland"⁴².

Together with this initial differentiation among the commons, document used by B. de Chaves shows that, since the end of the 15th century, the lands enclosed for the beats of burden began to be leased to foreign livestock, usually transhumant one, by local councils⁴³. In general, however, the leasing in this zone neither had a definitive character nor had an effect on all the production of the rented estates. It was usually the immediate financial need what made the municipal corporations to put in rent some products of the enclosed commons, mostly the winter grasses, but also timber and cork. Although the Order of Santiago was not be able to avoid this type of practices, at the end of the Middle Age the final conversion of communal lands into municipal ones had not had place in the order's domain. Indeed, only the forest 'Cornalvo' in Mérida's district appears clearly identified as a municipal asset during the last years of the 15th century⁴⁴. The remaining non-privatized lands continued to being legally speaking common property for several villages or estates of communal use for the residents in an only settlement.

In summary, at the end of the Middle Age, collective patrimony in Extremadura was not the same than what was inherited from the Christian Reconquest. To a greater or lesser extent, the process of repopulation obliged to clarify not only the model of use (communal or municipal), but also the kind of addressee (residents in several villages or neighbours of only one settlement) and the type of role (cultivation's lands, oxen's lands, horse's lands, sheep's lands, meat's lands, etc.). Likewise, privatization, linked, in some cases, to increase of cultivated areas and, in other ones, to enclosure of pasture lands, had reduced the original collective patrimony. Finally, the transhumant livestock, initially established in the manorial areas and in private lands of the military orders, had begun to use the winter grasses temporally leased by the local corporations to pay the financial needs. To sum up, a defined and redefined at the same time patrimony, in which communal practices and individual ones were always present.

⁴⁰ Rodríguez-Blanco (1985: 61).

⁴¹ Rodríguez-Blanco (1985: 232-233).

⁴² Chaves (1740) (1975: 58).

⁴³ Compilación Capitular (1605: 93).

⁴⁴ Rodríguez-Blanco (1985: 308-310).

A similar view about collective property is shown in Extremadura by the few historical studies available for the 16th and 17th centuries. It is true that the dynamic analysis of communal lands during these centuries in the region has been many times overshadowed by the stagnation that the development of local legislation seems to show⁴⁵. Nonetheless, leaving aside the profuse information that municipal regulation offers, the study of the regional historiography allows to identify, at least, three hypotheses to understand the evolution of collective patrimony before the Age of Enlightenment.

First one concerns to the adaptability that the privatization, with or without the monarchy's agree, showed in the region. Really, during the 16th century, the conversion of common property into private one in Extremadura seems to have raised from the population growth and, consequently, from the need of ploughing new lands. On the contrary, the persistence of the individual appropriation during the 17th century does not seem to have being due to the demographic pressure but the enlargement of the surface enclosed for grazing use⁴⁶. Rightly or wrongly, this hypothesis is in clear correspondence with the trend, already pointed out for the Middle Age, to use the commons as a source of agricultural growth, but also as a way of livestock expansion, an idea that has not been always suggested by the Spanish contemporary economic historiography.

More documented and better known by the experience of other regions is the hypothesis that connects the internal versatility of collective patrimony to the fiscal pressure of Spanish monarchy⁴⁷. From this perspective, the commons in Extremadura are shown as a flexible social security which changes according to the circumstances of each time and which serves as a mortgage when the financial needs of the local life or the Royal Treasure drive the local corporations to contract debts⁴⁸. In this sense, it is clear that the process of municipalization of old collective patrimony continued to progressing in Extremadura, but not to a speed as high as the regional medieval historiography sometimes suggests⁴⁹.

Together with this, and following again a tendency already noticed for the last centuries of the Middle Age, the connection between collective property and transhumant merino sheep is documented in Extremadura for the 16th and 17th centuries too. During that time, besides, the stockbreeders of the Mesta not only appear as main users of the winter grasses leased by local corporations, but also as important creditors of the municipal accounts in moments of a greater financial difficulty⁵⁰.

This last idea, directly connected to the process of municipalization that collective property seems have suffered throughout the Ancient Regime in Extremadura, is also confirmed by 'Catastro de Ensenada' (1751-1753)⁵¹, the most

⁴⁵ The same idea is shared by Tine the Moore (2007)

⁴⁶ See Rodríguez-Grajera (1990:120-121).

⁴⁷ Bernal-Rodríguez (1978); García-Sanz (1980) (1986).

⁴⁸ Pérez-Marín (1993: 181-184, 320-347).

⁴⁹ As I shall point out later, the municipalization of a part of the commons in the region was mainly related to public offices and local jurisdiction's sale which was developed by the Spanish monarchy during the second half of the 17th century.

⁵⁰ See, for intance, Linares (2001: 79-84).

⁵¹ Archivo General de Simancas (AGS), Dirección General de Rentas (Primera Remesa), 'Libros de Respuestas Generales del Catastro del Marqués de la Ensenada' (1751-1753), books 2, 4, 135-154, 515, 525, 526, 560-562, 612, 614, 615, 619, 620 y 624.

important source in Spain to know the features of collective patrimony before the Liberal Agrarian Reform.

Certainly, in a first quantitative approach, the figures included into Catastro de Ensenada, enlarged and enhanced for the present work with the data collected in the so-called 'Interrogatorio de la Real Audiencia de Extremadura' (1791)⁵², oblige to consider that, in terms of surface, the process of municipalization was already advanced enough at the Age of Enlightenment (Table 1). Almost half of the collective surface about which these two sources offer conclusive information was a part of the municipal patrimony. It is true that this fact had in the province of Badajoz a greater impact than in Cáceres, where the process of decomunalization by means of 'arbitrio' was still in progress at the middle of the 18th century⁵³. Nonetheless, even accepting the slant that the more than probable undervaluing of the commons can introduce in the estimation, the sample of Table 1, representing the 70 % of total collective forest surface in Extremadura, does not leave many doubts about the process of municipalization to which was submitted old common property in the region after the Christian Reconquest⁵⁴.

⁵² The local reports of this inquiry have been published by Rodríguez-Cancho & Barrientos (Ed.) (1993-1996).

⁵³ The term 'arbitrios' was normally used in Spain for commons which had been temporally converted to municipal lands by local corporations. See Nieto (1964).

⁵⁴ This idea, developed by Mangas (1981), does not apply for other regions in the country. See, for example, Manuel (1996).

Table 1

Collective forest property in Extremadura at the middle of the 18th century (*)
(hectares and percentages)

Provinces	Hectares			Total Surface	Percentages over Total Surface		
	Communal	Municipal			I	II	III
Agrarian Districts	I	II	III		I	II	III
BADAJOS (Province)	185,775	120,155	203,695	509,625	36.5	23.6	40.0
Badajoz	37,227	31,117	47,329	115,673	32.2	26.9	40.9
La Campiña	8,662	6,016	31,393	46,071	18.8	13.1	68.1
La Serena	27,930	4,495	18,371	50,796	55.0	8.8	36.2
Llanos de Olivenza	24,743	6,707	7,551	39,001	63.4	17.2	19.4
Los Montes	35,129	24,332	3,897	63,358	55.4	38.4	6.2
Sierras de Jerez	2,954	9,851	7,432	20,237	14.6	48.7	36.7
Tierra de Barros	4,115	6,668	13,843	24,626	16.7	27.1	56.2
Tierra de Mérida y Vegas Bajas	9,460	6,627	23,483	39,570	23.9	16.7	59.3
Vegas Altas	13,916	18,174	13,414	45,504	30.6	39.9	29.5
Zafra	21,639	6,168	36,982	64,789	33.4	9.5	57.1
CÁCERES (Province)	283,631	163,773	146,586	593,990	47.8	27.6	24.7
Cáceres	35,138	39,267	30,536	104,941	33.5	37.4	29.1
Campo Arañuelo y Los Ibores	28,453	7,545	26,560	62,558	45.5	12.1	42.5
El Valle y Plasencia	26,023	11,544	24,549	62,116	41.9	18.6	39.5
La Vera	23,545	5,727	4,673	33,945	69.4	16.9	13.8
Las Hurdes y El Ambroz	24,995	4,685	3,684	33,364	74.9	14.0	11.0
Las Villuercas	44,012	30,597	7,838	82,447	53.4	37.1	9.5
Sierra de Gata y Coria	49,361	10,236	16,585	76,182	64.8	13.4	21.8
Tierra de Alcántara	10,037	6,446	9,805	26,288	38.2	24.5	37.3
Tierra de Trujillo	26,955	37,995	19,638	84,588	31.9	44.9	23.2
Valencia de Alcántara	15,112	9,731	2,718	27,561	54.8	35.3	9.9

EXTREMADURA	469,40	283.9	350,2	1,103,6	42.5	25.7	31.7
	6	28	81	15			

(*) It only includes estates of which management system was explicitly collected in Catastro de Ensenada or Interrogatorio de la Real Audiencia de Extremadura.

- I. 'Comunes': lands of free and gratuitous use
- II. 'Arbitrios': lands temporally leased by local corporations
- III. 'Propios': lands regularly leased by local corporations

SOURCE: Linares (2002: 78-94)

In the following chapter, I will try to elucidate if the process of decomunalization of collective patrimony in Extremadura had become so important as shown by the figures collected into Catastro de Ensenada and Interrogatorio de la Real Audiencia de Extremadura. With this intent and by using both quantitative information and qualitative one that these very sources give us, I will analyse three interrelated variables: management, use and social role of municipal and communal woodlands.

III. Collective property before Liberal Agrarian Reform

Within the heterogeneous set of assets that made up the collective patrimony in Extremadura at the middle of the 18th century (agricultural, forest and grazing lands), the only estates that received an unitary management by the local corporations were, according to Catastro de Ensenada, small properties dedicated to permanent crop. In most cases, these lands, normally sowed with cereal or olive tree and almost always placed close to settlements, were temporally or for life rented to residents. They were therefore municipal lands in strict sense of the expression and, except for the grazing rights exercised by the commoners after harvest, they were never target of seasonal assigning. Leasing of such properties implied the transmission of all products they yearly produced⁵⁵.

For remaining collective estates, the management model in Extremadura was very different. In these cases, each product gave a specific system of adjudication, so that several users could coincide in a same property throughout the year. Sometimes, in municipal lands, an only person or an only group of persons rented all the uses. Similarly, in communal lands, the consumer could change according to the season (oxen of burden, milking cow, fattened pig, etc.), but only the members of a specific community were the beneficiaries of all the products. The correspondence of users, however, did not avoid the plurality of management systems which the own productive multiplicity of collective property gave place to. In view of such diversity, the municipalization in Extremadura seldom stayed defined by the mere distinction between communal and municipal lands.

To know the real extent of this difference, I have made a poll among Catastro de Ensenada's reports that include the most accurate details about the municipal incomes. The result (Table 2) offers an expressive schema about what products of collective patrimony were, at the middle of the 18th century, the most affected by municipal appropriation. In no case, this schema can be considered as a representative balance of total production, for two reasons: on the one hand, the value of each use was interfered with the system of adjudication and, on the other hand, many collective rights were never valued by local corporations.

Table 2

Annual municipal incomes in Extremadura at the middle of the 18th century (sample = 140 villages) (reales de vellón and percentages)

Items		Rs. Vn.	Groups and Subgroups (%)	
Land Incomes	Winter	1,156,378	91.8	71.4
	Pastures	15,659	1.2	
	Summer Gleaning	58,011	4.6	
	Fallow	29,294	2.4	
	Total (Pastures)	1,259,342	100.0	

⁵⁵ AGS, Dirección General de Rentas (Primera Remesa), 'Libros de Respuestas Generales del Catastro del Marqués de la Ensenada' (1751-1753), books 2, 4, 135-154, 515, 525, 526, 560-562, 612, 614, 615, 619, 620 y 624.

Acorns	374,827	21.2
Crops	113,297	6.4
Cork	2,472	0.2
Timber and Firewood	1,448	0.1
Other Products	12,431	0.7
Total (Land Incomes)	1,763,817	100.0
Other Incomes	201,516	10.3
TOTAL	1,965,333	100.0

SOURCE: AGS, Dirección General de Rentas (Primera Remesa), 'Libros de Respuestas Generales del Catastro del Marqués de la Ensenada' (1751-1753), books. 2, 4, 135-154, 515, 525, 526, 560-562, 612, 614, 615, 619, 620 and 624, questions XXIII, XXIV, XXVIII and XXIX.

Anyway, my sample shows the significant fiscal role that rustic collective patrimony played in Extremadura before the Liberal Agrarian Reform. Almost the 90 % of all the municipal incomes in the region came from the leasing of a part of this patrimony (municipal lands). The remaining rents of the local budget derived from: fines by cuttings in woodlands or illegal fishing, renting of town properties (houses, wells, taverns, bakeries, forges, mills, butcher's shops and grocery stores), public supplies (wine, fish, meat, oil, soap and liquor) or municipal taxes (*montazgos*, *pontazgos*, *barcajes*, *escribanías de ayuntamiento*, etc)⁵⁶.

With regard to incomes coming from the land, Table 2 does not make but to confirm a trend developed in Extremadura since the Christian Reconquest: the grazing vocation of the municipalization. The main characters of this tendency were the winter grasses of which leasing provided the most of the incomes for municipal accounts. In almost all villages of Extremadura this use was appropriate by the local corporations at the middle of the 18th century. Moreover, according to Catastro de Ensenada, the greater or lesser municipalization of an estate at that time was directly related to its greater or lesser aptitude for giving grasses in winter. The individual leasing of them, however, did not mean the full exclusion of the commoners. In the oxen's lands, for instances, the renting of the winter grasses was always expressly submitted to the "charge of the beasts of burden of the residents". Likewise, the contracts for leasing the fresh grasses in meat's lands had normally a clause that obliged the leaseholder to respect the free entry of all animals to be

⁵⁶ The list of municipal taxes at the middle of the 18th century was in Extremadura really diverse. In Ahigal (Cáceres), for instance, the local corporation charged 2,5 reales de vellón to each newlywed "in account of immemorial custom". AGS, Dirección General de Rentas (Primera Remesa), 'Libros de Respuestas Generales del Catastro del Marqués de la Ensenada' (1753), book 135, p. 648].

slaughtered in the butcher's shops of each village. It did not happen so with the cows of the residents that was allocated to free market. The access of such animals to the pastures enclosed by the municipalities involved the pay of a fee which used to be lower than that was established for sheeps. With this kind of practices the beasts of burden was favoured regarding the livestock to market and, to some extent, the cattle of the commoners regarding the foreign sheeps. It was a form to counterbalance the monopoly exercised by the transhumant sheeps in the winter grasses of collective patrimony.

Financial liquidity of the Mesta's members and use's privileges that this institution had since the Middle Age guaranteed the almost exclusive participation of the transhumant livestock in the winter grasses of Extremadura's municipal lands. In this case, the adjudication was always preceded of public auction. The resulting leasing used to be stipulated for short time, no more than eight years, but the 'possession right'⁵⁷ that the members of the Mesta could to invoke allowed to keep the contracts in effect for thirty or forty years. As a counterweight to this practice, the stockbreeders accustomed to advance a good part of the total rental fee before the beginning of the first winter. Additionally, the members of the Mesta used to be the main moneylenders of the local corporations. The ensuing relationship guaranteed the preservation of the transhumant monopoly in collective lands.

At the end of March or at the beginning of April, when the merino sheeps came back to the North, the use of summer pastures (*veranaderos* and *agostaderos*) started in Extremadura. Sometimes, the transhumant stockbreeders contracted the grasses of all the year and subleased the summer ones to residents. In general, however, consistent with Catastro de Ensenada, the use of these pastures in the region continued to be free and gratuitous for commoners. From that, the limited relative weight that *veranaderos* and *agostaderos* represented within the total income deriving from collective lands at the middle of the 18th century.

In aggregated figures, it was more important in Extremadura the rental fee that the use of agricultural by-products gave. Few times, however, the local councils of the region leased the pastures which were produced in the fallow lands (*marradas* and *barbecheras*) or in the corn-growing ones (*entrepanes* and *rastrojeras*). Mostly, the use of these by-products at the middle of the 18th century continued to be free and gratuitous for the residents. Only to inhabitants in adjacent villages, the municipalities used to charge a small rental fee by the use of them. Neither, furthermore, the figures collected in Catastro de Ensenada reflected the real economic value of these pastures. Even so, there is no doubt that both the support of the local livestock and the natural fertilization of arable lands in collective estates depended on these by-products.

Something similar happens with the use of acorns in the estates populated by holm oaks between October and December. The incomes that municipalities of Extremadura got by this amount only represented a small part of its real economic value. Thus, for example, in Monesterio (Badajoz), where the acorn's consumption in collective woodlands was free and gratuitous for the commoners, the local corporation appraised the use of this fruit use at 7,500 reales de vellón⁵⁸. In Almoharín (Cáceres), where the holm oak's acorn only produced 347 reales de vellón yearly for the municipal budget, the municipality explained that, if it were

⁵⁷ See Martín-Barrigüete (1998)

⁵⁸ AGS, Dirección General de Rentas (Primera Remesa), 'Libros de Respuestas Generales del Catastro del Marqués de la Ensenada' (1753), book 144, question XXIII.

leased, “total value of this use would be 4,680 reales”⁵⁹. There was not, therefore, correspondence between the rental fees derived from the acorns and the real advantages that gave their communal use.

Actually, when the holm oak’s acorn was a part of municipal accounts, what the local corporations leased was not the fruit shaken from the trees with roads and eaten by the pigs to feed (*montanera*), the most valuable use, but the acorn spontaneously fallen from the holm oak and consumed by pigs in freedom (*granillo*). For shaking, the local corporations previously appraised the use “at sight of acorn” and subsequently shared it among all the villagers. Initial assignation was normally gratuitous, but if somebody had not any pig to feed he could sell his right of use to other residents. For the fallen acorn, the adjudication system used to be the sharing by valuation. Along with it, the local expert fixed a price for the entire fruit and councillors shared the result among the total claimants in proportion to the amount of pigs that every one wanted to entry. Nothing to do, therefore, with the auction to the highest bidder that the municipalities of the region employed for leasing the winter grasses. In fact, according to Catastro de Ensenada, only in this last use the process of municipalization of collective lands was really patent at the middle of the 18th century⁶⁰.

Not even the ploughings in forest and grazing lands were fully appropriated by local corporations. The gratuitous sharing among the commoners in proportion to the yokes of each one was the widest adjudication system in Extremadura. It is true that, in the most populated villages of the region, this use had been converted into a regular source of income for the municipal accounts (Table 2). In no case, however, the method for leasing was the public auction. The most common system was again the neighbouring distribution by expert valuation. With this intention, every year, the “clever persons of the village” divided the arable lands into plots and fixed an annual price for each one according to its quality, surface and location. Subsequently, the local authorities allocated by lots these parcels among the claimants with yokes. It was a form to assure, to a greater or lesser extent, the equitable sharing of arable lands among those commoners who were materially able to put them in use. Another thing is that, in the practice, this system did not take place to situations of clear social differentiation.

About timber, Catastro de Ensenada says nothing much. Given the dominant forest species in Extremadura (holm and cork oaks), wood could not be one of the most valuable products within the municipal accounts (Table 2). Indeed, only for those areas where common oak, pine and chestnut tree were predominant Catastro de Ensenada placed the leasing of timber by local corporations on record. This not means that the use of wood which collective lands produced in the region was not important for local life. Independent of the dominant forest species, the access to such product continued to be free and gratuitous for all the commoners at the middle of the 18th century. The municipal councils, following customary rules, indicated

⁵⁹ AGS, Dirección General de Rentas (Primera Remesa), ‘Libros de Respuestas Generales del Catastro del Marqués de la Ensenada’ (1753), book 134, question XXIII.

⁶⁰ The case of cork is special one. Catastro de Ensenada collects the rental fees derived from its use (Table 2) but not the system employed by local councils for its adjudication. Only Interrogatorio de la Real Audiencia de Extremadura offers some data on this respect. According to them, the townships of the municipal districts in which cork trees populated collective estates used to lease in public auction the stripping of cork every eight, ten or fifteen years with destination to local leather industry. It was therefore a use only temporally rented in the region by local corporations.

every year the moment and the style of the cutting, the use of the trunks (ploughing equipments and building materials) and the fines by infraction. The municipalization of the timber, however, was so scarcely significant that, in those villages where it was leased by the local corporation, the rental fee of this product did not reach the incomes derived from fines by illicit cuttings.

Something similar happened with the remaining uses appropriated by local corporations (Table 2). In countable terms, none of them represented more than 0.2 or 0.3 % of total municipal incomes. In real terms, however, all of them contributed to daily support of rural world. What to say if not about the extraction of firewood, the transformation of wood into charcoal, the consumption of tender branches by goats (*ramoneo*) or the building of beehives?. In very few cases these uses were leased by local councils. In fact, three of five villages where they were rented at the middle of the 18th century clarified in Catastro de Ensenada that the leasing of this kind of practices had an extraordinary character and only had an effect for foreign. For residents, the access to such uses continued to be free and gratuitous.

In short, all seems to indicate that, at the middle of the 18th century, the municipalization in Extremadura did not involve the whole decomunalization of the different products that municipal lands produced. Leaving aside the parcels allocated to permanent crop, capable of a privative use by themselves, the only products regularly privatized by local corporations in collective estates were the winter grasses. Not even the access to acorns or the ploughing of woodlands was influenced by the market. As for the remaining uses, the systems employed by municipalities for adjudicating the acorns and the ploughings guaranteed the almost sole participation of the residents and assured the temperance in the rental fee of adjudication.

On the other hand, to correctly value the process of municipalization in Extremadura, it must be taken into account that collective patrimony was almost the only source of incomes for municipal budget. From this perspective, the decomunalization in the region was inseparably coupled to the indifference with which the Spanish state had and continued attended at the middle of the 18th century the most simply financial needs of the local life. This lack of interest, converted into voracity when it came to burdening the municipal accounts with taxes, gave place to a vicious spiral of correspondences in which institutional corruption, local debt and individual appropriation coexisted without break in continuity. Beyond this spiral, however, collective patrimony accomplished the role of paying the increasingly expensive municipal administration.

To know this other role, I have made a poll among Catastro de Ensenada's reports that include the most precise details about the municipal expenses. The result (Table 3) does not leave many doubts about the main use of the incomes. As in other regions of the country, the most important part of them defrayed the salaries of the municipal councillors and experts⁶¹. The amounts assigned by the local corporations to police and guard, education, health and charity were instead scarcely significant, over all considering that none of these items exceed by itself the expenses derived from civil and religious festivities.

It was more important the sum yearly addressed to public building. According to Interrogatorio de la Real Audiencia de Extremadura, the investment made by local corporations on this respect, although significant in relative terms, was not enough to

⁶¹ For other places, see Bernal-Rodríguez (1978: 291) and García-García (1986: 91) (1994: 106).

provide the region with a minimally acceptable label of infrastructures⁶². Even so, it must be pointed out again the almost absolute indifference with which the central administration assumed the development of the essential services in the rural world. Suffice it to say that, consistent with the existing legislation, all villages in the country not only had to pay the roads of their respective municipal districts, but also they had to contribute with an amount previously fixed by the state to the building of all roads made for 250 kilometres round about⁶³. Under such circumstances, there is no doubt that the incomes derived from the leasing of municipal lands accomplished a crucial function in Extremadura for the maintenance of local life.

Table 3

Annual municipal expenses in Extremadura at the middle of 18th century
(sample = 60 villages) (reales de vellón and percentages)

Items		Annual Value	Percentage
Ordinary and Extraordinary Expenses		Rs. Vn.	s (Over Total)
Municipal Administration	Municipal Salaries	360,618	30.2
	Trips and Allowances	18,318	1.5
	Urban Police and Rural Guard	20,082	1.7
	Education	11,220	0.9
	Health	27,528	2.3
	Charity	7,212	0.6
	Public Buildings	170,975	14.3
	Festivities	45,666	3.8
	Seigniorial Rights	1,854	0.2
	State Duty	Leasing Taxes	23,982
Royal Taxes		219,325	18.4
Local Debt	Credits' Interests	157,938	13.2
Other Expenses		127,900	10.7
TOTAL		1,192,618	100.0

SOURCE: AGS, Dirección General de Rentas (Primera Remesa), 'Libros de Respuestas Generales del Catastro del Marqués de la Ensenada' (1751-1753), books. 2, 4, 135-154, 515, 525, 526, 560-562, 612, 614, 615, 619, 620 and 624, questions XXV and XXVI

A similar conclusion raises the relative weight that the payment of royal taxes

⁶² Rodríguez-Cancho & Barrientos (Eds.) (1993-1996).

⁶³ See García-García (1994: 127-128).

represented within the municipal expenses. In contrast to leasing taxes, met to the royal treasury as a result of the temporal renting of communal assets (*arbitrios*), royal taxes came from the fiscal headings assigned by the central administration to each village. So then, an important but difficult to measure part of many taxes that had to be individually paid by the residents through neighbouring apportionment (*derrama*) was met to the royal treasury thanks to the incomes derived from collective patrimony. It was therefore a manner of reducing the fiscal pressure of the Spanish monarchy, something that, according to Catastro de Ensenada, also happened in Extremadura with the still surviving manorial rights (Table 3).

The fiscal lowering by means of the municipalization did not mean, far from it, equitable social distribution of the state fiscal pressure. In absolute terms, the richest residents in each village, who would have had to pay more taxes in a hypothetical progressive fiscal system, were who more earned with this method. Despite that, there is not any doubt that the model of payment developed by the local corporations in Extremadura was also profitable for the remaining residents in relative terms.

An identical role was accomplished by some spendings included into the item 'other expenses', such as 'charges of Mesta'. All fines imposed to the residents by the judges of this last institution because of illegal ploughings in grazing areas were collected into these charges. The local reports collected into Catastro de Ensenada show that the payment of them at the middle of the 18th century had left off being a variable expense according to the illegally cultivated surface for becoming a fixed item within the municipal budget. In this way, collective patrimony, while allowed to lessen the abusive effects of the Mesta's privileges, guaranteed a minimum of ploughings in the pastures officially enclosed for exclusive livestock use.

The social function of communal lands appropriated by local corporations in the region did not stop there. Many services that the state of Ancient Regime laid on rural world were insinuated behind the credits' interests (Table 3). Among these services, the most frequently pointed out in Catastro de Ensenada were the establishment of public bakeries, the purchase of common rights in manorial domains, the payment of extraordinary taxes, the construction of public buildings or the raising of soldiers⁶⁴. The star subject was, however, the purchase of independence. In almost all the cases, the process of municipal liberalization, against the jurisdictional power of lay and religious manors or against the jurisdictional domain of settlements of a greater size, started in Extremadura, as in other places of the country, at the last decades of the 17th century⁶⁵. The mortgage of a part of collective patrimony with this purpose was therefore another form of social redemption.

But not all the effects of the municipalization in Extremadura were so good. As I pointed out before, the appropriation of collective lands served in the region to release the local rich men from the duty that they would have had to meet within a progressive fiscal system. Likewise, the municipal indebtedness could drive to meeting of creditors, in which case the result was normally the leasing of all the

⁶⁴ One of the most curious cases of municipal indebtedness in the region was what the councillors of Torrecilla de los Ángeles (Cáceres) pointed out in Catastro de Ensenada. According to them, the local corporation had contracted a credit with the purpose of "redeeming to the residents from the vexation of sweeping the streets of Santibáñez [a village close to Torrecilla de los Ángeles] on Sunday". AGS, Dirección General de Rentas (Primera Remesa), 'Libros de Respuestas Generales del Catastro del Marqués de la Ensenada' (1753), book 151, p. 681].

⁶⁵ See, for example, García-Sanz (1980: 120-123).

products that municipal assets produced. In this manner, by means of indebtedness, the process of decomunalization was practically finished. Luckily, however, at the middle of the 18th century only nineteen villages in the region had reached such extreme.

More extensive was the case of those villages where the municipal debt drove to a monopoly of use in favour of creditors. In this situation, the decomunalization had not effect in all products of collective patrimony but only in some of them, almost always winter grasses. Usually, as well, the main creditors were stockbreeders of the Mesta. The link between transhumant livestock and mortgaged lands, in addition to the privileges of this institution's members, allowed not only to veto the access of the commoners to enclosed grazing areas, but also to limit the probable increase of municipal incomes. In this case, therefore, the indebtedness acted as exclusion instrument and, at the same time, as a mechanism that could reproduce the very indebtedness.

Anyway, at this stage, it must be remembered that not all collective patrimony was leased or mortgaged by local corporations. Together with municipal lands, a vast surface occupied by wastelands and commons had stayed aside of the municipal appropriation at the middle of the 18th century (Table1). In this other cases, the free and gratuitous use for the commoners had effects not on one or several products but on all ones. Moreover, in communal lands, the residents could exercise without the slightest charge not only the same rights that appeared associated to municipal accounts in Catastro de Ensenada, but also those other uses that, on giving no income, kept out of such source. Interrogatorio de la Real Audiencia de Extremadura showed evidences of them when it recognized as common use-rights: gathering of dyer fruits, harvesting of mushrooms and medicinal plants, hunting, fishing and extracting of stone, sand and clay⁶⁶.

It is certain that the variability of the municipal expenses as a consequence of the state's fiscal pressure converted communal patrimony in which these rights were exercised into an easy capture for the municipal appropriation. But it is also true that the preservation of large surfaces already non-appropriated by local corporations at the middle of the 18th century guaranteed the existence of a productive stock which was indispensable for keeping the domestic economy. Not by chance some of the Spanish thinkers who began to suggest the full privatization of collective patrimony since the Age of Enlightenment insisted on the barrier that the possibility of completing the familiar income with this kind of property imposed to liberalization of labour market⁶⁷.

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⁶⁶ Rodríguez-Cancho & Barrientos (Eds.) (1993-1996).

⁶⁷ See on this respect Linares (2002)

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