

***IASCP Europe Regional Meeting***

**Building the European Commons: from Open Fields to Open**

**Source**

*Brescia - Italy - March 23-25, 2006*

**Commons and village communities in the “Tierra de Madrid” under  
the *Ancien Régime* (14th–19th centuries)**

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Session 2 Historical studies 1

As is the case throughout Europe, in Spain common property and public lands fall under a diverse array of legal classifications. In studying the history of Spain’s public patrimonies, then, one must first understand these categories.<sup>1</sup> The first classification, that of municipal patrimony (*patrimonio municipal*), includes *bienes comunales*, property belonging to the community of

residents and available for their common use, and *bienes de propios*, property belonging to the local government as a legal entity in itself and providing it a source of income to meet the needs of the municipality. The second classification, that of *baldíos y realengos* or Crown lands, comprises undeeded parcels that remain part of the eminent domain of the Crown. In practice, however, these *baldíos y realengos* functioned historically as so many additional parcels of common property at the disposal of the councils and inhabitants of the locales in which they were embedded. The monarchy only decided—and was able—to exercise its rights to sell these lands at discrete junctures; otherwise, the villages enjoyed their usufruct in peace. In this paper I wish to highlight this communal nature of the *baldíos*, and I will analyze them from that perspective.

Commons' economic and social importance in early modern Castile derived from the fact that they provided a series of basic resources necessary to the agrarian system, such as the pasturelands and woodlands that fuel organically-based economies. As we shall demonstrate, however, they also facilitated an increase in the quantity of land under cultivation and, thus, contributed to the expansion of the economy's productive potential.

The institutions responsible for managing Castile's commons (both north and south of the *Cordillera Central*) were the municipalities. It is therefore necessary to examine in detail the nature of Castilian municipal governance in order to understand the mechanisms by which common property was regulated and sanctioned. The medieval repopulation of the territory between the Duero and Tajo Rivers gave rise to the characteristic municipal institution known as the Town and Land Council (*concejo de villa y tierra*), an organ of urban government whose jurisdiction extended beyond the city to encompass a dependent rural territory (the *Tierra*). Under this regime, villages within the *Tierra* were subsumed under the normative and regulatory capacity of the urban municipality. Emerging in the Middle Ages, the *Tierra de Madrid* encompassed an area of approximately 1,500 square kilometers and including forty settlements (some of which subsequently disappeared over the course of the modern era).

The village community was the basic cellular unit around which rural families were organized and their resources managed.<sup>2</sup> Over the course of the Middle Ages certain communities developed local organs of governance and administration known as village councils (*concejos aldeanos*) as they experienced long-term processes of economic and social differentiation. Though these village councils were subordinate to the municipal council's jurisdiction, one must emphasize

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<sup>1</sup> Nieto, A. (1964), Marcos Martín (1997).

<sup>2</sup> Izquierdo, J. (2001).

their crucial role as intermediaries between the rural communities and Madrid in matters pertaining to the management and regulation of public property.

The *régimen comunal de villa y tierra* (communal system from town and country) comprises the entire complex of common property and rights within this territorial area. With the exception of those public lands restricted to a specific purpose (for example, meadows), the inhabitants of the city and villages all exercised common usage rights, the only precondition for which was residency. In addition to these commons *de villa y tierra*, the city and each of the villages could choose to set aside additional public lands of their own exclusively for their residents.

The Madrid municipality's primary objective from the close of the Middle Ages was to increase its rental income derived from the exploitation of its patrimony, which meant the progressive conversion of common tracts of land into private government property known as *bienes de propios*.<sup>3</sup> Contemporaneous with and linked to this first change was a second transformation, in which the *Tierra de Madrid*'s village communities gradually brought the formerly barren *baldíos* under regular cultivation. This steady dismantling of the commons at the behest of the urban power center met with protest and resistance from the rural communities and their representative organs, the village councils.

Under the *Ancien Régime*, Castile's common lands underwent a process of transformation paralleled elsewhere in Europe, which saw their common usage rights progressively restricted if not altogether eliminated.<sup>4</sup> This paper proposes to analyze one such case, the commons in the city and *Tierra* of Madrid, in order to illustrate the effects of this transformation upon principal common resources (grassland, firewood, and cultivated arable) and to determine the roles played by the institutions responsible for their management—the municipality of Madrid and the village councils of the *Tierra*—in this process.

## 1. The commons prior to Madrid's elevation to capital status (14th–16th centuries)

Conciliar patrimonies took shape at the close of the Middle Ages, and it is only possible to recover the structure of common property, and to sketch the principal outlines of the transformation they were to undergo, from the fourteenth and fifteenth centuries onward. For earlier periods, the absence of documentary references prevents a suitably systematic reconstruction. It is possible, nevertheless, to obtain an approximate picture of the situation of the commons in the centuries

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<sup>3</sup> A process followed universally by Castilian councils. Mangas Navas (1981).

<sup>4</sup> De Moor, M., Shaw-Taylor, L., Warde, P. (2002).

following the *conquista* and reorganization of the territory. The scarcity of the population—in combination with the military threat posed by the Muslims, which persisted until the early thirteenth century—limited the extent to which the terrain could be exploited for agricultural ends. Private property was, from the beginning, the predominant manner of dividing these resources. Public lands, whose extension must have been considerable—certainly covering a majority of the terrain—were employed primarily for pasturing herds (in the abundant and undelimited *baldíos*) and harvesting combustible (in the woodlands).

During the fifteenth century, demographic growth and the multiplication of villages provoked a reorganization of space that would encroach upon common resources and landholdings. Cultivated fields were laid out around the villages as openfields and farmed according to a system of biennial crop rotation that would become standard in later centuries.<sup>5</sup> This system of rotation allowed uncultivated fields to continue to serve as common pasturage (through the practice of stubble-grazing, or *derrota de mieses*), an arrangement that long endured. The increasing amount of land dedicated to agricultural ends necessitated the demarcation of common tracts, until that point dedicated primarily to herding and forestry uses, as well as the introduction of modifications in the way they were exploited.

The scarcity of documentary notices pertaining to **woodlands** in the vicinity of Madrid during these early medieval centuries is significant. Madrid's residents had access to abundant forests; consequently, the inhabitants of the city and the *Tierra* enjoyed ample usage rights to woodlands, regulated by little more than custom. But when harvesting and ploughing appeared to threaten the sustainability of this resource, the municipality began to establish ordinances to organize access to firewood and, above all, to protect and safeguard the very existence of the woodlands. From the 1480s, the council started taking measures to regulate the forests in response to these concerns, though still only in cases of absolute necessity.<sup>6</sup>

At the start of the sixteenth century Madrid's forests were concentrated to the northeast (and, to a lesser extent, to the north) of the city, in an area that would come to be known as El Pardo. Madrid's woodlands were given over almost entirely to herding, since the cutting and clearing of their characteristic holm-oak populations left behind meadowed areas (in the landscape, and not technical or legal, sense) apt for pasturing and sheltering cattle. Acorns, meanwhile, were a public good, used to nourish herds of pigs.

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<sup>5</sup> García de Cortazar, J. A. (1985).

<sup>6</sup> So as not to burden the text, I have suppressed detailed references, with the exception of textual citations. The complete references may be found in Hernando Ortego, J. (2006<sup>a</sup>).

At the start of the sixteenth century the institutional mechanisms regulating the woodlands began to undergo a transcendental change. The municipal council, which previously drafted the relevant ordinances and signed agreements with the municipality of its own accord, began to cede initiative to the central government, which henceforward played an ever more important role in the regulation of Madrid's woodlands. A Royal Provision of 1512 ennumerating a series of prohibitions, and the corresponding sanctions that would pertain to acts of disobedience, also mandated a policy of plantings that would have little or no effect.<sup>7</sup>

Nevertheless, the greatest threat that state power posed to the common woodlands was the gradual creation of royal hunting grounds in El Pardo in the closing centuries of the Middle Ages. The construction of a royal residence (later a palace) created a space reserved exclusively to the monarchs, whose impact on surrounding common woodlands grew over time. As a result, Madrid and the monarchy remained locked in conflict over control of this space until the eighteenth century.

The *sotos*, groves of trees situated on the banks of the Jarama and Manzanares Rivers, constituted a second form of woodlands in the *Tierra de Madrid*. Beginning in the later Middle Ages, the municipality of Madrid regulated use of these *sotos* via ordinances, thus establishing the precedent by which a substantial portion of these lands would be stripped of their common use rights, again culminating in their conversion to the government's private *tierras de propios*. But this process was not carried out in a single step; rather, the restriction of common rights was applied only to certain resources, while others remained free and public for a considerable length of time. While hunting and fishing rights became subject to lease, the residents of Madrid and its *Tierra* retained their common rights to firewood and pastures.

The regulation of **pastures** was achieved through the creation of *meadows*, lands barred to cultivation and set aside for local villagers' livestock. Two types of meadow appeared: those belonging to Madrid itself, situated within the immediate vicinity of the city, and those of the villages, which the capital conceded to them in accordance with the *Villa y Tierra* scheme. These were always tracts whose terrain, soil, and water supply made them optimal for pasturage. They should be considered as veritable "energy reserves" for the agrarian economy: as environmental historians emphasize, the productive potential of societies with organically-based economies is derived largely from their capacity to generate energy, which in turn depends upon their utilization of the land. In this sense the meadows supplied "fuel" for Madrid's livestock, whose availability determined society's capacity to cultivate the soil. This in turn determined the final agrarian output

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<sup>7</sup> Hernando Ortego, J. (2006b).

achieved—hence the necessity of setting aside meadows at a rate commensurate with the increase in livestock and the parallel decline of natural pastures. The establishment of meadows brought with it a new set of institutional norms intended to guarantee their sustainability and the preservation of their energetic potential.

The municipality of Madrid set aside two meadows in its immediate vicinity during the fifteenth century: that known as “*de Amaniel*” or “*de la Villa*” and that of Arganzuela. Both were intended in the first instance for grazing the livestock of local residents, though they were eventually converted into “slaughterhouse meadows” for housing cattle destined for the city’s food supply. More remarkable, however, was the multiplication of these meadows in the *Tierra*’s villages. Though they already had at their disposal public lands set aside in the Middle Ages, between the end of the fifteenth and beginning of the sixteenth centuries several villages requested the concession of new meadows, on each occasion alleging that their existing meadows were insufficient to sustain the growing herds of livestock (particularly oxen) concomittant to extensive agricultural progress.<sup>8</sup>

The greatest transformation to touch Madrid’s common lands prior to Philip II’s establishment of his court in the city was the conversion of barren *baldíos* into **cultivated lands**. Beginning in the fifteenth century, Castile underwent a process of agrarian expansion driven by demographic growth and urban development. The ensuing increase in demand was for the most part met by bringing common lands and *baldíos* under the plough,<sup>9</sup> thereby ending their predominant association with herding. This recourse to common lands was facilitated by the availability of an widespread commons offer that made possible the continued integration of agriculture and herding (which was also facilitated by the maintenance of stubble grazing in fallow areas). The *Tierra de Madrid* was clearly touched by this dynamic expansion of agriculture, which took off with the urban explosion of the mid-sixteenth century. Thus it became the basic function of the *baldíos* in this period to provide farmland to rural communities.

Villagers were the primary protagonists in this process, usually acting collectively through their village councils. These councils became the institutional mechanisms responsible for regulating and managing the use of new lands brought under cultivation. Indeed, the majority of the initiative to increase the amount of cultivated land came from the councils themselves, rather than the actions of individual villagers. It was the urban council’s job to designate the new parcels to be worked from among those common-use tracts not already assigned. In the process, this institution

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<sup>8</sup> Such is the case with places such as Vicálvaro, Chamartín, San Sebastián de los Reyes, Las Rozas, Getafe, Alcorcón, Hortaleza, Ambroz, or Carabanchel de Abajo.

attempted to derive an income stream from the demand for arable land. Farmers who obtained parcels were assessed cash rent payments (called “*nihares*”), which were incorporated into the government’s *bienes de propios*. Therefore the municipality focused its efforts on bringing more common fields and *baldíos* into its possession. It was the western zone of the *Tierra de Madrid* which registered the greatest demand for new arable land, doubtless because it was the last area to be repopulated: local councils such as those of Aravaca, Pozuelo, and, above all, Las Rozas and Majadahonda all gained additional territory, though the municipality conceded tracts elsewhere throughout the *Tierra de Madrid* as well.

The second way in which common lands were brought under cultivation was through the recovery of illegally usurped municipal lands. Particularly from the end of the fifteenth century, the central government, spurred by the continual claims pressed by the municipalities, began to dispatch royal officials charged with seeing that some portion (a considerable one, though it is difficult to measure precisely) of their unjustly occupied lands were returned to the control of the municipalities. Among the usurpers were village communities that had expanded their arable land at the expense of *baldíos*. These measures should be considered an alternative strategy for increasing the availability of new land for cultivation, since the Madrid city government then ceded these recovered parcels to the local councils in exchange for the traditional tax or *nihar*.

The regulation of the use of these newly-acquired municipal tracts fell to the village communities. *Nihar* lands (in other words, tracts ceded by the municipality of Madrid) could be worked by *any local resident*, without obtaining prior permission or signing any form of contract before the city government of the capital. The array of conflicts and confrontations generated by this situation of relatively “free” (excepting the tax) access to such a fundamental resource as land provoked the intervention of the village councils, which began to establish certain minimal norms regulating the use of this new resource. Shortly thereafter they began to enact more organized distributive mechanisms, whose principal objective was to guarantee the stability of the village community. Without a doubt, then, it was the demand for new arable lands in the late fifteenth and early sixteenth centuries that (paradoxically) provided the initial stimulation for a transformation in the *régimen comunal* whereby village councils obtained new influence as regulatory institutions. The same can be said about the city government’s leasing of *tierras de propios*, since here again communal initiative initially prevailed over strictly individual initiative: it was the village councils of the *Tierra de Madrid* that controlled the majority of the leaseholds, an arrangement which endured into the seventeenth century. That is what occurred in 1542 in the villages of Las Rozas, Aravaca,

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<sup>9</sup> Yun Casalilla, B. (1987); Marcos Martín, A., (1997).

Majadahonda, Pozuelo de Aravaca, Getafe, Vallecas, Fuencarral, and San Sebastián de los Reyes. In places where the village council was the only leaseholder within its boundaries, it could behave as a monopoly and negotiate down land prices. In effect, for as long as this institution maintained its coercive power, it remained capable of preventing competition among villagers and the associated problems of intra-village conflict and the growth of inequality. In this manner, the village council could facilitate the distribution of new *nihar* lands and guarantee their accessibility to a considerable portion (if not the entirety) of its members, one factor contributing to the cohesion and stability of rural communities.

Prior to Philip II's establishment of the capital in Madrid, common property was subjected to a series of transformations that, in addition to provoking definitive changes in the property rights, attempted to respond to changing economic circumstances. The most important innovation was the increase in the amount of land under cultivation. However, some of the other trends that would characterize the future evolution of the *régimen comunal* were already clearly in evidence: the Madrid city government's policy of converting common tracts into its own property, the growing regulatory intervention of the state, and the progressive internal differentiation of the village community.

## **2. Transformations after Madrid's elevation to capital status, 1561–1700**

In 1561, the year in which Philip II declared Madrid the permanent seat of his court, the city was home to less than 20,000 inhabitants. By the end of the sixteenth century, its population exceeded 90,000, making it one of the twenty largest cities of Europe. The accompanying expansion of the mercantile sector, coupled with constantly ascending urban demand, had radical consequences for the agrarian structures of the surrounding territory and produced new opportunities for the emergence of inequality among rural villagers. The city's new social structure also played its part in this dynamic: with the arrival of the royal court came a noble class avid to acquire property and estates near the city. The trend towards the concentration of land ownership in the hands of the nobility, ecclesiastical institutions, and members of the urban oligarchy increasingly threatened the survival of the small farmer, who up to that point had constituted the foundation of the village communities.

The process of seigneurialization, for its part, would have important consequences for the structure of the commons. The origins of this seigneurialization date back to the close of the Middle Ages, when the monarchy first conceded or sold jurisdiction over several locales within the *Tierra de Madrid*. Of greater impact was the wave of seigneurialization unleashed by the monarchy at the start of the seventeenth century, which affected thirteen villages in the *Tierra* in addition to other



depopulated centers. As they separated from the jurisdiction of the municipality of Madrid, the small towns also disengaged from the *régimen comunal de villa y tierra*: they lost their universal rights to the *Tierra*'s *baldíos*, while still retaining their rights to those embedded within their boundaries. The most that the municipality of Madrid could do to resist was to try to avoid losing the villages boasting the largest number of council tracts and/or the greatest economic importance. The result was the collapse of the practice of sharing common usage rights across villages, meaning that access to a given village's public lands were reserved to those residing within its boundaries.

All of these changes affected commons, as well as the institutions responsible for their management. The separation of villagers from their common rights accelerated: while the process had been driven principally by Madrid's desire to collect income from common lands, now the state, too, began to foster a policy of privatization. The impact of these transformations was quite uneven, according to the resource and locale involved.

The presence of the royal court in Madrid had much more profound effects on the regulation of **woodlands** in the vicinity of the city. Essentially, the monarchy's pretensions to intervene in the court environment combined, in a characteristic overlapping of interests, with the Casa Real's accumulation of properties in the areas surrounding its residence. As a result, from the second half of the sixteenth century forward the central government and monarchy came to regulate the use and exploitation of woodlands in the vicinity of Madrid, through the imposition of royal ordinances and other legislative measures (with those regarding hunting as models) and the creation of administrative bodies responsible for passing measures governing the woodlands.

The principal remaining forest within the *Tierra de Madrid*, the woodland of El Pardo, underwent a radical transformation. As the monarchs escalated their hunting activities in the area, El Pardo was converted into one of the principal royal palace-residences. This transformation was carried out at the expense of the common usage rights that the residents of Madrid and its *Tierra* had traditionally enjoyed in the vicinity. Once considered compatible uses of the space, over time royal hunts and villagers' pastoral activities came to be deemed mutually exclusive. The royal hunting grounds were expanded and consolidated by recourse to the monarchy's *jurisdiction*, the legal and penal imposition of the monarchs' will at the cost of their subjects.<sup>10</sup>

The municipality targeted riverside groves, the aforementioned *sotos*, as part of its policy to reorient its patrimony towards rent-producing ends. In order to overcome the resistance of affected villagers, the municipality sought royal authorization for its plans in exchange for payments to the royal treasury. In this manner it was able to begin leasing rights to the *sotos*' firewood, stripping

away its communal character (as had already happened to hunting and fishing rights). Grasslands, however, remained “public and common for the herds of the residents of Madrid and its *Tierra*,” the municipality’s attempts to close them off and rent them for profit failed in the face of the opposition of the *Tierra*’s herders, who developed an efficacious defensive strategy vis-à-vis the central power.

Again the **grasslands** were the most affected resource, as much in terms of their nature (through their partial conversion to **cultivated lands**) as in terms of their ownership (through the conversion of some *baldíos* from public into private property). The causes of these changes were primarily exogenous, with the actions of the state—whose motivation was clearly of a fiscal nature—standing out: the sale of *baldíos* became a mechanism of extraordinary collection in the second half of the sixteenth century into the seventeenth.<sup>11</sup> But there were also causes that could be considered endogenous to the economy and social structure, such as the demand for new arable lands and growing differentiation within village communities.

Agrarian growth during the fifteenth and sixteenth centuries was fundamentally extensive, for which reason the introduction of farming activities to ever more marginal tracts of land produced a decline in the crop yield per square kilometer. This is reflected in the evolution of tithes in Madrid’s *Tierra*, which obtained their maximum values between 1570 and 1576, before experiencing a strong decline from 1585–90.<sup>12</sup> It is not surprising, therefore, that from the late sixteenth century demand for new ploughable tracts to replace those already exhausted sharpened, slowing the rise in rents.<sup>13</sup> A solution was found in the common resource presented by the *baldíos*, which still constituted a considerable amount of land. Despite the fact that their traditional use as pasturage was due to the relative infertility of their soil, the exhaustion of much existing farmland radically modified the structure of opportunity costs and made the cultivation of the *baldíos* into an opportunity to increase productivity.<sup>14</sup>

The way in which the municipality of Madrid handled sales of its arable land came to be determined by the intervention of the Crown. The municipalities’ collection practices forced them to recur to commons in order to meet the monarchy’s fiscal demands, another determinant factor in

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<sup>10</sup> Hernando Ortego, J. (1989), (2003).

<sup>11</sup> Vassberg, D. (1986), Marcos Martín, A. (1997).

<sup>12</sup> López-Salazar Pérez, J. y Martín Galán, M. (1981).

<sup>13</sup> “Muchos [labradores] dejan de arrendar tierras y labrarlas por estar las labrantías muy cansadas y los arrendamientos muy subidos y ser las tierras de esta villa y su comarca muy corta de labor por haber tantos baldíos” Archivo de la Villa de Madrid – Sección de Secretaría (AVM -S), 3-297-20.

<sup>14</sup> Several villagers expressed this reality clearly in 1606, requesting permission to farm “en los baldíos, ejidos y cañadas de esta villa y su jurisdicción que han sido rompidos, que por ser tierras holgadas y nuevas con menos beneficio que las viejas darán el fruto con más fertilidad y pujanza”. AVM -S, 2-159-12.

the transformation of the commons.<sup>15</sup> In 1608 the city government of Madrid approved a payment of 250,000 *ducados* to the royal treasury in an effort to obtain license to lease and plough some 4,000 Has of *baldíos* for a period of six years, part of an effort to claim this land for itself.

The leasing of the *baldíos* was thus an answer to both royal fiscal pressure and the village communities' demand for land. Through their village councils, these communities maintained a leading role in the shaping and management of this resource, though the presence of individual leaseholders eventually did influence the process of internal differentiation taking place within rural society.

While it was the municipality of Madrid that promoted the leasing of *baldíos*, it was the village communities that assumed the responsibility of specifying which *baldíos* and communal lands would be placed under the plough. Once more, as had been the case ca. 1600, the sale of land for agricultural use clearly was regulated by the village councils themselves in accordance with the village's subsistence and survival needs: the new cultivated tracts served to replace those already exhausted and, therefore, guaranteed residents' access to land. Only afterwards would an alderman from Madrid meet with the relevant *sexmero* (the name given to the representatives of each of the three districts within the *Tierra de Madrid*) and representatives of the village council to proceed with the drawing of boundaries and measurement.<sup>16</sup>

This decision-making capacity of the communities determined the manner in which new land was parceled out, with substantial fragmentation being the norm. Even in those zones where large, continuous tracts were available for lease, councils chose to divide them into numerous small lots, thereby permitting the small farmer freer access to the leasehold and averting (as much as possible) the concentration of land in the hands of a small minority of wealthy farmers, or of other sectors either within the village or from the nearby city. An example: in Vallecas an area of nearly 300 Has was carved into a total of 128 *suertes*, or lots, averaging approximately 2 Has each. In their demarcation one clearly can see the implementation of a scheme designed to create the most egalitarian arrangement possible.

The village communities' protagonism also extended to determining the *baldíos'* use. The councils were the principal leaseholders of these lands in the early seventeenth century, continuing traditional practice in the *Tierra de Madrid*; at the same time, many continued to lease the Madrid

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<sup>15</sup> Garcías Sanz, A. (1980).

<sup>16</sup> See, for example, what happened in Vallecas. There the commissioned alderman "hizo juntar a los alcaldes y regidores de él y otras muchas personas vecinos de este dicho lugar así hombres ganaderos como pastores y labradores y con asistencia de Francisco Pérez, sexmero del sexmo del dicho lugar, con ellos trató y confirió dónde y en qué parte y lugar se podían romper, hasta qué cantidad de tierra para sembrar con más beneficio y menos daño de los vecinos de dicha villa de Madrid y de los lugares de su jurisdicción". AVM -S, 3-106-2.

city government's *tierras de propios*. Of the approximately 3,500 Has initially leased, almost 40% went to 17 village councils. In terms of the quantity of lands held, northern and western locales (such as Fuencarral or Las Rozas and Majadahonda) predominated. A total of 231 leaseholds went to individuals, with an average area of slightly less than 9 Has each. Small farmers predominated among the leaseholders, for the majority of tracts in the neighborhood of 20 Has were leased by groups of villagers banded together for the purpose. Inhabitants of Madrid and local nobles also made a strong showing among the leaseholders.

The next step in the restriction of commons, *privatization*, was much more definitive. The initiative to break with the traditional *villa y Tierra* regulatory model began in Vallecas, one of Madrid's dependent villages. Situated in the east of the *Tierra*, it boasted a relatively complex economy including a number of industries (such as baking and the fabrication of construction materials) oriented toward supplying and victualling the capital. It was also marked by the presence of grand noble proprietors and other large leaseholders charged with the management of these noble estates (as well as their own). It was this group of farmers that, taking advantage of the Crown's desperate financial situation, initiated the sale and purchase of *baldíos*. These sales never occurred *Tierra de Madrid* in the sixteenth century, but by the middle of the seventeenth they had become a very important factor in the diminution of common lands. In 1642 a group of Vallecas residents directly solicited the sale of some 500 Has of "Crown lands belonging to Your Majesty," on the condition that the purchasers be permitted to enclose the land in order to plant vines. After several negotiations the quantity of land sold increased to a total of 870 Has, divided into 23 lots, representing an allotment of nearly 38 Has per purchaser. 15 purchasers walked away with 40 Has each, while a smaller number of buyers were satisfied with lots measuring 17 Has. In any case, such lots were much larger than those of the *baldío* leaseholds typically seen in Vallecas and other villages.

The monarchy took advantage of this precedent in order to increase its sales of *baldíos* in the *Tierra de Madrid* at mid-century. The lands on offer were drawn from those *baldíos* previously leased out by the city. Between 1646 and 1649 the Crown sold 1,500 Has, concentrated above all in places such as Vicálvaro (250 Has), Vallecas and Getafe (c. 500 Has), Las Rozas (340 Has), and Majadahonda (c. 250 Has). Among the beneficiaries of the sales we find some small farmers who banded together for the sake of increasing their holdings—just as they had to lease land in the past—for example, in Vallecas, Getafe, and Vicálvaro. This, however, was not a typical outcome, since these sales generally tended to concentrate land in the hands of wealthy farmers on the one hand and of local notables and other members of the royal court on the other. In Majadahonda, for example, the de Rozas brothers, wealthy farmers, managed to acquire almost 80% of the *baldíos* purchased in the town, for a total of 200 Has between them. In Las Rozas, this type of wealthy

purchaser predominated, and outsiders were absent among those acquiring lands. The average purchase in Las Rozas was rather large for a typical villager, at slightly more than 22 Has, and the purchased lands were also quite widely dispersed in comparison with other villages. The most important protagonists in this story, however, were the high-ranking bureaucrats and successful businessmen of the city and court. Their purchases, of several hundreds of fanegas at a time, resulted in the consolidation of large estates in the vicinity of the capital. All this amounted to a transfer of public lands into private hands, with negative consequences: it fostered the concentration of land ownership in precisely the most privileged sectors of society, a situation which impeded the sort of technical and organizational advances that guaranteed agrarian progress. This accentuated the polarization of Madrileño society, especially in periods marked by crisis and restructuring such as was the seventeenth century.<sup>17</sup>

Madrid's city government reacted squarely against the monarchy's alienation of *baldíos*, going so far as to bring a lawsuit demanding the annulment of all the sales of *baldíos* made throughout the *Tierra*, and especially those in Vallecas. Though this lawsuit failed, the municipality's repeated protests against royal officials' reiterated determination to continue their activities finally did attain the cessation of such sales. As a result, by the end of the seventeenth century the Madrid city government had become the only institution in charge of the municipal patrimony.

### 3. The 18<sup>th</sup> century. The disintegration of the commons

The municipal patrimony had undergone multiple transformations in the preceding centuries. The state-propelled privatization of common lands was one of these transformations, though it was of limited consequence from a spacial perspective. The municipality of Madrid's conversion of common lands into private property, though at an advanced stage, was not complete. Moreover, such changes in land's legal status did not necessarily imply parallel modifications in its usage, inasmuch as the members of village councils continued to coordinate the exploitation of at least some resources. However, over the course of the eighteenth century the trend towards the suppression of collective use rights deepened in parallel with the disintegration of the *Tierra de Madrid's* village communities.

Madrid's **woodlands** were located primarily in the northwest of the *Tierra*, in the woodland known as El Pardo. However, the monarchs' progressive conversion of El Pardo into a specialized

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<sup>17</sup> López García, J. M., ed. (1998).

hunting ground made public access to its pasturage and firewood more and more difficult, and restricted agrarian cultivation in lands bordering on the reserve. The accumulation of affected farmers' and councils' protests, the expansion of illicit hunting, and the monarchs' desire to guarantee their control over the area vis-à-vis their competitors convinced Fernando VI to declare all of the territory surrounding the royal hunting grounds his exclusive property in 1749. Henceforth the area would be protected by a wall of over 100 kilometers in perimeter. This expropriation deeply affected the municipality of Madrid: close to 10,000 Has of common and private lands were transferred to the royal patrimony, equal to two-thirds of all Fernando VI's holdings (including royal property enclosed prior to 1749). After a lengthy process of negotiation, which lasted until 1763, the royal exchequer (Hacienda) decided to compensate Madrid with a payment of approximately 6 million *reales*, part of which was used to acquire meadows for the pasturage of herds destined for Madrid's food supply in the capital's suburbs.

The fact that a portion of the land expropriated for El Pardo had been common pastureland meant that other towns within the *Tierra* were entitled to share in the royal indemnity as well. As such, the royal commissioner obliged Madrid to consult with those villages affected by the loss of common lands in 1750. The final settlement of 1763 contained a similar provision, whereby the municipality received the full amount of the indemnity and was then responsible for distributing the proper amounts to the appropriate villages. Despite the fact that the city government asked the affected villages to name representatives with whom to negotiate, the distribution never took place and the city disposed of the entirety of the indemnity itself. This fact can be explained by the profound disintegration of the village councils, which had been converted into management bodies under the control of local magnates, who for their part had established dependent clientage relationships with the oligarchy that controlled the municipal government.

Usage of the **restricted pastures (meadows and *sotos*)** included within Madrid's *bienes de propios* was thoroughly subordinated to the city's management of its food supply. That is to say, the city clearly suppressed its desire to obtain rental income from this resource in order to achieve its public service objective of guaranteeing residents' supply of meat and dairy products. The capital's consumption of meat was second only to that of bread, and accounted for one quarter of all basic food products consumed by Madrileños. The far-reaching supply chain designed to fill this demand was dependent upon the availability of pasture in the city's suburbs, for the purpose of refattening cattle after their long and difficult journey to market. The city government leased the meadows and *sotos* at its disposal (the number of which increased in the second half of the century) at a fixed price, thereby shielding meat suppliers from the vicissitudes of the market.

Madrid's concern to control its pastureland for the purpose of guaranteeing its meat supply explains both its management of and the changes it introduced to the *sotos*, forests, and grasslands

on the banks of the Jarama River (in particular, the *sotos* of Porcal and Negralejo). Different exploitation rights were managed differently: while access to firewood was subject to lease (along with hunting and fishing rights, though they were of lesser economic importance), the grasslands remained “public and common [spaces] for the herds of the residents of Madrid and its *Tierra*,” so their usage was regulated solely by municipal ordinances. The city government’s attempts to end the pasturelands’ common character in the seventeenth century were put on hold, as we have seen, by the victory of the contrary arguments of the villagers. However, in spite of this failure, the city never abandoned its pretensions to the right to cordon off its grasslands. A 1752 act of Madrid’s mayor, promulgated at the behest of those responsible for the city’s meat supply, permitted the enclosure of the grasslands within the city’s two *sotos*. No protests were registered on this occasion, which illustrates the extent to which the village communities’ opposition to the restriction of their common rights and lands had dissolved by the middle of eighteenth century.

The grasslands set aside by this act were later leased exclusively for purposes of the meat supply, while other rights were leased independently. Here the institution that managed these resources, the city government, confronted a typical dilemma between its resources’ economic value (and the maximization of its income) and their sustainability. Over the course of the eighteenth century, the holders of the firewood leases became interested in exploiting this resource for industrial purposes, constructing ovens within the *sotos* for the on-site fabrication of construction materials (such as brick, tile, and plaster). This leasehold eventually was dominated by businessmen from the construction sector, who thereby obtained one of their industry’s fundamental inputs (fuel) free of transport costs. The significant rise in rents in this sector reflected their avid interest in these energy reserves. But the increase of this form of exploitation provoked externalities, such as pollution, that affected neighboring pastures. The continuous protests of those responsible for the meat supply finally convinced the city government to order “the cessation of the ovens and fabrication of brick” in 1788, in spite of the decrease in the city’s rental income precipitated by the move.

Finally, Madrid had completed the long process of converting **cultivated lands** from their status as common tracts and *baldíos* (once utilized for herding) into private government property, leased out by the city government. The village councils’ initially leading role in exploiting and distributing these lands gave way in the second half of the eighteenth century to the dominance of individual leaseholders. As this process played out, however, the experiences of different locales clearly diverged as a function of the degree to which their village communities had endured or dissolved in the course of adapting to the new exigencies of the market.

In a large percentage of the *Tierra*’s eastern and southern locales (for example, Vallecas, Vicálvaro, and Getafe) one finds a high concentration of *tierra de propios* leaseholds in the hands

of a minority of wealthy farmers, a phenomenon intimately related to their growing control of the mechanisms of local conciliar power. Property holdings came to be characterized by a high degree of concentration in the hands of large-scale urban proprietors, who required the services of wealthy villagers as intermediaries in the management of their lands. (These wealthy villagers also acquired a disproportionate share of leaseholds for themselves.) As a result the proletarianization of the lower classes advanced noticeably, as more than half of the population was left without landholdings to work as daylaborers or in similar positions.<sup>18</sup>

In contrast, in the northern and eastern villages a plurality of leaseholders and relatively wide dispersion of village landholdings remained the norm until the middle of the eighteenth century, requiring continued internal regulation by village communities. This situation was the fruit of a less unequal distribution of landed property. The city government's sale of its *tierras de propios* thus provided these villages with new lands for cultivation in a way that complemented the existing activities of small farmers.

The general spread of individual leaseholds that characterized this period was not felt equally in all parts of the *Tierra*. The case of Las Rozas represents the best example of the survival of a village community and its regulatory attributes in the *régimen comunal*.<sup>19</sup> Contrary to the experiences of most localities, in Las Rozas the village council continued to lease land directly from the city and distribute it among its residents during the first half of the eighteenth century. Its 1723 lease agreement provides a documentary glimpse into this council's distribution scheme. The criteria for the distribution were not egalitarian, since they took account of each resident's capacity to exploit their parcels—that is, their access to livestock. However, the criteria were also not strictly “productivist,” which if taken to the extreme would have meant the denial of land to everyone not owning any livestock. The council's economic behavior tried to reconcile the material exigencies of production with the necessity of providing a means of support to its poorest villagers, thereby guaranteeing the community's survival. For each head of livestock it assigned 18 fanegas (ca. 6 Has) of land, to an upper limit of 108 fanegas for those who had 3 pairs. Mere membership in the community was enough to guarantee one access to this resource distribution scheme, since the same minimum figure of 18 fanegas was also assigned to those who owned no livestock.

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<sup>18</sup> Madrazo Madrazo, S., Hernando Ortego, J. *et al.* (1991), López García, J. M., ed. (1998).

<sup>19</sup> The village council's management of the leaseholds may not have left documentary traces, because it can only be detected in exceptional cases. Such is the case in Velilla de San Antonio, where over the course of the eighteenth century the leasing process was supervised by individuals. However, at the close of the century the records of an round of leasing carried out by a non-resident (“*forastero*”) reveal the system's inner workings: according to a complaint filed by the local council, the *tierras de propios* had always been distributed among all the villagers of Velilla who requested them, a practice which this new round of leases had ignored.



*Distribution of tierras de propios among the residents of Las Rozas, 1723–1728 (in fanegas; 1 fanega = 0.34 Has)*

NUMBER OF LIVESTOCK	NUMBER OF RESIDENTS	% OF THE POPULATION	AREA PER INDIVIDUAL	TOTAL AREA HELD	% OF THE TOTAL AREA
0 or 1	35	35.3	18	630	17.2
1 pair	37	37.4	36	1332	36.4
3	18	18.2	54	972	26.6
2 pairs	7	7.1	72	504	13.8
3 pairs	2	2	108	216	5.9
TOTAL	99			3654	

SOURCE: AVM-S, 3-165-13

Within this scheme, land was periodically redistributed to reflect changes in the number of livestock that villagers had available to them, always preserving the aforementioned distribution ratios. In this manner the village reinforced the existing social structure, since the wealthiest farmers were also those most rewarded by the distribution. At the same time, however, this distribution scheme offered evident advantages to the less well-off villagers who did not have the means to exploit their lands themselves. While they may have been daylaborers for all intents and purposes, they also possessed select parcels (whether their own or leased) which they could cultivate to guarantee their subsistence. Had there existed a “free market” in *tierras de propios*, dominated by individual leaseholders, they would have had a much slimmer chance of obtaining this means of production. As it was, they had access to a resource that they could use to complement their other economic activities, such as herding or seasonal day labor.<sup>20</sup> Likewise for middling farmers, those with their own teams of livestock, this system meant the ability to attain a meaningful level of exploitation in the cereal-based agriculture characteristic of the Madrid region. The approximately 12.5 Has of land that these farmers received approached the average of slightly more than 14 Has enjoyed by villagers living in royal towns (among them Las Rozas) near Madrid in the middle of

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<sup>20</sup> The 18 fanegas that each one of these farmers received may be considered representative of a small ownership model of exploitation in the *Tierra de Madrid*. See the reconstruction of one of these village economies during the reign of Philip II, with precisely 6 Has of land under cultivation, in López García, J. M. (1998).

the eighteenth century, according to the data collected in the *Catastro* of Ensenada.<sup>21</sup> In conclusion, the intervention of the village council as an intermediary gave sanction to a thoroughly unequal productive structure, but it also guaranteed the presence of equilibrating mechanisms that prevented internal conflicts from atomizing the village communities even further.

From the middle of the eighteenth century the council of Las Rozas lost its regulatory functions and yielded to individual leaseholders, the same exploitative mechanism of *tierras de propios* that had been imposed upon the other villages within Madrid's jurisdiction at the end of the preceding century. The consequence was a relatively rapid change in the way lands were distributed among villagers, with an increasing concentration in the hands of a decreasing number of wealthy farmers. In 1769 a total of 607 Has were divided into 174 parcels, a distributive formula that in principle should have offered a wide range of leaseholders access to modest lots. But the concentration of leaseholds into fewer and fewer hands was unstoppable. In 1774 a total of 33 signed contracts distributed parcels that averaged 9 Has each, but in 1797 and 1798 the approximately 750 Has leased out were concentrated among only 27 residents, with an average size of over 27 Has each. Even more remarkable was the appearance of great leaseholders, such as José Cobos (with 180 Has) or Joaquín Bravo (with 127). In this manner, the mechanism for distributing (formerly common) *tierras de propios* among the inhabitants of Las Rozas, developed by the council since the late Middle Ages and conceived in order to make possible the survival and stability of the group, was definitively vitiated.

The process of social differentiation, based on unequal access to land and the commercial opportunities presented by the nearby urban market, made itself felt ever more strongly in Las Rozas and other localities in the northeast of the *Tierra de Madrid*. There emerged a class of villagers enriched by their access to capital (in the form of livestock and private landholdings) as well as by the practice common among the great urban landholders of entrusting them with the leaseholds of their properties. Such was also the case with villages in the southeast. In this period, seats on conciliar bodies came to be distributed according to economic importance. The village council, up to this point identified with the village community, began to distance itself from the people and refashion itself as an organ of power in the service of the economic interests of the ascendant class. Ultimately, the wealthiest villagers became the new interlocutors with whom Madrid's city government negotiated villages' access rights to *tierras de propios*, overtaking the role formerly held by the village communities themselves.

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<sup>21</sup> Madrazo Madrazo, S., Hernando Ortego, J. *et al.* (1991).

## Conclusions

This paper has analyzed the commons “*de villa y tierra*” in the vicinity of Madrid from the closing centuries of the Middle Ages to the end of the eighteenth century. It is important to remember that this sort of commons was not the only one available to villagers, as each village also possessed its own resources under collective management (meadows in particular).

This period witnessed a long-term process of diminution in villagers’s access to common resources, which ended in the dissolution of a considerable part of the *régimen comunal* prior to the Liberal Revolution. As many scholars have demonstrated, this was a development that the *Tierra de Madrid* shared not only with other regions of Spain, but also with Western Europe as a whole. In the case of Madrid the causes were privatization, driven by the state during the seventeenth century, and, above all, the conversion of common municipal tracts into *bienes de propios* leased by the capital.

Over the course of many centuries, commons underwent a diverse array of changes and adaptations, in terms of both the nature of their resources and the management strategies of the institutions charged with their oversight. Most noteworthy is the conversion of pastures into lands dedicated to grain cultivation, carried out along the lines of the extremely dispersed formula characteristic of Castilian agriculture in the modern era. This transformation was determined by economic factors, especially urban demand, which took off after Philip II’s designation of Madrid as his capital in 1561.

However, the formula according to which these new arable tracts were distributed ultimately depended upon the institutions that managed them. Even in an area as highly subject to market pressures as the *Tierra de Madrid*, the village councils’ control of these lands on behalf of their village communities allowed the preservation of their common character, in some locales as late as the mid-eighteenth century. The criteria that the councils followed in distributing newly-acquired arable guaranteed all their members at least some access to land, with the objective of ensuring their communities’ survival. In this regard the commons protected villagers from the inequalities engendered in their midst by the transition to a mercantile economy. The consolidation of groups of wealthy villagers in control of the local councils was therefore necessary in order to strip these resources of their common character. This minority’s exploitation of cultivated lands through the institution of the leasehold became another factor in the growth of internal inequality within the villages. The disaggregation of the village community was accompanied by the disintegration of the commons that had sustained it.

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