

ROLAND BROUWER

THE AFFORESTATION  
OF THE COMMONS  
AND  
STATE FORMATION  
IN PORTUGAL

**PLANTING**  
*power*

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WORKSHOP IN POLITICAL THEORY  
AND POLICY ANALYSIS  
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**PLANTING POWER**

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**Roland Brouwer**

**PLANTING POWER**

**The Afforestation of the Commons and State Formation  
in Portugal**

**HET PLANTEN VAN MACHT**

**De bebossing van de gemeenschapsgronden  
en staatsvorming in Portugal**

(met een Nederlandse samenvatting)

Proefschrift  
ter verkrijging van de graad van  
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op gezag van de Rector Magnificus,  
dr. C.M. Karssen,  
in het openbaar te verdedigen  
op dinsdag 12 december 1995  
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van de Landbouwuniversiteit te Wageningen.

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Hoogleraar in het recht, meer in het bijzonder het agrarisch recht van  
de niet-westerse gebieden.

Ir. A. van Maaren  
Emeritus hoogleraar in de bosuiskunde.

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## Preface

The history of Portugal is, like that of many other countries in Europe, one of deforestation and reforestation. Until the eighteenth century, the reclamation of land for agriculture, the expansion of animal husbandry (often on communal grazing grounds or *baldios*), and the increased demand for wood and timber resulted in the gradual disappearance of forests and woodlands. This tendency was reversed only in the nineteenth century, when planting of trees became a scientifically guided and often government-sponsored activity. The reversal was due, on the one hand, to the increased economic value of timber (the market's "invisible hand" raised timber prices and made forest plantation economically attractive), and to the realization that deforestation had severe impacts on the environment. It was no accident that the idea of sustainability, so much in vogue today, was developed by early-nineteenth-century foresters.

Such is the common perspective on forestry history in Europe and Portugal. Within this perspective, social phenomena are translated into abstract notions like agricultural expansion, the invisible hand of the market, and the public interest in sustainably-used natural environments. In such accounts, trees can become gifts from the gods to shelter, feed and warm the mortals (for an example, see: *O Vilarealense*, (Vila Real), 12 January 1961). However, a closer look makes it clear that such a detached account misses one key aspect: forests serve not only public, but also particular interests, and these particular interests correspond to specific social groups. For example, timber consumers may have welcomed the increase in wood production resulting from the afforestation of communal "waste" lands, but the pastoralists or farmers who depended on these *baldios* were less satisfied. The enclosure of their commons and the concomitant reduction of the grazing areas, was looked upon by them as an act of theft, rather than a gift.

Afforestation was not the result of natural evolution, but the outcome of social struggle. The rapid progression of afforestation from the nineteenth century onwards indicates that this struggle was between unequal parties. The active participation of the state in the afforestation process, either by planting its own estates, by nationalizing waste lands for this aim, or by sponsoring afforestation by private landowners, shows that the history of European forests should also be read in terms of the development of and change in the power of the state.

Portugal is merely one example of the general European forestry history. I came in contact with the Portuguese afforestation for the first time in 1982 when, as part of my graduate course, I left for Vila Real in Trás-os-Montes. Together with Gommert Mes and guided by João Bento, I participated in an attempt to build mathematical models for the identification of sites for "reforestation" on communal "waste" lands or *baldios* in that area. Our main task was to formulate indicators that, once processed in a calculation model, would result in a ranking of sites according to their "suitability" for afforestation. Suitability was determined by climatological data, soil characteristics,

present land use, etc. The results were intended to help the State forestry administration in Vila Real to identify the localities in which it should concentrate its afforestation efforts.

The contact with Portugal and its people was an inspiring experience, and, in a way, the processes of data gathering and model building were themselves inspiring as well. For amidst the areal photographs I discovered that the present afforestation programme was part of a much broader process which - as far as this particular part of Portugal was concerned - was closely related to similar efforts by the undemocratic regime that had governed the country until 1974. The nationalization of communal pastures on behalf of forestry had been highly criticized and after the 1974 revolution, left-wing politicians had inverted the previous policy and returned the commons to the people. In this manner, working on a mathematical model made me realize that forestry is part and parcel of social and political struggle, and that technocratic approaches to social reality, on the one hand, hide that struggle and, on the other hand, tend to side with one of the parties, in this case the state.

The present book is the final result of that realization. After eight years of wandering which brought me among other things to an afforestation project in Cape Verde and a (ex-)squatters' restaurant in Wageningen, I returned to Portugal. Early in 1990, I received a grant from NESRO, the Dutch Foundation for Legal Research, which allowed me to develop the perspective on forestry that I had glimpsed eight years earlier. This book is the result of that investment. In it, I seek to expose forestry as a political rather than a technical enterprise, and show how one particular example of afforestation was a theft — albeit with positive aspects - rather than a gift. It is aimed at an audience of technicians (foresters) and social scientists, who share an interest in the position of the weak in relation to the powerful.

## Acknowledgements

Humans are social beings. They and their actions cannot be understood if one disregards their relations with their fellows. This general statement also holds true for this particular book. For it is the result of my individual labour but with the help of many. Help came in the first place from those anonymous cashiers within the Ministry of Education, who each month between 1978 and 1986 faithfully transferred a certain amount of money to my bank account and in that manner enabled me to complete my MSc. Help came also from the anonymous members of the NESRO selection committee who in 1989 approved my research proposal and enabled its financing by the Dutch Foundation for Scientific Research NWO. In addition to these persons without a name, numerous people who I do know, neighbours, colleagues, friends, and beloved, have in one way or another contributed to this book. They are too many for their names to be listed here, and the risk that amid this apparent completeness one would be forgotten is too large. Therefore, I simply present a selection, bidding those who are not mentioned to believe that I did not forget them and to accept my gratitude in the darkness of anonymity.

The first ones who I want to name explicitly are my colleagues and friends from the Centrum for Landbouw Studies (Centre of Agrarian Studies, CLS), Jos Mooij, Kees Jansen, Marina Endevelde and Peter Mollinga. Their comments on draft proposals, texts, and chapters have been crucial for the accomplishment of this book. I hope, that after reading this final version they will find that the result matches their commitment and helps to contribute to our common objective, the development of a critical, political-economic perspective on rural development within the Agricultural University of Wageningen. In addition, I want to express my gratitude to my colleagues in the Department of Agrarian Law, who have not only put up with me during the last five years, but stimulated me in my work. I wish to thank Ellen Wegkamp and Lida Schenkman who provided the secretarial infrastructure and Han van Dijk, with whom I shared an office. My particular gratitude goes to Ab van Eldijk, whose inspiring ideas and suggestions have benefited this book enormously, and to those who, either from the department itself or from its Rotterdam and Nijmegen environments have taken the pain to read the texts I presented to them at the evening discussions at Franz and Keebet von Benda-Beckmann's. Among them I want to mention explicitly Willemien Brooijmans, who saved me from despair by helping me reorganize the first three chapters of this book.

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enjoyed working together with Angela Lewis and Carey Lifton, who corrected not only the language of this text but also gave valuable suggestions for substantial improvements.

A large part of this research took place in Portugal, where I received all possible cooperation from the *Direcção-Geral das Florestas* in Lisbon, and the *Associação Florestal* and the University of Trás-os-Montes and Alto Douro in Vila Real. These institutions enabled my work to takeoff and provided me with information whenever I needed it. In addition, I have benefited from the support, information, and company from innumerable people in Lisbon, Coimbra, Viseu, Porto, Vila Real, and Campeã. From among the persons who I met during my fieldwork, I want to mention some who in one way or another have been (and continue to be) very important to me. First of all, I want to mention the inhabitants of Aveçãozinho. I will never forget the day on which I suddenly became their *vizinho*. It goes too far to name all my neighbours separately. Instead, I want to thank them all through the persons of Irminia, Martinho, Marta, Alda, Jorge Luís, and Carmen Lúcia. Although now, due to the absence of travel subsidies, the frequency by which we will meet is bound to decrease, I trust that we will continue to write and see each other regularly.

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The last persons I want to include in this already long enumeration, are those who provided me with home ports in Wageningen and in Zutphen: Arno, Erwin, Jan, Marcel, and Willem. They put up with my presence when ever increasing piles of paper invaded the dining room. My final thanks are reserved for those who are closest to me: My father who designed the cover, my mother who faithfully wrote me letters, my sister who drew the maps and Stephan Meershoek, who helped with the statistical calculations in this book. They endured my absence and helped me to survive when the work load proved itself almost too heavy or beyond my carrying capacity.

The fact that so many in one way or another contributed to the completion of this book, points to the fact that science, rather than being the individual enterprise that it often seems, is a social process. However, the commitment of comrades, friends, and beloved does not discharge me of my accountability for this text. For in the end the complete text as it is written, with its merits, and with all its flaws and omissions, is only my responsibility.

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## Chapter 1

### Introduction

#### **The *Baldios* and the Battle for Alternative Futures**

*O Fim do Mundo* (The End of the World) by João Manuel Grilo, is one of the latest products of Portuguese cinema. I saw it for the first time at the 1994 Rotterdam Film Festival. Grilo's motion picture portrays the final stages of the dying process of Gesteira, a rural community high up in the Serra de Lousã near Coimbra. It begins with a shot of a woman's corpse lying on the ground. The woman, Maria da Conceição, and her widowed sister had been irrigating a field downstream when suddenly the water flow stopped. They immediately realized that António, the only other inhabitant of the hamlet, had closed the channel and was re-directing the water to his own land. Infuriated, Maria went to see him and screaming and scolding she demanded that the water be allowed to flow. In the ensuing struggle, the man hit her with his hoe and killed her. When he understood what he had done, he went home. There, he washed his face and hands, put on his best suit, and combed his hair. Then he went outside, closed the door behind him and descended the mountain track through the forests in order to present himself to the police down in town.

After Maria's sudden death, her sister left the village and went to live with relatives elsewhere. António was convicted and sentenced to fourteen years in prison. With António behind bars, the village became uninhabited. António gave his house key to his sole relative still living in the country, a nephew, whom he asked to visit the hamlet and to look after the houses and properties that his emigrated neighbours had entrusted to his care. One year later, António was allowed a few days off because of good behaviour and he decided to go back to Gesteira to see how his fields were doing. To his surprise, he discovered that during his absence his house had become occupied by foreigners. His nephew's wife had insisted that the house be sold in order to finance her beauty parlour. The sale meant the end of the village as an agrarian community. It became a tourist resort. At the film's closing, António walked away down a road through a juvenile pine forest that had emerged where pastures had formerly grown. It was "The End" of his world.

Grilo's film portrays in a beautiful way what has been happening to the Portuguese countryside: the disintegration of communities, the departure of their inhabitants, and the degeneration of farming. This process has deep historical roots. It can be traced back to the nineteenth century, when the Portuguese government started to liquidate communal "waste lands" (*baldios*), promote afforestation to combat erosion, improve watersheds, and balance the timber

deficit. In addition, the government believed that the new forests would fuel a new model of economic development based upon wood processing and tourism. This development model was geared to urban interests. Villagers who were robbed of their pastures often had no other option than to leave and look for a better future elsewhere (Monteiro 1985). Even though departures were frequently meant to be temporary and many migrants hoped to use savings made abroad to rebuild their farms at home, most never returned. Thus, with the dissolution of the *baldios*, a world came to an end.

Although the word "end" suggests a certain predestined evolution that leads to an inevitable "death", the evolution of the Portuguese countryside was not part of a natural course. It was the outcome of the subjection of one development path by another, the "stealing" of one possible future and its replacement by another (see Van der Ploeg 1977 on Peru). In the film the "theft" is literal. The nephew turned the village into a holiday camp by illegally selling his uncle's property to finance a symbol of urban consumerism: a beauty parlour. In reality, like the nephew in the film, the Portuguese state and its Forestry Service robbed the countrymen's universe, superimposing their own in order to realize particular development programmes to the detriment of the local populations (Baptista 1978a:178). Similar to *O Fim do Mundo* my book summarizes the impact of modernization on rural communities and their subordination to urban, state interests.

*O Fim do Mundo* laments the end of the countrymen's world, but it does not fall into the trap of idealizing it. The blow that directly caused the village's extinction was not given by an external actor such as a policeman or a forest guard, but by the main character himself, who in this manner resolved a long-standing conflict with his fellow-villagers over land and water. Gesteira's last three inhabitants had not been on speaking terms for more than fifteen years. *O Fim do Mundo* does not present the peasant community as a bucolic past, an idealized "Golden Age", but clearly shows the destructive power of the fissures that divide villagers. Similarly, in this book I describe the roles of local actors in the changes that occurred in the villages I studied.

Along with the similarities, there also exist some important differences between this book and Grilo's motion picture. The film portrays a short episode of the "dying" of Gesteira. I present a historical review covering more than a century of communities which lose their commons and autonomy. In the film, outsiders, the nephew and his wife, "steal" the hamlet and sell their uncle's house. In my book, this part the thieves are the Portuguese state and its Forestry Service. The state used forestry as a means to filch the commons from the commoners communities. The result has been that before 1974 control over almost all *baldios* has been transferred to the state forestry bureaucracy.

The film portrays a hamlet in the Serra da Lousã, close to Coimbra. The communities which I investigated are located in the district of Vila Real in the north of Portugal. The most important one is Campeã, a parish located on the district's western border in the Serra do Marão. All of these communities

possess communal lands (*baldios*), that had been subjected to intervention by the state. Thus, the *baldios* became "battlefields" and stakes in a war of attrition between the state and the communities. Initially, the state was victorious. Consequently, the form of exploitation to which the *baldios* were subjected changed; timber production replaced animal husbandry. This change in exploitation not only implied a profound transformation of the local economy ~ some claim that it even caused its complete collapse — but it also had political implications. The change was closely related to the redefinition of the normative framework that regulated the *baldios'* use. Locally created and designed rules were nullified and replaced by regulations that had been formulated by the state and its Forestry Service.

In 1974, the authoritarian regime, which after 1938 had intensified the efforts to afforest the *baldios* was brought down by a *coup d'état*. The government that emerged from the revolution published a decree by which it revoked the earlier policy and reinstalled the communities as the owners of the commons. As a result, the Forestry Service was suddenly confronted with the demand to modify its attitude towards the commoners and adapt itself to the new, democratic conditions. Whether this transformation also meant a revitalization of the rural communities' autonomy is one of the questions addressed in this book.

This brief description of the relationship between the *baldios*, the state, and the state Forestry Service indicates that the issue of afforestation of the commons in Portugal should be approached from three different perspectives: economic, political, and legal. The first perspective is related to changes in land use and the concomitant transformation of the local economy and its relations with the national economic system. The second perspective concerns the power relations and administrative institutions that are connected to the use of a resource and the distribution of the benefits derived from that resource. The legal perspective embraces both aspects, for law reflects (and shapes) the exploitation of resources and the distribution of profits as well as the use of power by and the form of the political-administrative institutions. Law regulates land use and defines, reflects, and regulates political power. In the concrete case of the *baldios*, changes in the legal status of the commons and the balance between the different normative frameworks that regulated their exploitation corresponded to the way in which the central state tried (or failed) to increase its control over the countryside.

## The Structure of the Book

The central question examined in this book concerns the roles of the state Forestry Service and the afforestation of the *baldios* in the process of state formation. Before being able to address this question, one has to define the key concepts. Thus, in chapter 2 I will answer and discuss fundamental questions

from several villages in the neighbourhood of Vila Real, I show how, under the present conditions of a multi-party system, the foresters lost the *baldios* to the politicians; how the commons became "political capital".

In the last two chapters I give a more general evaluation of the afforestation of the commons in relation to state formation. In chapter 11, I analyze the impact of afforestation on the economic development of Campea and the district of Vila Real (the prohibition of sheep and goat herding, the creation of alternative employment opportunities, etc.). The chapter's main point is that the afforestation of the *baldios* fitted in with the re-positioning of the region of Vila Real in the national and international economic system: from a predominantly agricultural area it became a producer of raw material for timber industries located in other parts of the country. Finally, in chapter 12, I argue that my inquiry has shown that afforestation is more than mere tree planting. It is a political enterprise; the implantation of power. And as with all powers, that of the Forestry Service is constantly endorsed and contested by different elements in society.

## Chapter 2

### ***Baldios, Forestry, State and Law***

#### *The Baldios*

##### **The *Baldios* as a Legal Category**

The word *baldios* (singular *baldio*) is the term currently used in Portuguese administrative language to mean "the commons". These commons are stretches of land that were traditionally administered by village communities and used by the local populations for grazing their animals, collecting fuel wood, etc. The word covers a variety of social relations, usufruct and property rights, entitlements and forms of land use which will be elaborated below. Literally, the term means "naked" or "uncultivated" and is etymologically akin to the Arabic word *baladi* or to bald (JCI 1939:1; Velozo 1953:23; Castro 1971; Soares 1968; Rodrigues 1987:18; Gralheiro 1990:20)<sup>1</sup>. The use of a word meaning "uncultivated" for common property has given rise to a confusion of the use of a certain area and its property status. However, this conflation of communal and waste land is misleading: in 1985, 70% of all uncultivated grounds (approximately one million ha) were privately owned; whereas as a result of the state afforestation efforts, 75% of the *baldios* (circa 380,000 ha) were actually covered by forests! In addition, the qualification of the commons as waste land suggests that the land was unused and, hence, available for exploitation. This argument was actually used in defense of afforestation. In reality, the wild moors served as pastures and were also used as outfields from which farmers collected the brush they used to fertilize their cultivated infields (Taborda 1932:99, 111; Nunes & Feijó 1990). The *baldios* were neither unused and uncultivated nor abandoned and dispensable.

The term *baldio* does not imply a particular form of land use. The *baldios* are a legal category consisting of certain stretches of land. This legal category involves the organisation of access, usufruct, and management of these lands and the resources on and in them. They are what popular language calls the *monies do povo*. A literal translation of this definition would be "the people's hills". Indeed, in most cases these *monies* were (and are) situated on highlands. However, in this phrase the word *monte* does not have the ordinary significance of "hill". Instead, it is etymologically connected to the word *montado*, which refers to forest pastures and which is still used for the stands of cork and stone

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<sup>1</sup> See Vassberg (1975:631-632) for the use of the word *baldio* in Spain.

oaks in the south of Portugal. The expression *monte branco* meant a communal thicket (Neves 1964). In the past, the term *montado* was also applied to the commons in the north of the country. In the 1515 charter of the municipality of Vila Real, the phrase *montado de gado de fora* ("livestock *montado*") was used to denote the communal grazing grounds in the area (ANTdT, Casa do Infantado, Livro 215). In 1886, the parish council of Torgueda in the municipality of Vila Real used *monte* and *montado* as synonyms in its by-laws. Apparently, the popular term does not connect the commons to waste highlands, but to open forest areas.

The origin of the *baldios* as a legal category can be traced back to the period immediately following the conquest of the Iberian peninsula from the Moors, the so-called *reconquista*, and the foundation of the Portuguese kingdom in the twelfth century. The Crown claimed the *dominium directum* or *dominium eminens* over all land in the realm and handed out certain grants to nobles, to the Church and religious orders, and to peasant communities. These grants resulted either in the private appropriation of that land or its subjection to certain forms of communal exploitation, such as grazing, the collection of brush for fertilizer, and the gathering of wood for construction and fuel. As a result, a situation emerged in which collective rights were executed on three types of land: on land owned by the Crown (the *reguengos*), on land held by nobles or corporations (*janinhos*), and on common property (*baldios*) (Gralheiro 1990:24)<sup>2</sup>. In the eighteenth century, the lawyer Tomaz Vila Nova de Portugal reinterpreted earlier royal ordinances and formulated a distinction between *maninhos* (private land under communal exploitation), *bens do concelho* (land owned by the municipality), and the *logradouros comuns* or the "true" *baldios*, which belonged to the *povos* (village communities). In 1772, a new law explicitly separated these "true" *baldios* from the property of the *concelho* (JCI 1939:1; Velozo 1953:23-25; Rodrigues 1987:19-20; Gralheiro 1990:24-27).

In the nineteenth century, legal theorists formulated a new approach to the concept of property. They distinguished between four categories. The first category, the *res communes*, consisted of objects that concerned humanity in general, like the air or the sea. The *res publicae* was composed of things that pertained to the nation, such as rivers and harbours. The third category, the *res universitatis*, were things that involved only a part of the nation (a community or municipality). For example, theatres, stadiums, and the commons belonged to this category. The last category, the *res singulorum*, were things that

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<sup>2</sup> According to Hespanha (1980:219-224) the feudal conception of law was 'realist': it presupposed a general order in which things and men are integrated. The relations between men and things are derived from the functions that these things would or could have in that order (*ex parte rei*). Each of the alternative uses corresponded to a type of appropriation or *dominium*. Such a conceptualization can be opposed to the modern idea of *dominium plenum*, which conceives the object as a whole, and which sees property not as the domination of one function, but of all existing and possible functions.

pertained to private individuals. It was identical with private property (Veloza 1953:26; Soares 1968:27-31).

This approach was very influential on the civil code that was created in 1867 and maintained for almost a century, until 1966. In articles 379, 380, 381, and 382 a distinction was made between public things, communal things, and private things (*coisas públicas*, *coisas comuns*, and *coisas particulares*). The first and third category referred to public and private property (*res publicae* and *res singulorum*), whereas the second category referred to communal property, the *res universitatis* (as something different from shared property of corporate property). Communal property was defined in article 381 as follows:

Communal are natural or artificial things which are not individually appropriated, and of which only the individuals living within a certain administrative circumscription or forming part of a certain public corporation are allowed to take profit within the confines of administrative regulations. (Quoted in Veloza 1953:28; as in all cases of sources written in a language other than english, the translation is mine).

These "communal things" expressly included the *baldios*. Article 473 equated the commons to "any municipal or parochial land" and incorporated them in the property of municipalities or parishes (Soares 1968:51). Thus, the civil code placed the commons within the category of *res universitatis* and firmly consigned them to the state and its institutions.

The changes in the way in which the concept of the commons was translated into a legal text has a specific relevance which can be grasped by perceiving law as a way of portraying or mapping normative structures. Like geographic maps, laws can be drawn in different ways, according to different methods of projections, on different scales, and with different symbols (Santos 1987). The projection method applied in the distinction of *res communes*, *res publicae*, *res universitatis* and *res particulares* is the hierarchy in the state. These categories refer to different, ranked social aggregates on different "scales" that correspond to levels within the state apparatus. Individuals are not aggregated in families, village communities, or professional categories, but, rather in administrative units; the parish, the municipality (*res universitatis*), or the state itself (*res publicae*). The inevitable consequence of this type of projection is the concealing of certain features of social reality outside the state's administrative order which might also be important for the mapping of the normative structures that govern the use of land. Similar to ordinary Mercator maps, where Africa appears deformed and smaller in relation to Europe than it is in reality, the method of projection chosen in the 1867 civil code disfigured or obscured forms of social organization that were not identical with levels in the state. Such deformations are not accidental. The general use of the Mercator projection is certainly the result of the metropolitan view of the world expressed

in it (Woods 1993:57-61)<sup>3</sup>. Similarly, the distortions and incongruities in legal maps are connected to certain societal conditions, like the power of the state. The confusion in the 1867 civil code of community property with municipal or parish property facilitated the dissolution of community control over the *baldios*, and in doing so reflected the attempts to impose state control on the community and dissolve or take away the commons.

The attempts to abolish the *baldios* appear clear from the various measures taken since the end of the eighteenth through the nineteenth and twentieth century. The reviews by the JCI (1939:1-12), Rodrigues (1987:32-48), Gralheiro (1990:32-36), and Nunes & Feijó (1990:65-74) demonstrate that there has been a constant tendency in legislation to legitimize or stimulate the privatization of the commons. In particular, since the end of the nineteenth century, there has been a tendency to promote their transfer to the state. After the downfall of the monarchy in 1910 the new republican regime continued in the same vein. (Relevant legislation is summarized in appendix 2.) However, it was only after the military coup of 1926 that the state acquired enough power to impose its policy with force. Several measures were taken to promote division, settlement, and afforestation of the commons (see appendix 3). In 1966, this policy culminated in the eradication of the concept of communal property in the civil code. As a result, the *baldios* were included in the private property of the administrative bodies, municipalities, and parishes, although they still could be subjected to certain collective usufruct rights (*logradouro comum*). As long as these rights were maintained, the law placed certain limits upon the local authorities' liberty to alienate the land or to attribute other uses to it. But, as the (administrative) law also contained stipulations that enabled the lifting of these collective rights, it was clearly geared to the disappearance of the commons<sup>4</sup>.

The authoritarian regime which reformulated the civil code in 1966 was brought down in 1974 by a military take-over. One of the coup's effects was the restoration of the commons. Although the concept of common property did not return to the civil code, it was implicitly re-created by certain articles in the new constitution which defined the types of property legally existing in the country and by a special decree which reinstated community control over the *baldios* (*Decreto-Lei* 39/76).

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<sup>3</sup> For this reason, NGO's like the World Council of Churches, Oxfam, and NOVIB (in the Netherlands) have promoted the equal area Peters projection which depicts the continents according to their relative geo-areas (Woods 1993:57-61).

<sup>4</sup> Article 390 of the Administrative Code distinguished between dispensable and indispensable areas, and areas available and/or suitable for forestry. The first category had to be divided among the commoners (art. 397), whereas the last one had to be afforested (art. 401, 402 and 403) (Paixão *et al.* 1933; Caetano 1991:947-948).

### The Commons under Attack

The 1976 decree resurrected only those *baldios* that had survived until 1926. These *baldios* represented but a fraction of the original area. Today, the *baldios* are concentrated in the mountainous regions in the north, but in former days they were a common feature in the entire country. Historical evidence shows that in the south (Alentejo), in the north-west (Minho), and in the north-east (Trás-os-Montes) many commons disappeared during the nineteenth and early twentieth century either through division among the commoners or usurpation by local landlords (Taborda 1932; Dias 1953:14; Cutileiro 1971:19-20; Silbert 1978 (volume II); Neta 1982; Ribeiro 1987:80; Nunes & Feijó 1990)<sup>5</sup>.

The reduction in the area of the *baldios* in Portugal paralleled developments in other European countries. In most European societies, farmers had maintained collective areas which they used for grazing or the collection of brush or other resources (Slicher van Bath 1960:67, 283). Generally, these areas fell victim to encroachment by private landowners, to enclosure, or to the amortization of public debts. In Britain, between 1470-1530 and 1760-1830, large tracts of communal land were privatized by landlords as well as by general agreement of the tenants in order to intensify agrarian production (Slater 1907:266; Yelling 1977:21; Thompson 1980; Cox 1985:51; Turner 1986). Only in some small tracts, such as the New Forest in Hampshire (Edlin 1969; Stover 1985) and the villages of Eakring and Laxton in Nottinghamshire (Tate 1967:175-176) have communal exploitation rights survived this movement and remain today<sup>6</sup>.

The commons were also threatened by divestment. The core of this policy was the sale of commons and Crown land in order to improve public finance and promote reclamation for agriculture or forestry. This policy was followed in several continental states; France (Soboul 1956; Larrère *et al.* 1980; Kalaora & Savoye 1986), Spain (Vassberg 1975; Gilmore 1980:21-28; Fernandez 1987; Pérez-Díaz 1991:46), and the Netherlands (Blink 1929; Buis 1985, 1993:12). In the nineteenth century, the Portuguese government followed the same policy by adopting the *Lei da desamortizacao dos baldios* (Tengeirinha 1994, *Lei da desamortizacao* of 6 September 1869).

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<sup>5</sup> Cutileiro (1971:23) argues that the political agitation and the strong support of communist political movements in the area can be traced back to the usurpation of the commons by the latifundists (see Benema 1992 for a different perspective; see also chapter 9).

<sup>6</sup> Sometimes the apparently 'dead' commons suddenly seem to revive and exert their call over a community (see Fernandez 1987). Even in the Netherlands, they may resurface in a certain manner. In 1932, the village of Loenen in the municipality of Apeldoorn sold its land to the municipality. When in February 1992 the villagers found out that the municipality intended to alienate their former property, they tried to buy it back and restore their communal property. As the municipality decided not to respond to the villagers' demand, these tried to separate their village from Apeldoorn and transfer it to neighbouring Brummen (*NRC-Handelsblad*, (Rotterdam), 18 February 1992, *Zutphens Dagblad*, (Zutphen), 6 February 1993). I owe this example to John van der Ven.

Finally, the *baldios* that were not enclosed by or sold to private landowners, were threatened by afforestation. This process of afforestation was assigned to a specific branch within the state administration, the Forestry Service, and implied the transfer of ownership to this state body. In Portugal, the afforestation of the commons reached its zenith during 1933-1974 period, when the country was governed by the autocratic *Estado Novo* (New State) regime. During these years large parts of the *baldios* were covered by trees as part of the *Piano de Povoamento Florestal* (the national forestry plan). The local communities objected to this government intervention as they saw themselves robbed of their communal grazing and brush lands. In 1961, the state Forestry Service admitted that it had faced "true rebellions that demanded the deployment of the police" (Mendonça 1961a: 122).

Presently, the expansion of the forest area in Portugal has become part of the European Community's attempts to reduce the European timber deficit, to bring down agricultural surplus production through the elimination of economically marginal farms, and to modernize viable segments within the agricultural sector. Since the middle of the 1980s Portugal has received credits from Brussels for afforestation (European Commission 1986:4). In addition, the EC has financed forest plantation and management through the European Development and Guaranty Fund for Agriculture and the Integrated Programmes for the Mediterranean Regions within the Community. Portugal was entitled to apply for these funds as well after its admission to the EC in 1986.

Earlier in this chapter I pointed to the conflation of land use and property regime characterizing the discussions over the *baldios*. That conflation makes it difficult to draw a reliable image of the quantitative evolution of the commons in Portugal. The earliest available data concern the *waste* lands. They date from the second half of the nineteenth century. In 1868, the *Instituto Geográfico* (Geographic Institute) published an inventory of the different types of land use in the country. This inventory identified about 4.3 million ha of "unproductive waste land", i.e. uncultivated land that according to the Institute did not serve any productive aim (Instituto Geográfico 1868). Seven years later, Péry reviewed the results to get a better impression of the agrarian structure. He corrected the earlier figures and estimated the amount of waste land at almost 4.2 million hectares or 47% of the country's total surface (Péry 1975). He did not attempt to distinguish privately owned wild lands from communal *baldios*. The most frequently used figures today are derived from an inventory published in 1939 by the *Junta da Colonizacao Interna* (Internal Resettlement Board, JCI), which estimated a total of 407,500 hectares of common land (JCI 1939:50-51). Since the nineteenth century's statistics did not distinguish between private and communal waste lands, Gralheiro's (1990:73) claim that between 1875 and 1939 90% of the original communal area vanished is probably exaggerated. However, it is certainly true that during this period large communal tracts disappeared.

Presently, about 0.5 million ha can be considered *baldio* land. Devy-Vareta (1993a: 161) recently concluded from the 1939 inventory and other inventories

by the JCI and the Forestry Service that the total area of *baldio* land existing today in the country amounts to 507,000 ha. In the 1980s the Forestry Service registered over 600 village communities that had legally organized themselves for the administration of their commons (Rodrigues 1987:61, 98; Duarte 1990). There, management of the *baldios* still is practised.

Within Portugal, the present regional distribution of the *baldios* is closely connected to the differentiated impact of the enclosure movement under the regional political and economic conditions of the nineteenth century. When market conditions for the expansion of wheat cultivation became more favourable at the end of the nineteenth century, landowners or their tenant-entrepreneurs in the south of the country were able to enclose the waste lands in that area. The Portuguese government yielded to their demands for protection of domestic wheat production against cheap import from the Americas (Castro 1971:281; Medeiros 1978:50; Ribeiro 1987:80). During this time, in the north, the commons disappeared in specific pockets. In parts of the district of Bragança this development was linked, as in the south, to the expansion of commercial wheat and olive production and possibly also to the export of cabbage to Porto (Taborda 1932:155-161; Estêvão 1983:1166; Jacob 1989:166). In the Douro valley the disappearance of the commons was the result of the reclamation of the *baldios* for commercial viticulture (see also chapter 6). The success of the enclosure movement was related not only to market but also to political conditions. In the south, for instance, a class of wealthy landowners existed which could easily quench resistance from peasant communities. In the north, like in France (see Soboul 1956), the power balance between the peasantry and the nobility was generally in favour of the former; thus, the local landlords found it more difficult to enforce enclosure.

#### Strong State or Strong Communities: Local Autonomy and Legal Pluralism

Before 1976, many rural communities resisted the *Estado Novo's* afforestation efforts and other government measures that undermined the commons and the communities' autonomy. After the publication of a new law in 1976, one could observe the same tendency. The new law had only a limited impact. According to that law, the population could claim its commons back if it constituted itself into an *assembleia de compartes* (commoners' assembly) and elected a five-member *conselho directivo* (management commission). This management commission would administer the *baldios* and the revenues of the forests on them on behalf of the commoners. *Decreto-Lei 39/76* created two variants. In the first type, "modality A", the commission consisted of only commoners, whereas in the second one, "modality B", it consisted of four commoners and one representative of the state (art. 9). In practice, this representative would be the local forest guard. Many villages did not create these new commissions and the Forestry Service did not pay much attention to the commissions that were

established. Communal land management commissions complained about illegal forest planting by the Service (*Jornal de Noticias*, (Porto), June 1983, *Proclamacao*, (Vila Real), 17 June 1990) and accused the Service of frustrating the election of new commission members and withholding revenues from timber sales (*Jornal de Noticias*, (Porto), 30 March 89, 11 July 1989). Moreover, the legal status of the commons and the management commissions was far from settled: the right wing parties in parliament produced a continuous flow of enactments aimed at the abolition of these commissions (see chapter 10).

In the past, the *baldios* were important for the communities' economic and political organization. The communities used their *baldios* as part of their traditional farming system and managed them according to their own customs and by-laws. Observance of the rules was looked after by a *conselho* (the village council) and elected officials (*mordomos* or *zeladores*). The *conselho* which consisted of all *vizinhos* (literally "neighbours", the (generally male) heads of household), decided about the management of communal possessions. These of course included the *baldios*, but could also encompass a central oven, a common grain storage, (water) mills for grinding rye and maize, threshing floors, etc. In order to use these communal resources community members had to satisfy certain obligations such as working on the communal fields, in the mill, or doing other jobs to benefit the community. Labour could also be pooled and administered by the community, as in the case of herding. Cattle was kept in communal herds (*vezeiras* or *vigias*) by shepherds who were appointed by the village council (for example: Dias 1953:79-83; Bennema 1978:48-52, 67-68, 73).

During the nineteenth and twentieth centuries the state led the attack on the *baldios* and promoted either their privatization or their transfer to state administration. In the light of these attacks, the fact that some commons persisted until today can be seen as an expression of resistance: their endurance shows that the commoners were able to defy the central state. The persistence of the commons can be read as an indication of the autonomy of commoners' communities in relation to the central state.

Under the ancien régime, the two essential levels of administration and governance were the Crown and the *concelhos* or municipalities (not to be confused with *conselhos*, the commoners' assemblies). The municipalities and their ruling councils, the *Cdmaras Munidpais* (Municipal Chambers) were the formalized expression of self-government. The inhabitants elected their own administrators to sit on the council. These administrators were not only charged with internal governance but could also act as the municipality's representatives in negotiations with neighbouring municipalities, the nobility, or the Crown. Formally, the state was solidly centralized. Since the fourteenth century, the king had expanded his control over the municipalities by the appointment of judges who acted as royal representatives (*corregedores* and *juizes de fora*). According to Moreno (1986:79), this formally implied the end of municipal autonomy. Yet, the municipalities were able to retain a great deal of their

independence, because, in reality, the state was barely capable of exercising the power it lawfully held. The exercise of power, that is influencing people's behaviour, is conditioned by communication. In one way or another the state has to "tell" the people what they should and what they should not do. During the ancien régime, modern means of communication did not yet exist and power had to be exercised essentially by physical *presence*. Consequently, distance and accessibility determined to a large extent how far and how deeply state power was able to penetrate into society. In a country with poor infrastructure that presence was not always possible or equally strong in all places. In the fifteenth century, for example, the representatives of the city of Guimarães lodged a complaint at the king's court that the *corregedor* of that area had stayed eight months within the city walls instead of the permitted two weeks. The citizens of Braga expressed similar grievances and argued that instead of staying in the city their *corregedor* "should visit other towns and villages of municipalities without fortresses or walls. There he has to look for robbers and criminals and not in the cities" (Moreno 1986:83-4). Thus, it is easy to imagine that in the *absence* of royal representation the inhabitants of these towns and villages did not need to heed the Crown's authority. Clearly, in the fifteenth century a wide gap separated the central government's formal authority and the real presence of its power.

Two hundred years later, the organization of public administration was still characterized by the absence of representatives of the Crown in the countryside. According to a list made in 1640, there existed 11,585 royal, lordly, or local officials in the 900 *concelhos* (municipalities) and 32 *comarcas* (jurisdictions) in the country. Only a small minority of these officials (1,059 or 9%) was directly dependent upon the Crown, whereas the majority (11,319) were local officials. The latter were nominated by the municipalities and generally belonged to the "old men, great men" of that region. Consequently, these local officials did not represent the central state. Instead, they were exponents of a "patriarchal-communitarian form of local administration" (Hespanha 1986:37-38, 46). As the number of the royal officials was rather low in relation to the size of the territory and to the number of inhabitants (1.8 millions), and as infrastructure was not yet very well developed, the central state was almost incapable of replacing local rule with its own, centralized government. The Crown's difficulties in gaining control over the kingdom's interior were exacerbated by the royal officials' regional concentration: 12% of the Crown's administrators worked in Lisbon. Outside the capital, control was exercised by the *juizes de fora*, by the customs, by the military, and by fiscal officials. Nevertheless, the numbers of officials suggest again that royal power was rather limited: only 8% of the *concelhos* had *ajuiz defora*, only 14 out of the 32 *comarcas* had customs officials, and only 11 *comarcas* had a chief commander of the militia who was appointed by the king. This means that in 21 *comarcas*, the Crown did not even have control over the military and police.

The distribution of the Crown's officials shows that in the seventeenth century the central state contented itself with symbolic power over the country, and with effective power over the borders. The reason for this form of state organization was related to the state's tax base. Between 1527 and 1680, the share of the state's revenues derived from internal taxation (generally *sisas*, or sales taxes) decreased from 55% to 11%. The borders were the main loci of tax collection and the taxation on commodities passing through the borders was the state's most important source of income. Hence, "contrary to what happened in France or in Prussia, [in Portugal] the realm's interior was not decisive from the Crown's financial point of view" (Hespanha 1986:58). As the central state could obtain the money it needed by supervising the in- and outflow of commodities at the border and the harbours, it paid little attention to the administration of the realms interior.

In spite of its centralized image, the Portuguese state allowed for a strong autonomous local organization. Many zones of patriarchal-communitarian rule remained virtually untouched by the central state's power until the nineteenth century and some have even survived up to the twentieth century (*ibid*, 60). With his representatives being *absent* rather than present, the king did not command a centralized state, but a conglomerate of nearly independent municipal republics that governed themselves according to their own principles.

This situation changed in the nineteenth century. The independence of the Portuguese colony of Brazil in 1821 cut off the flow of gold to the Portuguese treasury. This forced the government to look for other sources of income and to develop its internal resources. The advent of liberalism after the French revolution, the subsequent invasions by Napoleon's armies in 1807-1810, and the defeat of the defenders of the absolute monarchy after the 1830s civil war opened the way for a radical reform in various areas of the state such as the state's finances, its bureaucratic organization, the property regime, and the juridical system. In 1832, the state tried to enlarge its hold on local administration. A new post was created, the *provedor*, which was nominated by the central government and was to take over many responsibilities which up to that time belonged to the municipal councils. In 1835, the balance of power was shifted again in favour of the local rulers. The government's representative to the municipalities was renamed *administrador*: This *administrador* had less powers than the *provedor* and was nominated out of a list of five candidates proposed by the *Câmara Municipal* (Barrata 1988:122). Nevertheless, the central state was now more powerfully present in each *concelho* than before the reforms of the nineteenth century.

The position of the *povos* (local communities) within the municipalities under the ancien régime is not very clear. It seems that their "best men" or "elders" did participate in municipal administration (Dias 1953:30; Bennema 1978:48-52; Hespanha 1986:46). Otherwise, they were apparently left alone. To the central state they were little more than 'black boxes', with their own governing bodies and their own elected officials like judges and overseers, and their own by-laws.

Sometimes a community would be identical with the religious parish, which, although formally only an ecclesiastical unit, presumably played an important role as a social structure (see Soboul 1956 on France). Thus, the priest became the most important representative of a higher authority at the local level, but he would be more loyal to his bishop than to the king. It was only in the 1830s that the central state acquired a more direct access to these parishes through the institution of the *regedor* (Caetano 1991:344). Like the *provedor* and *administrador* to the municipality, the *regedor* was a delegate of the central government who oversaw the functioning of local administration. He was also responsible for public order in the parish<sup>7</sup>. In 1878, after unsuccessful attempts in 1830 and 1835, the ecclesiastical parish was finally included as a secular unit in the state administrative organization (Rodrigues 1987:40-41; Gralheiro 1990:32-33; Caetano 1991:342; Pinto 1993). Taken together, these developments demonstrate the intent during the nineteenth century to become an effective ruler over the country's internal resources and affairs.

This rapid appraisal of Portuguese municipal history shows that, although the Crown had the formal power to control the local administrations through the appointment of representatives to key positions, in reality, it failed to do so. In most cases, the king's "representatives" were not of his choosing, but selected and appointed by the local administrators themselves. Under such conditions it was difficult for state law to penetrate into the municipalities and rural communities which were then able to make their own set of rules (the *posturas* or by-laws), and to create or maintain their own usages and customs. Consequently, at least until the nineteenth century, the functioning of the central state allowed for a great deal of local autonomy and created an environment for the persistence or emergence of multiple local legal systems. Only when economic conditions changed and the Portuguese state had to expand its internal tax base, did the central government start a reform aimed at undermining local autonomy. This reform not only influenced the administrative order, but also affected definition of property relations, which, among other things, included the classification of communal rights in terms of private and public categories.

Despite the state's attempts to gain control over the rural communities, the latter continued to enjoy a large amount of autonomy. A 1910 study of the village of Rio de Onor showed that rural life was totally controlled by the village assembly (*conselho*) (Taborda 1932:161). A re-study in the 1940's led to similar inferences (Dias 1953). Community rule by the *conselho* and elected officials (*mordomos* or *zeladores*) embraced a local legal system which paralleled official law; and, among other things regulated access . and

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<sup>7</sup> After the revolution of 1974, the *regedor* and *administrador* disappeared.

exploitation rights to the community's common resources such as mills, threshing floors, ovens, and *baldios* (Dias 1948)<sup>8</sup>.

### **The *Baldios* and the Emergence of Capitalism**

The eighteenth and nineteenth centuries' enclosure of the commons in Britain is considered one of the social changes which led to the emergence of capitalism in this country (Marx 1973:103-118). These enclosures began to undermine the livelihood of the poorest community members thereby provoking or reinforcing the rural dwellers' proletarianization (Thompson 1980; Humphries 1990). Similar inferences have been drawn from the impact of afforestation of the Portuguese *baldios*. This afforestation accelerated the proletarianization of the local peasantry since the lack of employment opportunities in their home areas forced the peasants to emigrate (Baptista 1978a:178). In this manner, afforestation sacrificed the pre-existing peasant economy to the development of capitalism. Whether such a deduction is correct, will be investigated in this book.

The development of capitalism is also related to the reformulation of the *baldios*' legal status. The reformulation of property by state law and the imposition of the new formula on commoners' communities caused the submission of pre-existing definitions of property relations to those of the central government. In that manner, the development of capitalism led towards the expansion of political control by the state over local societies. This reformulation is also related to changes in the economy. The issue of property rights is particularly relevant because, as Brandão & Rowland (1980:178, 196) note, the laws that regulate access to resources (property) and the transfer of that access to others including the next generation (inheritance) are essential, although not determinative or decisive, for the reproduction of a production process and of differences in wealth, power, and prestige, that is, the class character of society (see MacPherson 1975; Renner 1979.)

Brandão & Rowland (1980) see the 1867 civil code as the cornerstone in the process of the creation of bourgeois property in Portugal. Hespanha (1980) goes much further. He perceives it as part of a bourgeois revolution. This bourgeois revolution entailed the destruction of feudal rent by creating the *dominium plenum*. It included (1) the abolition of ties that impeded the mobility of labour, (2) the separation of the labourer from the means of production, (3) the

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<sup>8</sup> Interesting examples include the tenacity of the Rio de Onor community to maintain a married priest notwithstanding outside pressure and inside opposition: the ruling assembly even punished the minority that objected against the priest's appointment (Dias 1953:316-317). In another village, Vilacinho da Furna, Dias called the elected *zelador* the executive and the six men council the legislative. The *zelador* judged all crimes except the gravest, "which belonged to the competency of the courts" (Dias 1948:86-96).

mobilization of land in order to allow the creation of economically viable production units as well as the investment in agriculture of capital acquired either in commerce or industry, and finally (4) the abolishment of feudal forms of exploitation that impeded the development of capitalist production and reproduction. These ideas about the transformation of the country's economy were already immanent in the royal charter of 7 March 1810, which demanded the revision of feudal rents (*foros*)<sup>9</sup>.

In short, the reformulation of the legal status of the commons during the nineteenth century should be seen as an essential part of a bourgeois revolution and the emergence of capitalism. Whether similar inferences can be made regarding the afforestation of the *baldios* of Campeã during the twentieth century will be discussed later in this book

## Forestry, the State and the *Baldios*

### The Historical Connection between Forests and the State

In Europe, forestry is linked to the state in several ways. First and foremost, in many countries a specific branch within the bureaucracy is responsible for administering state-owned forests and for supervising private forest management. The existence of such a body is rooted in the specific history of states and forestry in Europe. In that history, the forests started as the domains wherein the kings and nobles exercised their hunting privileges.

Historically, forestry and hunting have been related. For example, in Portugal, the supervision of wildlife management (i.e. hunting), is still attributed to the same organization as the administration of forests in general. State control over trees and game goes back to the foundation of sovereignty in the early Middle Ages. The Merovingian kings claimed paramount ownership over the territories they had inherited and conquered. The central concept of this paramount ownership (*dominium eminens*) was the notion of *forestis*. It is from this notion that the present term "forest" is derived (Harrisson 1992). At that time, however, it was not specifically related to wooded areas, but denoted a juridical concept which can be compared to a "bundle of rights" (Stein & Shand 1974,

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<sup>9</sup> The transition to a bourgeois concept of property took more than fifty years. The 1867 Civil Code was drawn up by Luis de Seabra on the basis of his winning contribution to a contest held in 1822. Although his proposal underwent some modifications, especially concerning the organization of common property (including the *baldios*), it finally became the code ruling civil affairs in 1867.

The ambivalence of state legislation since the last quarter of the eighteenth century and the fact that the changes in property law took so many years can probably be explained from the dependence of the political class itself on land ownership (Hespanha 1980:228-231).

quoted by Van den Bergh 1988:80-81)<sup>10</sup>. The sovereign held all rights but could decide bestow some of those rights to his vassals. However, the right to hunt he would generally keep for himself. Even when the land itself was no longer under his direct control, the sovereign still held game rights in specific reserves. In England these areas were called forests; in the Netherlands, *foreesten* or *banwouden*; and in Germany, *Wildbannen* or *Bannforsten* (Blink 1902, I:180; Eckardt 1976:23-25; Buis 1985, I:25 ff., 1993; Harrisson 1992)<sup>11</sup>.

The evolution of the sovereign's hunting rights paralleled the disintegration and re-aggregation of sovereignty. In the Netherlands, they ended up with either the Provincial Estates assemblies as in the province of Gelderland, or, as in the province of Holland, with the Steward (Buis 1985, I:25 ff., 1993). In other countries, such as France and the German states, the hunting rights remained in the hands of the kings and the rest of the aristocracy.

Hans Wilhelm Eckardt (1976) has written an interesting account of hunting in western Germany. He explains the nobility's eagerness to monopolize hunting rights in terms of their desire to secure their social position as warriors, since hunting was also a way to practice combat techniques. In this manner, the monopolization of hunting rights helped to perpetuate the aristocracy's war-based charisma in times of peace (Eckardt 1976:26). Despite peasant opposition to the royal and aristocratic hunting prerogatives, these privileges continued virtually unmitigated until the eighteenth century (Eckardt 1976:34). Only after the French Revolution (14 July 1789), did the powerful aristocracy begin to loose terrain. In France, the privileges of the king and the aristocracy were abolished in August 1789. A law was issued that made hunting rights dependent on landownership. As a result, the nobles were no longer allowed to hunt on land they did not own while the common landowners gained the right to hunt on their own properties. Thus, hunting "became bourgeois". When the French

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<sup>10</sup> According to Stein & Shand, common law has been more ready to analyze ownership in terms of bundles of rights, obligations, and interpersonal relationships than civil law. The latter tends to identify ownership with the thing owned (in Van den Bergh 1988:80).

<sup>11</sup> Eckardt assumes that originally the Germanic tribes maintained communal tenure relations (the *mark*) and that hunting privileges were foreign elements introduced by the Franks during the foundation of the Merovingian/Carolingian Empire in the eighth and ninth centuries. However, his interpretation of the historical sources upon which these assumptions are based (Tacitus and Julius Caesar) is debatable. The image of that society as an egalitarian community of free individuals holding all property in common cannot be founded in either Tacitus or later sources. Early sixth century legal texts show that the Germanics knew a restricted type of private ownership of houses, gardens, farm land, and parts of forests. They also confirm the existence of social stratification, not only between the serfs and the free, but also within the class of free itself (Perrin 1966:27-30). Further, Eckardt overlooks the fact that the Merovingian kings were not Gauls (Celts), but Germanics, just like the tribes they overpowered. This means that the concept of *forestis* is just as indigenous to the Germanic legal system as the *mark*.

Harrisson (1992:69-75) defends a view similar to Eckardt's on the imposition of royal hunting rights after the Normandy invasion of England.

occupied Rheinland in 1801, the same law was applied there. In the other German states, the ruling aristocracy was able to exercise its prerogatives until the revolution of 1848 (Eckardt 1976:169-86, 232-64).

Eckardt's work exposes the political role of hunting: by hunting privileges the aristocracy could distinguish itself from the common people. Eckardt also shows that the role of hunting changed over time. By connecting hunting to the king's war charisma he discloses its role in the foundation and continuation of royal sovereignty (see Weber 1964:78-79, 251-252). Because during the eighteenth and nineteenth centuries hunting lost its function for military training, Eckardt, in his discussion of this period no longer connects hunting and the constitution of political power. Instead, he approaches the hunting privilege as a status symbol: hunting became a flight from the modern world; a means against what he calls "existential boredom"; and a "substitute praxis" (Eckardt 1976:271-272). However, the material presented in his work indicates that the hunting privilege still had a political function. It enabled the aristocracy to control the unarmed population through the monopolization of weaponry. During the troubled years immediately following the French revolution, the Duke of Württemberg and his Privy Council objected to an extension of the hunting rights to common people since the consequent arming of the latter would possibly threaten not only game stocks but also "public peace and order". Compelled by political events in France the Duke ceded the right in 1791. However, he took care to limit the number of guns to two per community, to ensure that the communities would have only the less accurate weapons (*Kugelbüchsen* instead of *Schrotflinteri*), and to place the people under the direct supervision of forest officials (Eckardt 1976:177-179).

The second historical connection between state and forestry concerns the administration of Crown land. Under the ancien régime, this task was attributed to specific departments within the royal household. After the separation of the king's household from the state, the administration of these often forested properties went into the hands of the state. This succession was most direct in France. There, the end of the ancien régime entailed the transformation of the administrations of the royal hunting reserves and domains into state bureaucracies. Thus, in 1801 France became the first European state to found a state Forestry Service (Buttoud 1981). In other countries the development of state forest administrations took much longer. The Forestry Service in Portugal emerged in 1824, three years after the separation of royal and public administration. The Dutch state Forestry Service was created in 1899, fifty years after the state reform which introduced constitutional rule and eleven years after the *Heidemij* corporation had organized private initiative to systematically create new forests. Until then the government had been quite reluctant to engage in forestry, even when pressured by local authorities (Buis 1993:96-98). Between 1822 and 1840 the government actually sold large parts of the state domains in order to balance the national budget. After 1890, the government's attitude changed and it started to buy land again (Blink 1929:201-

215). In Britain, the Forestry Commission was created only in 1919 (Whetham 1977:169-70).

To a certain extent the date of the creation of a state Forestry Service seems to be connected to the size of the estates the state inherited from the Crown. In France about 2,000,000 ha were royal domain (4% of the country's present area), which, in absolute and relative terms, is much more than the dominions with which the Forestry Services in other countries had to start: in Portugal the original area of the state Forestry Service amounted to 15,000 ha (0.2% of Portugal's present area), in Holland 13,000 ha (0.3%), and in Britain the Crown estates that constituted the core of the Forestry Commission covered only 49,000 ha (0.2%)<sup>12</sup>. But the fact that Portugal created a Forestry Service much earlier than the Netherlands whilst its Crown estates were smaller in relation to the country's total area, shows that the moment when state intervention occurred was also contingent upon other factors. Such factors were the contemporary political conditions (the existence of a group of private cash-rich investors, the financial situation of the state), and the profitability of afforestation at that moment.

The states that emerged from the ancien régime did not always immediately undertake forest administration. This depended upon, among other things, whether they could be convinced of the necessity to do so. In their bid for state support, foresters and other interested parties developed two lines of argument. The first concerned the nature of the economics of forestry, and the second was related to the societal functions of forest management.

The first line of argument pointed to a key characteristic of the economics of forestry. This feature is that an enormous initial investment is required to plant a forest, but the returns on that investment cannot be realized for years. Such an economic burden is carried more easily by those who have a great deal of capital at their disposal than by small individual landowners. This argument can be traced back to at least the beginning of the eighteenth century. Already in 1701 the French architect and fortress builder Oisivetés de S. de Vauban argued "[t]hat the plantings of new forests are the kings' enterprises":

The time that one needs to wait until the cutting will be too long for private persons to accommodate easily, as their [long term] vision does not extend until the [necessary] four or five generations beyond their own, and their commodities do not give them the means to make such advances for such enterprises; I conclude that the planting of these new forests are the work of the kings, the wealthy princes, of the public, and of the large monastic communities with good incomes; they cannot be undertaken but by these, as well as because of the impotency and the limited view of private persons as well as

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<sup>12</sup> In 1921, the area controlled by the British Forest Commission totalled 327,100 acres (151,000 ha) of which 104,100 acres were owned, 103,000 acres were leased and 120,000 acres were crown estates (Whetham 1977:169-170).

because of the navy, fortifications and public buildings for which they are of interest. (Quoted by Guillard 1981:283).

The second economic argument for state involvement was related to the societal functions of forests. In their bid for increased state support, foresters have pointed to various public benefits: the protection of watersheds; the prevention of floods and the sanding of river-mouths, estuaries, and harbours; the protection of international borders against invasions; the purity of the air; and the existence of green spaces for recreation. Moreover, foresters have pointed to the strategic value of wood reserves in the event that international conflicts impede imports of this important raw material and fuel. The argument for state involvement was further strengthened since most of these public functions were not compensated by the market. These functions did not represent monetary values. Therefore, these public benefits made state involvement in forestry almost self-evident. (See for instance Min de Agr 1940:18-24; Alves 1961:155; Madas 1984; Westoby 1989:13-32).

The foresters' awareness and aspiration that their work would transcend private interests is reflected even in the way they define their profession: Forestry is "the aggregate of activities directed to making the forest useful for the satisfaction of certain societal needs" (Van Maaren 1982:348). This definition connects two elements: the aggregate of activities in the forests, and the goals for which the forests are exploited. It is striking to note that these goals are not those of the individual forest user, administrator, or proprietor, but of the community. Forestry is defined as an activity geared to the satisfaction of *societal* needs.

In addition to the lines of arguments presented by the foresters themselves, a third reason for state involvement in forestry can be formulated. This reason concerns the nature of forestry technology. The rationalization of forest management was accompanied by the systematization of knowledge and the development of forestry as a science. If one reviews the history of the development of scientific forestry, it appears that forest management technologies were always geared towards the large estate holders — the state being the largest of all.

The root of systematized forestry is found in the *Hausväterliteratur*, or *Hausbücher* (the Books of Husbandry) (Mantel 1980:568-570; Buis 1985:567). This genre consisted of books full of practical advice to the *pater familiae* in charge of the management of manors or estates<sup>13</sup>. The first of this type of text book was written by Petrus de Crescentiis from Bologna, who lived in the late

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<sup>13</sup> Petrus de Crescentiis's *Opus Ruralium Commodorum Libri XII* was translated into German in 1493 and reputedly the second printed edition after the Gutenberg Bible. Other examples of this type of literature are: *Praedium Rusticum* (1554) by the Frenchman Estienne; *De Re Rustica* (1570) by Conrad Heresbach, who worked for the dukes of Kleve and Gullik in north-west Germany; and *Oeconomia Ruralis et Domestica* by Johannes Colerus, from Brandenburg (Germany) (Mantel 1980:580-86, 615; Buis 1985:568-72).

Middle Ages. Petrus de Crescentiis continued a much older tradition, which had already been developed during the Classic Era by among others, the Greek Theophrastus who lived between 372-288 BC, and certain Roman authors (Mantel 1980:562-566; Buis 1985:565).

Another origin of systematized forestry is the management of the king's or landlord's domains (Mantel 1980:615). Noe Meurer and Claude de Mauvillee were two important authors on this subject. In 1560, both published books on the administration of their respective employer's and sovereign's forests — the kings-elect of Baden-Württemberg and Sachsen and the king of France. By contrast with the *Hausväterliteratur*, this work had little influence (Mantel 1980:615; Buis 1985:570-573).

The last step towards systematized forestry was made in Germany by Von Carlowitz. In 1713, he published a book called *Sylviculture! Oeconomia* in which he approached the forest as an object of scientific reflection and of rational economic thought. Van Carlowitz was also pointed to the non-monetary values of forests (Mantel 1980:638-639; Buis 1985:574-576). His approach was developed further by Wilhelm Gottfried von Mosed through the publication of the *Grundsätze der Forst-Ökonomie* in 1757. In 1788, the first chair in forestry was created within the university of Freiburg (Buis 1985:579-580). This date is the acknowledged birth date of forestry as a recognized scientific enterprise. In Tharandt near Dresden, the first independent forestry school was created in 1816 (Van Maaren 1993:3-5). Many people from other European countries attended these two schools and returned to their native countries with German ideas on scientifically based forest management.

The techniques developed in Freiburg concerned systematic tree planting and the renovation of stands, and the development of methods that would it make possible to achieve "sustainability" by balancing of harvest and regrowth. The central concept, the "Normal Forest", was developed in 1821. This concept assumes uniform growth and an equal distribution of age classes over a stand's area in correspondence to the time a tree needs to reach maturity. In its most primitive form, it implies that each age-class of a species occupies the same acreage (Speidel 1972:100). If it takes sixty years for a tree to mature, one-sixtieth of the total area is annually harvested and replanted. Based on the concept of Normal Forest, a broad spectrum of silvicultural management systems has evolved, from rotative clear-cutting with artificial regeneration through partial fellings and induced natural regeneration (shelterwood systems) to selective felling and full natural regeneration. In addition to these high forest techniques, coppice systems evolved that allowed a more rapid production cycle (Troup 1951; Windhorst 1978:93-102; Alves 1988). The Normal Forest is highly sensitive to scale advantages. It is only economically viable if one controls large enough areas. This again makes forestry - practised along this technological principle — primarily suited to large landowners such as the state.

### Forestry and the Implantation of State Power

State involvement in forestry is historically connected to the role of the Crown in the feudal tenure system and to the economic and technical characteristics of forestry. In regard to the theme of this book, the struggle between the state and the rural communities over the *baldios*, an analysis of forestry as an administrative and economic activity points at another possible connection: the suitability of forestry and a state forestry bureaucracy in enhancing the presence and power of the state over the countryside.

First, forestry often involves the administration of remote areas where the state is notably absent. The advancement of forestry science produced the technology that was needed to plant or seed forests in areas that had become stripped of vegetation. Such areas included the sand dunes along the coast, and the deserts and waste lands (such as the *baldios*) in the mountains. At the end of the nineteenth century, governments in France, Portugal and the Netherlands undertook afforestation of these waste lands. By using the new afforestation techniques, the state Forestry Services were able to go beyond the former royal domains, penetrating into these additional areas. Thus, these new techniques allowed the expansion of the state bureaucracy into domains that until then had been relatively inaccessible. It became possible for the state to intervene actively in land use in remote corners of the country.

Second, forestry was (and is) not an ephemeral activity. It remained a long-term project which demands continual monitoring. Hence, forestry entailed the settlement of forestry technicians and guards who could look after the trees and supervise their development. Moreover, land uses, which in one way or another might threaten the development of the trees had to be excluded. Therefore, forestry interventions were accompanied by special state legislation. In the tradition of those regulations under the ancien régime that protected game and timber in the royal preserves, the bourgeois state formulated a set of stipulations which were based on the technological demands of forestry. Violating these stipulations, for example by allowing grazing animals into the forest, was considered a "forest crime". A specific police force, the forest guards, had to watch over the woods and to persecute trespassers. The result was that the forestry bureaucracy acquired the custodial-paramilitary posture mentioned by Peluso (1992) for the Indonesian case of an army which invaded and occupied an area and defended it against intruders. This connection of forestry with state law and the forceful imposition of that law confirms the close ties between forestry and state sovereignty.

Third, the state's forestry project could appeal to two politically powerful sentiments among the population. Foresters claimed that the lands in which the state intervened had previously been covered with forest. This original forest cover had disappeared because of unwise exploitation of these lands. In this way, the foresters presented their enterprise as an act of healing or restoration. The political load of such a claim is obvious. Anybody opposing "reforestation"

automatically defended an "unhealthy", "distorted" situation<sup>14</sup>. Further, the introduction of state forestry was presented in terms of the nation's wellbeing, and, thus, it was assumed that the local population would accept the alleged public benefits as a common good. By accepting the state's claim that the forests served a public goal, the population accepted the regime's ideological point of view. This made forestry an interesting area of state intervention as it served the ideological integration of the people in state and nation. In getting the public to believe the government's ideas about what was good for the people, hegemony was achieved.

The geography and ideology of forestry also explain why the *baldios* were the Portuguese Forestry Service's preferred area of action. *Baldios* were considered land that was waste or wastefully exploited. Furthermore, the *baldios* were neither private nor state property. They represented a third category that, in the eyes of nineteenth and twentieth centuries politicians, had become obsolete and, thus, had to be dissolved and transformed into either private or public property. In their view on economic development, the transfer of these lands to the state Forestry Service was logical and beneficial to the public.

This economic dimension of afforestation points at a fourth element that could explain that forestry plays a special role in the development of the state. The introduction of forestry in a region changes both that region's own economic organization and the relations between the regional and the national economies. From a largely autarkical system, the region's economy is turned into the producer of raw materials for a specific national industry, and as such becomes dependent upon its integration in the national economic and political system.

Forestry involves the re-positioning of a region in the national economy, long-term administration of remote areas, an appeal to hegemonic values, the transformation of property relations, forest management related imposition of specific (state) regulations at the detriment of local rules, and surveillance by a special forestry police. These elements give the Forestry Service a peculiar position as a bureaucracy within the state. They turn the Service into a governmental structure which can contribute to state formation.

## State and State Formation

In the previous sections I have shown that forestry is linked in a particular way to the state and to state formation. It has specific features which make it capable of transfiguring the state's relation to the citizens and their communities. However, the key concepts "state" and "state formation" have remained unclear. In this section I would like to clarify their meaning. These concepts are not

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<sup>14</sup> The claim that afforestation is an act of healing, is the reason why I have avoided the term "reforestation" in this book. In my opinion, this term is political.

limited to twentieth century Portugal, but address broader phenomena both in historical and geographical terms. Therefore, in this chapter, I do not confine myself to the Portuguese case, rather I approach state and state formation from a broader, European perspective. This broader panorama serves as an introduction to the more specific discussion of forestry and state formation in Portugal in chapter 4.

#### **State, State Apparatus and Territory**

Thus far, the discussion involving the state has been complicated because the word "state" refers to different objects in social reality. In its broadest sense, it denotes a social and territorial community defined in relation to similar social and territorial communities. States are part of a system. Each state or segment in that system constitutes a social entity or "polity" (a state) and recognizes (defines) the others segments in terms of territory and sovereignty as fellow states. Sovereignty is the key characteristic of each of these states. Within a state's territorial confines, authority over the population is formally vested into one institution: the government and its executive apparatus (Giddens 1984:246-7; Stuurman 1984:19). In its most limited meaning, the "state" is precisely identified with the body that exercises this authority. It means a political institution, the State with a capital "S". For example, in an often quoted definition, Max Weber describes the State as "a human *community* that (successfully) claims the monopoly of legitimate use of physical force within a given territory" (Weber 1964:77, my emphasis). In a concrete case, that community is equated with clearly defined societal institutions like the government, the bureaucracy, the army, etc. It is "a set of administrative, policing and military organizations headed, and more or less well coordinated by, an executive authority" (Skocpol quoted by Held 1983:42-3). In practice, State and .state are often used indiscriminately. This interchanging is partly because the State, in the sense of the ruling administrative community or apparatus, is often presented as being representative of the social community of citizens living within the territory under its command.

Weber's definition assumes a straightforward connection between State and territory. This connection rests upon the blend of "State" as an administrative apparatus or political society and "state" as a polity. However, although it is true that States are linked to geographical spaces, their jurisdiction transcends international frontiers. By the same token, the State's power within its own territory is restricted by the jurisdiction of other States. Citizens living abroad are subject to the administration of their host country but may also retain certain rights and obligations to the government at home, such as suffrage or military service. The vehicle for this transcendence of geographic borders is the concept of nationality. Through this concept, modern citizenship perpetuates the feudal personal ties of the serf to his lord in those between the subject to his

sovereign. It is the State's incarnation in its citizens that enables governments to act beyond their territorial limits. An example of how this vehicle may function was the Federal Republic of Germany's policy to grant to citizens of the Soviet-Union who could prove German ancestry preferred access to German territory and German citizenship (Eriksen 1993:114). By giving some Soviet citizens a particular, more privileged position in relation to the German state than their next-door neighbours, German State sovereignty transcended its geographical borders and penetrated into the Soviet Union's territory.

The de-territorialization of the State is particularly relevant in the case of Portugal because of the social and economic significance of emigration. When many Portuguese departed (temporarily) to other countries, the Portuguese State consciously developed a policy to maintain the bonds that tied its subjects abroad to the homeland.

Migration has become important since the late nineteenth century. Between 1862 and 1873 more than 24,000 people emigrated from the harbour of Porto alone to Brazil in particular. Most of these migrants were male proletarians, many of whom were boys younger than 14 who left in order to avoid conscription. Remittances sent back to their families at home supported the local economy. Those who returned invested their money in, among other things, the building of houses: "Almost all the best properties one can find, and the new ones that are being constructed belong to these returned migrants, who in Brazil are called Portuguese and here Brazilians" (Morais 1974, originally published in 1873). In 1892, Alberto Sampaio, an eminent social scientist at that time, indicated that as a result of massive emigration to Brazil, "[t]he international bills of exchange ... have turned themselves into the point of support on which everything rests" (Sampaio 1984). Emigration has remained important during the twentieth century. In 1973, the remittances sent home by Portuguese working abroad equalled almost 0.4% of the Gross National Product (Brouwer 1994:163)<sup>15</sup>. Emigration had demographic effects as well by slowing down the growth of the population. During the 1960s so many people left that the population of Portugal decreased.

In response to the demographic impact of emigration and the economic weight of the concomitant remittances, the concept of the Portuguese nation was de-territorialized and redefined as "a boarded nation" or a "nation-ship". One no longer needed to live in Portugal to be considered a Portuguese citizen (Feldman-Bianco 1993). Such a definition enabled the Portuguese government to bind the Portuguese abroad to their motherland and make them continue to contribute to the country's balance of payments. A specific post within the cabinet (the *Secretaria de Estado das Comunidades Portuguesas*) was created to develop the necessary policy measures. The government supported courses on Portuguese culture and the installation of radio and television broadcasts in the

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<sup>15</sup> According to an inquiry among emigrants returned from European host countries, 71% of the respondents sent half or more of their salaries back home (Amaro 1985b:355).

Portuguese language in countries hosting a large community of emigrants (see for an example: *O Vilarealense*, (Vila Real), 27 April 1972). In this manner, together with the nation, the (S/s)tate was liberated of its territorial limits.

#### State **and** Sovereignty

The actions of the State within and beyond its territorial borders are based upon the concept of sovereignty. Sovereignty consists of the claim that all authority within the geographical space that defines the state can be traced back to one singular body. Within these spatial confines, the state (in the sense of an organization or ruling community) has a formal monopoly on the legitimate use of violence, taxation, the production and enforcement of law, and the definition of monetary currencies. In a restricted sense, the State is the social materialization of that sovereignty in a specific institution.

Sovereignty is a claim to power and legitimacy (a "will to power") which persists as long as at least the claim itself can be reproduced. Sovereignty does not necessarily entail the actual exercise of the powers that are claimed. But it does mean that the claim that these powers can potentially be exercised is effective and perpetuated. Sovereignty has two additional aspects. One is monism: the claim that all other powers within the State (i.e., within its spatial confines) are derived from it. For example, even if someone other than the sovereign raises taxes, the right to do so is at least formally derived from the sovereign and dependent upon his approval. In this manner, the fact that the State does not actually exercise its sovereign power, the claim to that power remains reproduced. The other aspect involves the claim to a specific mythical genealogy. The European monarchs of the ancien régime rooted their dominion in divinity, i.e., they ruled "by the Grace of God". With the advance of secularization, God's place as the foundation of political power, was replaced by other, similarly abstract notions, such as "Society" or "Nation".

The state's sovereignty is founded upon a (fictitious) treaty with a deity or with the public. According to Hobbes, the state is based on a "contract" each citizen implicitly agrees to and by which he surrenders his individual sovereignty to a higher authority that will protect him against his fellow citizens. Hobbes's state is at the same time an ambition and a condition for mankind's survival. Hobbes believes that the state, this "mortal god", or the "Great Leviathan", is the only common power capable of salvaging humanity from the disastrous consequences of the war of all against all: "...during the time men live without a common Power to keep all in awe, they are in the condition which is called Warre; and such a Warre, as it is of every man, against every man" (Hobbes 1914:64; Hobbes in Held 1983:68).

The perception of sovereignty as either a divine or a social contract is mythical in the sense that it has no material grounds in history, but is socially accepted and therefore "real". However, the claims that it would put an end to

warfare or transcend human egoism are false. Basil Davidson (1992), a critic of Western colonialism explains today's horrors in Liberia, Somalia, and former Yugoslavia as a direct result of the State's existence. In Davidson's opinion, in these regions the State is not the result of a contract between the members of these particular societies as Hobbes suggests, but an exogenous model of social organisation without the roots in local society that enable popular participation. The State functions as a legacy of colonialism, an instrument for elite (and imperialist) exploitation of the masses. Here, Hobbes's "mortal god" is "the black man's burden", little less than the devil himself. Hayek, in a liberal tradition, mistrusts the State because he fears its hunger for power and its inefficiency. The State should remain as "minimal" as possible. He is particularly concerned with the possibility that when the economically disenfranchised masses take over the State, they will rob the élite of its wealth. In his opinion this would retard economic development and therefore ultimately act against the general good (Hayek 1978; Hayek in Held 1983)<sup>16</sup>. Marxists reproach the State for the opposite reason. They see it as a means for the ruling class to perpetuate exploitation of the proletariat. Consequently, Lenin argues that the (bourgeois) State should be destroyed and replaced by a popular democratic model (Poulantzas 1978:76, Lenin in Held 1983:118-119)<sup>17</sup>.

Hayek and Lenin have opposite political views. But they also have at least one very basic assumption in common; they share an instrumentalist approach in which the State is perceived as a tool in the hand of whoever is able to master it. The difference between them is essentially the question who should be administering the State. Lenin believes it should be the proletariat, whereas Hayek places his hope in the bourgeoisie. Their common basic assumption, however, is incorrect. By conceptualizing the State as an instrument of class rule, they disregard the fact that a class not a given, but has to be constituted socially and politically. They also do not acknowledge that, to a certain extent, a State can act autonomously from, or even contrary to the interests of the allegedly dominant class. These ideas are not alien to Marxism. Marx and Engels have already mentioned the political role of the landed aristocracy on behalf of capital in nineteenth century Britain and the relative autonomy of the French state under Louis Bonaparte (Jessop 1983:15; Held 1983:27-28). Instead of perceiving the State as a tool, one should approach it simultaneously as an arena and as an object of the (political) struggle between the different sectors of society, and acknowledge that the State and the people who compose it have

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<sup>16</sup> See in particular the essays, 'The Atavism of Social Justice,' (pp.57-50), 'Whither Democracy' (pp.152-162), and 'Economic Freedom and Representative Government,' (pp.152-162) in Hayek (1978).

<sup>17</sup> Anarchists totally reject the state. They see it as the oppressor of all: According to Guérin "of all presumptions that have blinded mankind since unmemorable times, the State is the most disastrous" (Guérin 1981:15-16). Bakunin calls the State "a cannibalistic abstraction of daily life" (Guérin 1981:17).

their own dynamics and are not a mere superstructure or reflection of the rest of society. Consequently, although control over the State is politically important as it implies a certain control over its material and authoritative resources, the State is not an instrument which can be wielded freely by those who are politically in command.

### **Contradictions within the State**

As previously stated, sovereignty has roots claimed in mythical contracts. Also alleged and mythical are the sovereignty's unity and singularity. As far as Hobbes is concerned, there is only one Leviathan in the state. This idea of the State as a monolith runs through the work of many theorists. Weber (1925:650 ff.), focuses upon the bureaucracy's role in realizing unity of state administration thus suggesting that this administration is rationally structured (Gouldner 1952; Held 1983:39; Jessop 1990:342). However, in reality, the State is internally divided and contradictory. As Jessop puts it in his summary of Marxist thinking about the (capitalist) State: "the [S]tate comprises a plurality of institutions (or apparatuses) and their unity, if any, far from being pre-given, must be constituted politically" (1983:222). Within the State, one can discern a centre, generally located in the capital, where political power is concentrated, and a periphery consisting of institutions often dispersed over the territory under the State's command that are at least nominally subordinate to and coordinated by the central State. Weber's ideal type perhaps does not deny the underlying reality that coordination may be incomplete and ministries and departments within a state may act according to different or even conflicting lines, but it certainly obscures that, in reality, the state does not match the ideal.

Portuguese forest policy provides several examples of competition and conflicts between bureaucracies within the state. During the 1940s and 1950s the *baldios* were a bone of contention between two branches within the Ministry of Economy, the *Junta da Colonização Interna* (JCI, Internal Resettlement Board), and the Forestry Service. The JCI defended the reclamation of the commons for agricultural aims and the creation of new villages, while the Forestry Service vindicated the forestation of the *baldios*. Both institutions sought and found support in different sections in the civil society. The JCI relied upon agrarian interests and upon support of the country's artificial fertilizer giant, the CUF, whereas the Forestry Service aligned itself with general industrial interests including, in particular, those of the paper pulp sector (Estêvão 1983). More recently, the state's internal incoherence is exemplified by the institutional conflicts between the Ministries of Economy and Environment over environmental policies. The Portuguese government has been concerned with the protection of the environment, as in the cases of pollution by the paper industry and the rapid increase of the area covered by eucalyptus trees. But out of all the state owned paper pulp plants, only one satisfied the

Ministry of Environment's norms (*Público*, (Lisbon), 25 March 1991). According to the Secretary of State of Environment eucalyptus trees were "an ecological infelicity", even though European Community funds channelled through the State's forestry directorate were used to subsidize their planting (*Didrio de Noticias*, (Porto), 12 March 1990)<sup>18</sup>.

### Delineating the State

Within this chapter, the State has been approached as a set of institutions, an apparatus instead of a polity. Even though this implies a restriction of the object in question, it is hardly a simplification. How can the State be delineated from its Non-State exterior? It is obvious that the government, being the incarnation of sovereignty, is part of the State. But can the same be said about the bureaucracy, about representative bodies of local administration such as municipal and parish councils, or about political parties (cf. Poulantzas 1976:624-625)? In other words, having limited the understanding of the State to an apparatus, the delineation of State and Non-State still has to be made both analytically and empirically.

Dividing the State from its Non-State environment is not an easy task. For instance, one can assume that analytically the distinctive feature of the State is that it is comprised of the political relations between people but not of the economic relations between them. However, in reality, politics and economics are always interwoven. This was particularly clear under the feudal regime, when political sovereignty could not be abstracted from economic property. Political and economic power were identical: the baron controlled both the means of coercion (army, weaponry, public offices, and the legal system) and the means of production (land and labour) and exchange (markets and roads). It was only after the abolishment of these feudal principles that the separation of State and civil society could make sense.

The idea of an impersonal and sovereign political order, i.e. a legally circumscribed structure of power with supreme jurisdiction could not predominate while political rights, obligations and duties were closely tied to property rights and religious tradition. Similarly, the idea that human beings as 'individuals' or as 'a people' could be active citizens of this order — citizens of their state ~ and not merely dutiful subjects of a monarch or emperor could not develop under such conditions (Held 1983:1).

Even today it is impossible to strictly separate between these two spheres because economic relations always entails control over resources, labour, and profits and, hence, always have an economic dimension.

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<sup>18</sup> This was changed in 1989 (*Expresso*, (Lisbon), 17 February 1990). EC policies and paper pulp industries are discussed in the chapters 4 and 11 (pp. 80-84 and pp. 260 ff.).

The interlacement of politics and economics points to the general difficulty in distinguishing State and the Non-State civil society. There is not a clear empirical division between the two spheres, but as Gramsci has argued, they are organically related (Jessop 1983:146). At the level of the individual, the people who compose the State (politicians, civil servants, military men, etc.) are also civilians. In addition to being officers, they are consumers, parents, and voters. Thus, each individual element of the State is also part of the civil society. At the institutional level the distinction between State and civil society is also blurred. First, the State sometimes appears as a private citizen. Similar to ordinary individuals, the State owns corporations and undertakes economic activities. State forestry is a case in point. Forestry Services are simultaneously State bureaucracies and economic agents that produce a commodity; timber. Second, through law and taxation, the State influences the shape of certain institutions which are not under its formal control such as trade unions and enterprises. Even the (family) household can in not be conceptualized independently from State regulations with respect to matrimonial rights, tutorship over children, income policy, immigration policies, etc. (Zaretski in Held 1983; De Swaan 1993:191-192; Van Walsum 1994)<sup>19</sup>. Third, the State can decide to privatize certain activities. Presently, the Portuguese State is withdrawing from direct interference in the economy. It delegates social and economic regulation to civil society. For example, it makes workers' and employers' organizations responsible for the definition of labour conditions. The State is also withdrawing from organizing health care, thereby reinforcing and re-shaping pre-existing civil organisations such as the Catholic Church and the *Misericórdias* (religious corporations). In the past, these *Misericórdias* had played an important role in the provision of health care (Santos in collaboration with Hespanha 1990)<sup>20</sup>. Finally, the State itself can be "privatized"; it can be used by the individual actors who populate it for their particular objectives. The massive appropriation of public funds and offices for private aims and benefits in Italy (*Volkskrant*, (Amsterdam), 20 November 93) and India (Mooij 1992) shows that States can be subordinated by (elements of) civil society.

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<sup>19</sup> Also important is the international dimension of the particular way in which the state (co-)organizes civil society: Van Walsum (1994) points to the relevance of Dutch immigration law to the way in which Surinamese immigrants constitute households and Santos (1985, 1986) argues that the organization of Portuguese "informal" social security is connected to the country's semi-peripheral position in the world system.

<sup>20</sup> Santos (1990:222) calls this process the creation of a "secondary civil society". While civil society "creates" the state, in the case of secondary civil society the relations are inverted: the State "creates" civil society. In my view, this idea of secondary civil society assumes that primary civil society is not (re-)shaped by State intervention. As I have pointed out in the text, this is untenable. Santos's idea helps only to underscore Gramsci's observation that State and civil society are organically related and that the effects and functions of state apparatuses are influenced by their links to civil society (Jessop 1983:146).

-A mutually exclusive empirical separation between State and Non-State seems impossible for the simple reason that empirically both are "societies". Analytically singling out the specific part of social life called "the State", requires finding ways to distinguish State from Non-State and to define which societies or institutions should be included in the State. Bob Jessop's *The Capitalist State* contains an illuminating and critical account of Marxist theories of the state. But he does not limit himself to summarizing the work of others. Leaning upon Poulantzas, in particular, Jessop develops his own approach. Part of that is an effort to divide State and Non-State from each other using ruling law. Jessop (1983:222, in Held 1983:272) considers the State those institutions that are mentioned as public entities in public or administrative legislation.

The advantage of such an approach is that it rests neither upon normative assumptions with respect to a separation between State and civil society, nor upon instrumentalist or functionalist suppositions, nor upon an ideal type. In this manner, Jessop is able to overcome the limitations of Hobbes's, Hayek's, Lenin's and Weber's approaches. Jessop's approach is also worthwhile because by taking statutory law as a starting point it takes into consideration the form-determined variation in and between states in regard to their internal structure and relations with their environment through different forms of intervention and representation. The shape of the State as designed by the law is included as an analytically relevant feature (Jessop 1983:228-234).

Notwithstanding these merits, this approach has two problems. The first problem is, as Jessop himself admits, "...that the legal distinction between 'public' and 'private' is in one sense 'tainted': for it is a distinction internal to bourgeois law and it develops most fully only with the dominance of the liberal *laissez-faire* stage of capitalism" (1983:223). Jessop's definition includes the State only within very specific conditions and, hence, can only be applied with difficulty to other situations such as the ancien régime. The second problem is that this approach is tautological. The norm used for the definition of the State is produced by that State itself and not by something else. That which Jessop (1983) would call "the State" is defined by the State law; it is created by the State. This means that the theoretical or scientific definition is tied to those who dominate the State and determine its legislative activities<sup>21</sup>. An example

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<sup>21</sup> In 1990, Jessop turns to a functional definition:

"The core of the state comprises a distinct ensemble of institutions and organizations whose socially accepted function is to define and enforce collectively binding decisions on the members of a society in the name of their common interest or general will" (Jessop 1990:341).

The advantages here in comparison with his previous institutional approach are (1) its non-tautological nature, (2) its disjunction from a certain stage in capitalism and (3) the stress on the need to create consent and support. However, I prefer the earlier definition because of the newer one's vagueness. The newer definition mentions, for instance, "the core of the state" without providing an instrument for distinguishing that core from its periphery. Furthermore, it is biased towards the hegemony theorists like Laclau & Mouffe (1985). As Jessop mentions, the "claims

of the limitations of Jessop's approach, which is particularly relevant to Portugal, is the position of the single party in a one-party system.

Between 1931 and 1945, Portugal had only one political party, the *União Nacional* (UN, National Union). According to the law and the party's statutes, the *União Nacional* was a private institution existing completely independently from the state and the government. Actually, it was created by the government itself in order to mobilize popular support. The regime controlled the party's direction and financed its organization (Cruz 1988:130-133, 180-181). If one follows Jessop's (1983) reasoning and takes the ruling state law as the criterion that defines the state, one would have to consider the *União Nacional* as a civil organisation. But, as it was so overtly an instrument of the government, it seems rather odd to exclude it from the State. Although formally independent, it was actually an executive apparatus of the State's sovereignty. One cannot understand the Portuguese State if one sees the *União Nacional* as the civil or private institution as it was defined by ruling law at that time.

The difficulties posed by the application of Jessop's approach demonstrate once more that a strict separation of State and Non-State seems impossible. This means that the actual delineation of the state cannot be made a priori but has to be identified empirically. In abstract terms I defined the State as the social materialization of sovereignty. Because law is one of the forms in which this sovereignty materializes the self-definition of the State by its law is meaningful. However, instead of limiting oneself to the law one should return to the root, sovereignty, and draw the division between State and Non-State accordingly. For instance, in the feudal system, the vassals should be included in the state as far as their actions are derived from the sovereign, disregarding whether in a contemporary perspective these vassals and actions would be considered political or economic in nature. A similar argument can be made for single parties like the *União Atonal*. If they are an executive of the state's sovereignty rather than a representative of an alternative authority, these parties should be approached as part of the state and not as civil organizations. In short, the State has to be defined and delineated analytically by examining empirically whether actors, relations, and institutions are materializations or elongations of the sovereignty that constitutes the state's foundation.

Taking sovereignty instead of law as a means to delineate the State makes it possible to overcome some of the historical and logical limits of Jessop's approach. Yet, this instrument is not conclusive either. Sovereignty is a more abstract concept than law, but similar to law, it is subjected to the way in which it is defined by the State itself. Moreover, there is a formally regulated overlap

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about general will or common interest are a key feature of the state system and distinguish it from the straightforward political domination or violent oppression" (ibid). Unfortunately, blunt oppression is too general a practice to be defined outside the scope of political or state theories. For a critique of the concept of hegemony and its implications of a "false consciousness" see: Scott 1990:70-107).

of State and civil society. Certain institutions (parliament, municipal and parish councils), are public by law and, hence, part of the state apparatus. But the persons who serve on them have the explicit task to represent their constituencies — demarcated along party or geographical divisions —, the State's "exterior". These institutions play an important role in the constitution of state power. Nevertheless, the institutional employees are in ambivalent positions, because as office holders they also have certain administrative responsibilities. The duality of their positions is particularly clear at the level of local administrations; on the one hand they have to represent their population to the higher echelons in the state's administrative order, while on the other hand, they have to implement the plans made at those higher levels and try to convince the public of the acceptability of those plans.

### State Formation

State and Non-State overlap at specific sites within what is legally circumscribed as "the State. Examples of such sites are parish and municipal councils. Within these councils, representation of local interests and administrative responsibilities are merged. On the one hand, these councils defend the local interests and autonomy against interference by the central state, and on the other hand, they represent the same central state in its relations with the population. The mixed nature of these bodies gives them an important role in the process of state formation. They are "outreach structures" which establish the connection between local communities and the central state. These outreach structures may be government structures, associational structures, educational structures, and residual traditional structures of authority or symbolism (Coleman 1977:3, 8). In the case of the Portuguese communities discussed here, these traditional structures included the *conselho* (village council) and the elected *zelador* (overseer). Marcelo Caetano (1991:335), who was at the time intensively involved in the drawing up of the *Estado Novo's* administrative law, explicitly states that between 1936 and 1940 the format for the administration of the parishes tried to copy and absorb these traditional institutions.

In general it could be said that there are three types of state formation. First, there are situations in which state-less societies turn into States. This means that sovereignty develops and is accomplished within and over a certain geographical space and its population (Giddens 1984:244-256). The second type of state formation entails the absorption or ejection of social and geographic spaces by a State and their submission to or liberation from its sovereignty. An example of this type is the submission of communities, which like Elias's "village states" (1974:22) have always autonomously organized their own affairs, to growing interference by State legislation and intervention. This type of state formation has two ranges: outwardly the conquest (or loss) and submission (or liberation) of territory and people under jurisdiction and control of other States or non-

states, and inwardly the intensification (or reduction) of State control over subjects or citizens. The third type of state formation concerns changes in existing States. Examples of this type are changes in statehood (the transition from the ancien régime to bourgeois state), and changes in state form (internal structure, form of representation and form of intervention, see Jessop 1983:228-234).

The term "state formation" has a strong evolutionist connotation. It is generally used for the process leading towards the expansion of the state and the intensification of state control and not for the reverse. In order to avoid this evolutionist bias, I return to the term's literal meaning: "giving form to the (S/s)tate". In this manner, I want to avoid attributing a direction to the process. The process of state formation can include all of the different types of changes in statehood and state form, and all transfigurations in the relations between individuals and the centres of political control. However, I do not want to expand the concept of state formation so far that it includes the (S/s)tate's dissolution as well. It does not make sense to see the changes as element of the state formation process of the original (S/s)tate at the moment when the initial polity is dissolving into separate parts. Instead, one has to approach this process as part of the formation of the new polities and bearers of sovereignty, the daughter (S/s)tates.

The second type of state formation (expansion or contraction) is the central theme of Elias's (1982) inquiry into the European civilization process. Elias describes state formation as the outcome of balancing centripetal and centrifugal forces. The centripetal force emerges from the competition among interdependent political entities and warlords, which ends in the weaker being subdued and absorbed by the stronger (Elias 1982, II:112-114). The centrifugal force originates in the aspirations of dependent rulers looking for opportunities to escape from central control (Elias 1982, II:140 ff.)<sup>22</sup>. If the centripetal force is stronger than the centrifugal, the small, competing, and interdependent social units dominated by feudal warlords gradually merge into larger states. As a result people get to live in larger configurations which leads to increased self-control, discipline, and civilized behaviour. The concomitant monopolization of violence by the victorious State enables general pacification (Elias 1982, II:239-50).

Elias's work is certainly an achievement within the field of sociology. However, it is a pity that it focuses so much on a normative and eurocentric concept like civilization. It would have greatly benefited from a study of the way in which people are made to accept and internalize the state and its power, and from an inquiry into the role of ideology and nationalism. (See Giddens 1984:251-2 for factors contributing to state formation and Hobsbawm 1993,

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<sup>22</sup> This occurred in France and Germany after the death of Charlemagne, and more recently in the former Soviet-Union where the Moscow power-struggle offered local rulers in Soviet republics such as the Ukraine or Georgia the opportunity to declare themselves independent.

chapter 4, for the way in which nationalism can be used to resolve social [class] conflicts.)

The process of state formation described by Elias has consequences for the state's internal structure. As an unintended consequence of the larger unit swallowing the smaller, the realm's administration becomes more complicated. Hence, the rulers delegate tasks to officials. In the end these officials evolve into autonomous bureaucracies which start to place certain boundaries upon the monarch's rule (the "king's effect" or *koningseffect*). The ruler becomes separated from the means of administration (Elias 1982, II:171-212). These are transferred from the ruler to professional politicians and a specially trained officialdom. Seigniorial arbitrariness is abolished and the orders are "rationalized" (Breuer 1993:200 on Weber).

Examples of this process have been traced in Britain and France. In the eleventh century a class of functionaries arose to administer royal justice and the royal treasury. These administrations developed into full bureaucracies during the absolute monarchy (Tout 1952; Jacoby 1973). The liberal (or bourgeois) revolutions of France and Britain completed the separation of the ruler from the means of administration:

...the state apparatus of the absolute monarchy was perfected and brought to its logical conclusion under the First Empire. When the crowned heads fell, the real sovereignty was transferred to this apparatus. But it works in the background, unobtrusively, anonymously, remote from all publicity and almost in secret: a monarch, a monarch whose only surviving driving principle is routine. It is not so much a state within a state as the real state behind the façade of the democratic state (Herbert Luethy 1955:19-20 quoted by Tilly, Tilly & Tilly 1974:25).

Related to this bureaucratization process, is the transition from indirect to direct rule. Whereas under the ancien régime the Crown had to content itself with delegating powers to vassals who were able to act to a large extent independently, under the new bourgeois state, a policy of closer supervision of dependent officials was implemented which led to a stronger entrenchment of the State in society.

This transition from indirect to direct rule forms one of the core issues of Charles Tilly's (1992) book *Coercion, Capital and European States AD 990-1990*. As the title suggests, Tilly sees state formation resulting from the interaction of structures of coercion and structures of capital. State formation occurs within two spheres: the political and the economic. In the political sphere it is the concentration of the means of coercion in the hand of the sovereign against challengers from inside and outside his dominion. This concentration of the means of coercion is combined with the successful extraction of the resources needed for the creation and maintenance of these means by tapping the accumulation of capital in the economic sphere. State evolution is accompanied by the loss of autonomy and bargaining capacities of local lords

and communities (particularly cities) in relation to the central authorities. It also involves the direct supervision of social life by officials who are controlled by the central state.

Like Elias, Tilly pays little attention to the establishment of state dominance over the population and the internalization of power structures by the subjects, which are so prominent in the work of Gramsci, Poulantzas, and Laclau & Mouffe. In this book I argue that in addition to capital and coercion there is a third component of state formation, namely complicity. Complicity is included in state formation because the realization of the State's sovereignty and power depends to a large extent upon the cooperation it receives from people, who, out of a certain understanding of their own interests, help the state realize its projects by using their position within the local society.

### **State and Law**

Sovereignty constitutes the core of the state; it is the origin of its authority. It is also the foundation of its law, and as already argued by Hobbes, it is unthinkable that the sovereign would be subjected to that law. He is the source of law: *Auctoritas non veritas facit legem* (Von Trotha 1987:68 quoted by Von Benda-Beckmann 1993:49-50). According to the founding myth of sovereignty, in each State there is only one valid legal system. The sovereign holds the monopoly of law. This is why Hespanha (1986:59) could describe the formal situation of Portugal under the ancien régime by saying that "[a]ll lower jurisdictions have recourse to the royal jurisdiction. The necessity of royal confirmation and the delegated character of the powers of all officials are two manifestations of this principle".

The concept of single sovereignty is actually a mythical claim that helps to integrate other power practices into a single, at least apparently coherent, system. Beneath this umbrella of unique and unified sovereignty, many sources of power and authority exist. In the absence of single sovereignty, the monopoly of law does not exist either. Within a state there is "legal pluralism" (see: Von Benda-Beckmann 1991; Merry 1988; Griffiths 1986, 1991. For legal pluralism in Bias's work see Ruivo & Marques 1982).

The concept of legal pluralism is quite helpful in understanding the continuing existence of the *baldios* until the end of the twentieth century. The *baldios* persisted despite the transference of the administrative responsibilities over the commons from the village communities to the parish and municipal councils by the civil code of 1867. They even survived the formal abolition of the concept of common property by the civil code of 1966. As Gralheiro writes:

Over the *baldios*, there continued to exist two parallel powers: on the one hand a formal, legal power of the local state institutions [parish and municipal councils, RB], and on the other, the actual, real

power, exercised by the populations through its assemblies of commoners (1990:36).

In this manner, small scale national law coexisted with large scale normative systems at the local level (Santos 1987, Nuñez Palomino 1995).

The existence of legal pluralism within a context of proclaimed unity has three consequences. The first effect is that the State may try to absorb the normative systems that are formulated outside its domain into its own law. In this manner, it can salvage the myth of single sovereignty and claim that all authority within the State is ultimately derived from the sovereignty that constitutes its core. Until now, I have already given three examples of such a strategy. The first one concerns the juridical status of the *baldios*. After the *reconquista*, the kings claimed paramount ownership over all resources in the country through the model of *dominium eminens* or *dominium directum*. All other dominions, like that of communities over their *baldios*, were at least nominally derived from this royal privilege even if they predated the Portuguese monarchy's foundation. A second example concerns the religious parishes. The parishes were originally ecclesiastical units and hence rooted in a different source of authority, which to a certain extent can even be understood as a substitute sovereignty, that of the Church. During the nineteenth century when the religious parishes were integrated into the State system as the lowest level of public administration, that alternative source of authority became subject to the state. The third example concerns the organization of the parishes under the *Estado Novo* between 1936 and 1940. Their administration was modelled according to pre-existing structures such as the village *conselho* and *zelador*. In all of these cases the state absorbed (in a modified form) elements of an earlier or alternative sovereignty to establish its monopoly.

The central State's attempts to absorb and integrate alternative legal frameworks to establish its supremacy means that the submission or substitution of local law by state law is an indication of the second form of state formation: the absorption or expulsion of social and geographic spaces by the State and the subjection or liberation of these spaces to or from its authority.

The second consequence of the existence of legal pluralism is that, notwithstanding claims to the contrary, state power — i.e., the power of the state to change its subjects behaviour and/or thinking — is always limited. State power runs against the fact that social units or fields develop and maintain their own normative structures. In the daily lives of the individual actors constituting these "semi-autonomous fields", these normative structures may be as important as the official laws of the state (Moore 1978:55-57).

Illustrative for the limits of the State's power during the ancien régime is Alexis de Tocqueville's (1988) comments on the situation in France prior to the

1789 revolution<sup>23</sup>. The limits of modern state power are well reflected in literature on the discrepancy between policy formulation and implementation and the "gap problem" between law and practice (Ehrlich 1962:366-390; Moore 1978; Nelken 1981), the ambivalent attitude towards law in development (Von Benda-Beckmann 1989), and in Elster's (1991) argument against the application of rational choice theories on politics and the state. An example of the limits of state power in relation to the maintenance of a local normative system is provided by a dispute over time. Time is not only a physical phenomenon, it is legally constituted. The legal character of time is nicely epitomized by a certain clock near the Cais de Sodr  station in Lisbon with the words *hora legal* (legal time) written on the dial. Being a legal phenomenon, time has a power dimension to it. This dimension appears from events in Campe  in January 1969, when Portugal adopted Greenwich Mean Time. One village in the parish, Pepe, refused to adapt the clock in the tower of its chapel as the new time did not coincide with the "real" solar time (AJF 5 January 1969). In Pepe, this resistance was subdued, but in the neighbouring parish of Vila Cova, even today, irrigation water is distributed not by legal, but by solar time; by means of a clock the parson puts in his windowsill for this purpose (Stam 1993; Carvalho 1994).

The events in Pepe and Vila Cova point to the limits of State power. These limits do not only exist in the cases of "normal" democratic states, but also occur under the "exceptional" conditions of communist or fascist dictatorships. People may simply refuse to comply with state regulations. The Portuguese *Estado Novo* dictatorship found it very difficult to organize the rural population in so-called 'people's houses' (*casas do povo*) in the 1950s and 1960s (Riegelhaupt 1979:169). The dictatorship was also incapable of checking emigration. Emigration was "suspended" in 1947 except for that which was regulated through bilateral agreements with host countries such as France and Germany (*Decreto-Lei* 36,199 dd. 29 March 1947; Cravo 1989:11). These and other restrictions on issuing passports made Portugal "one of the most restrictive countries in Europe in allowing emigration" (Rose 1969:54). Despite these regulations, the government was unable to curb illegal mass emigration in the 1960s (Cepeda 1988). In the late 1960s when the government changed its policy, about one million Portuguese living in France legalized their status as Portuguese citizens residing abroad (Leeds 1983). Other examples of the

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<sup>23</sup> De Tocqueville points to the contradiction that the French kings had become absolute monarchs but still found that their subjects knew how to protect themselves through customs and usages: "The king who should dispose unhindered over the State's wealth, often discovered that he was incapable of thwarting his subjects' deeds, even in the tiniest trifle, or to suppress the least important expression; and in case of conflict the subject would be better defended by customs than the citizen of a free country is said to be protected by law" (De Tocqueville 1988:38, my translation).

limitations of the power of the Portuguese State will surface throughout the upcoming discussion.

The acknowledgement of the limitations of state power has its repercussions on the way in which one should perceive the role of law. Citizens are to a large extent autonomous of the legislature and develop their own rules and norms. Thus, I do not agree with Brandão & Rowland (1980) who maintain that law is an instrument through which social order is changed. Together with Von Benda-Beckmann (1989) and Moore (1978), I refuse to see law as a "magic charm" and to accept a social engineering perception of law. Laws can exercise a forceful power over social life, but that power is less direct than the social engineers believe. The autonomy of society vis-à-vis law is not absolute and if a certain law is accompanied by forceful implementation, the law's objects (the people) may have only limited options for resistance. Law does change the society, but not in a straightforward manner.

Law is an instrument of power and as such it may constrain social action. The corollary of law as a constraint is that law is also a resource: people may turn to law and to the different interpretations of law, allow for, in order to realize certain goals in their interaction with other citizens or with the state. This means that in the relationship between the State and its subjects the law not only expresses the State's (will to) power, but also a constraint on that power. For the State cannot (at least formally) act beyond the borders set by its own legislation.

Finally, the existence of other legalities alongside state law allows for political movements to develop their own legal frameworks and pose these as alternatives to the state system. The acknowledgement of legal pluralism thus opens the road to a specific political strategy that is based on the challenging of the state's sovereignty by the creation of an alternative normative system that rests on a counter authority. This element of legal pluralism is very relevant for the understanding of the *baldios* in Portugal. The restitution of the commons to the village communities in 1976 is, as I shall outline in chapter 8, an example of an attempt to create such a counter authority.

This last aspect of legal pluralism leads to the second point concerning the relationship between state and law, namely, *auctoritas non veritas facit legem*: Authority makes the law, not some objective notion of truth or justice. Notwithstanding its mythical claims to these objective (but actually socially and politically constructed) concepts, law is first and foremost the expression of power. Power of the state over the people is ambivalent, perhaps more aspired than effectuated, and probably always contested, but nevertheless also present and real. Given the nature of the state as an arena in which and for which different sections of society compete, law expresses, on the one hand, the ambitions of these sections and, on the other hand, the balance of power existing between them. Law is the language of politics and its texts represent a frozen image of the political struggle going on within the state for control over that state. In chapters 8 and 10 of this book I elaborate on the political nature of

the law in relation to drawing up of the 1976 decree and the political process resulting into its revocation in 1993.

## Chapter 3

# Implications: Research Approach, Questions and Location

### This Research and Other Approaches

Approaching forestry, state and law in the way proposed here has several implications for the position one takes in other debates, particularly discussions on the development of alternatives to the traditional model of state-led forestry, the issue of common property regimes, and the way in which one should conceptualize rural communities.

This book can be read in relation to Peluso's study of the Indonesian state Forestry Service. Peluso presents her book as "an argument against the custodial-paramilitary approach to forest management" and a plea for a "sincere development of the forest poor" (Peluso 1992:235, 250). In it, she contrasts the Indonesian government's objective of hoarding wealth in the form of teak with the abandonment of the destitute population living in and nearby the woods. Similarly, this book rejects the custodial-paramilitary model. But it is also an invitation for a closer look at what state apparatuses and local societies really are and do. It reveals the shortcomings of a simple interventionist or instrumentalist vision of the state and state intervention by portraying the state and the societies in which the state intervenes as complexes of actors engaged in political and economic power-plays over various social and natural resources.

An alternative to state-led forestry is the promotion of community participation in forestry. After a long-standing tradition of state-led forest management, the 1980s witnessed a shift away from state towards civil management: unfavourable experiences with government administration of forest land and afforestation efforts in Burkina Faso, Nepal, and India prompted forest policy-makers to turn to the community as a capable and effective agent in afforestation and forest maintenance. The concepts of social and community forestry invaded the development-oriented discussion on forestry (Wiersum 1987; Carter 1993; Kajembe 1994:26-30), and were even adopted by the World Bank (Sharma *et al.* 1994:4, 31, 33). This thinking guided the design and implementation of alternative forestry projects (for example Bohlin 1984; Freudenthal & Narrow 1991; and various contributions to Bradley & McNamara 1993). The changes in the Portuguese policy towards the *baldios* and the commoners paralleled and even preceded this shift: until 1974 the state monopolized the commons. Afterwards, the state returned the lands to the communities and tried to develop a *modus vivendi* in the shape of a certain form of co-management that would satisfy both local demands and national needs.

Hence, the exposure of the Portuguese experience with state forest administration can be of great significance for the development of new forest policies in other parts of the world.

This book will also address issues concerning common property regimes. Garrit Hardin's article "The Tragedy of the Commons" (1968) has set the tone for the debate. The article's central point is that individual action leads inevitably towards the destruction of common-pool resources. His claim that communal resources are unavoidably destroyed by commoners acting as so-called free-riders, forced others to try and get prove to the contrary; that communities are capable of managing their resources in an ecologically and economically sustainable way (see the various case studies in McCay and Acheson 1987 and Bromley 1992). The rudiments of a theory of common-pool resource management systems are focused upon the same objective: they try to prove that game models like the prisoners dilemma are inappropriate or can be adapted in such a way that coordinated restraint of exploitation becomes feasible (Wade 1988:160-164; Buis 1990, II:911-918; Orstom 1992; Runge 1992).

Since the beginning of the debate over the commons, participants in the discussion have tried to refine the definition of "the commons". "Common property" was judged too limited as it presupposed a certain juridical framework, which in many cases did not exist, and swept together under one heading different resources that might be managed according to distinct normative frameworks. Therefore, one has presently opted for the use of the term "common-pool" resources. By pointing to specific pools of resources being exploited communally, this term avoids the limitations of the earlier one (Bromley 1992:3-4, 11; Ostrom 1992:295-297). The distinction between common and other property regimes is based upon the concepts of access to and control over (access to) the use of a certain resource. Open access (no restrictions), is distinguished from limited access (access restricted to or dependent on a group of members) and private access (access restricted to or dependent on an individual (legal or natural) person). Common-pool resources are equated with limited access situations. By using this distinction, it becomes among other things possible to dismiss Hardin's critique of the commons as inappropriate, since he is criticizing open access resources rather than at common-pool resources which are characterized by limited access (Berkes *et al.* 1989). The restriction of access has an external and an internal dimension. Externally, outsiders are excluded, and internally the exploitation of the resource by the community members can be regulated, for instance by limiting the number of livestock or other arrangements maintained by the commoners (see Cox 1985:53-60; Oakerson 1992; and chapter 5 of this book).

Nevertheless, this analysis on the basis of access and control is still incomplete. Ultimately, control over (access to) a resource is always contingent upon relations between individuals. All rights of control, access, and exploitation, are necessarily maintained in coordination and cooperation (or conflict) with and according to the varying circumstances in society. As all

relations between an individual and a resource are socially negotiated, totally private and totally open access to resources do not exist in reality. They are the (imaginary) borderline cases in a broad continuum shaped by the variation in the scale of social conglomeration. These conglomerations are based upon different bonds and mechanisms, including kinship, residence, occupation, class, and nationality. The boundaries and the bonds that constitute these aggregates or communities are constantly negotiated.

In this book, the continuum and the ongoing attempts to redefine the community are for example reflected in the development of different concepts for communal land such as *baldios municipais*, *baldios paroquiais*, and *monte do povo*. The bonds that define the conglomerate are residence in different scales of aggregation. In addition to communal property, another form of collective property exists in Portuguese communities, namely corporate property. This is property that is owned by a group of heirs holding fixed, alienable shares. Traditionally, this property regime governs the use of water for irrigation and milling (O'Neill 1987). As Velozo's (1953) discussion of the common (*maninho*) of Vilarinho da Furna and my description of the *monte* in Campeã (chapter 7) indicate, the two categories overlap. In this perspective, it is fruitless to pursue an analytically exclusive and ahistorical definition of the commons. Instead, I propose a pragmatic approach and use "commons", "communal land", "common-pool resources", and *baldios* synonymously for the physical space (the area) actually or potentially holding the juridical status of a common according to *Decreto-Lei 39/76*.

Along with the stress on sustainability, the tendency to idealize commoners and commoners' communities characterizes the debate over common property regimes. An early example of this idealization can be found in Morgan's study of the North-American Iroquois Indians (Lemaire 1986:222-230). In the nineteenth century, the discovery of ancient common-property arrangements in North America and Germany has been connected to attempts to give Utopian socialism a scientific base by pointing at the existence of a communist past (Engels 1973:39-58, 1980:64-5, 173, 214). In Portugal this idea of primitive communism was defended by Oliveira Martins (Dias 1953:18, footnote 2, Silbert 1978:232-240)<sup>1</sup>.

Because of both the emphasis on sustainability and the burden of the earlier idealization of primitive communities contemporary discussions of common property arrangements tend to neglect the aspect of the distribution of power over and revenues from the commonwealth (i.e., Acharya 1989 in his study of the Nepal *Jirel* community forestry management system). The commoner is idealized. Cox (1985:61) goes as far as to suggest that the destruction of the

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<sup>1</sup> Jorge Dias (1964) used Portuguese primitive communitarianism as an argument in defense of Portuguese colonialism in Africa. For a critique of the evolutionist presumptions and the quality of the ethnographic material on which the theory of primitive communism was founded, see Van den Bergh (1988:10-16). See also chapter 2, footnote 11 in this book.

commons was the result of a change in human nature: "Since it seems quite likely if 'economic man' had been managing the commons that tragedy really would have occurred, perhaps someone else was running the common." Apparently, together with industrialization, agrarian reform, and the reshaping of farming techniques, the type of person mentally capable of managing a common and of valuing the community's interests over his own private interests has disappeared and has been substituted by a new, self-interested specimen (see also Achterhuis 1988:216).

This idealization of rural communities is also present in Portuguese anthropological work by Dias (1948, 1953), and Ribeiro (1991, or. 1940) and their students Costa (1959), Fontes (1977), Lema (1978), and Polanah (1981, 1985). In the same vein as Wolf's (1966) closed corporate community, these authors presented images of rural societies that maintained strong 'communitarian' traditions with respect to local rule, the administration of communal resources (land, water, mills and ovens), and the reciprocal exchange of labour. In their opinion, these communities were the last remnants of earlier, non-capitalist societies that had managed to survive into a hostile capitalist era because of the natural characteristics of their geophysical environment and their relative social and economic isolation connected to that environment. Moreover, authors like Dias and Polanah pay little or no attention to the differences in wealth and power that divided these communities. This idealization was corrected only in the beginning of the 1980s, partly by Jan Willem Bennema (1978), but particularly through the work of Brian O'Neill (1987). Today it is commonly accepted that, as Campbell and Godoy put it,

[t]he strong corporate sense manifested by these ... communities should not be mistaken for rural egalitarianism.... Corporation, a shared identity, and a sense of common purpose at a village level were perfectly compatible with the existence of sharp inequalities between peasants and marked intragroup rivalry (1992:115).

This book fits in with this recent approach and is sensitive to the internal differentiation and conflicts within commoners' communities.

## Methodological Implications

The theoretical discussion in chapter 2 of the concepts underlying this research, (S/s)tate, state formation, and law, defines the position of this book in relation to general debates on forestry, common property and the peasantry. In addition, it provides some clues for the way in which one should investigate the process of state formation and the role of state forestry in that process.

The first methodological implication is that one has to identify empirically the parts of social life that should be included in the state. One has to take sovereignty as a starting point and then determine whether that sovereignty materializes in the actors and institutions and whether their actions express that

sovereignty. Statutory law is a useful instrument because it draws the line between public and private spheres. But it does not substitute for the observation of sovereignty in action in real social life (for instance, in the shape of (informal) control by the state of a civil institution through the domination of the institution's finances) as a means to delineate the state from its exterior.

The second consequence is that state and state formations are political concepts with economic implications; sovereignty implies (the will to) power over social and natural resources. Therefore, the investigation of state formation requires research on changes in control over these resources.

Law, as the emanation of sovereignty, expresses the will to power. Therefore, the co-existence of legal/normative systems point to alternative "wills to power". The methodological implication is that to analyze the process of state formation in its second and third forms, expansion or contraction and intensification or reduction, and changes in statehood and state form, one has to look at the legal struggles and legal/normative systems within the different (political) arenas. In this manner, it becomes possible to identify whether or not and to what extent alternative sources of authority are submitted to, or integrated into the claimed sovereignty. It also becomes possible to see how and to what extent the state's internal coherence is politically constructed.

The fourth methodological consequence is that the conflict between the wills to power of the central sovereignty and the local society appear clearest at the intersections where these overlap. Such overlap is evident in outreach structures. The way in which the central state tries to subdue the local society and the extent to which it successfully does so, constitute the actual process of state formation. Therefore, looking at these outreach structures' internal organisation (the way in which official and representative aspects are combined), and its concrete actions (both in terms of laws, by-laws, and regulations, and actual behaviour) is essential in any inquiry into states and state formation.

Finally, my analysis of the role of forestry reveals that the forest bureaucracy is an outreach structure through which the central state can penetrate into, articulate with, and acquire control over local communities. In the specific case of Portugal, there is an additional element which supports this position. Since 1976, the Forestry Service has been linked to those communities owning *haldios* through the commoners' commissions. In this manner, within the forest management organization bodies exist, that, similar to for example parish councils, have an administrative and a representative nature, and that can connect the forest administration to residual traditional authorities, the village council, and the *zelador*, with respect to the management of the *baldios*.

## Research Questions and Method

The problem addressed by this research is the changing relations between rural communities and the wider political and economic system in relation to and as a result of state forestry intervention in the rural population's *baldios*. In order to dissect, analyze, and understand these changes, one has to formulate concrete questions. These questions are related to all parties in the process: the state and the state apparatus, and the commoners and their society. The questions correspond to the different perspectives in my approach (political, economic, and legal) and they address two different levels: the empirical and the theoretical.

At the empirical level, two social domains, the state and the society of commoners, and their mutual relationships are investigated. With respect to the first domain, the state, one has to identify how it and its apparatus came into being and were transformed during the afforestation of the commons, and when the *baldios* were later given back to the population. Hence, one has to investigate the development of state forestry administrative institutions and reveal the key factors that have shaped this development. Relevant questions are: How many people did the state Forestry Service employ over time? What were the officials' legal competencies? How did the Service mobilize support for its expansion and intervention into the commons? Which economic interests did it serve?

The second domain is the rural society. Here, one has to identify the way in which the rural population — the commoners ~ organized their life and how this organization changed after the forestation of their commons. In both cases, one has to look at the formal rules and the actual practices. Relevant questions with respect to this domain are: In what way did the commoners use their natural resources and how did this change over time? What are the changes in the formal rules as defined within different legal contexts?

The relations between both domains must also be studied. For example: What did the Forestry Service and its officials actually do when it intervened in the commons and how did they interact with the commoners? Did they change the formal rules that regulated the exploitation of the *baldios*? Did they enforce changes in the actual land use? Did these changes cause a transformation in the local society's political and economic organization?

At a more abstract level one has to identify if these changes can be understood in terms of state formation in the sense that they express a significant modification in the relationship between the state and its subjects. In this respect, several issues and research questions arise. Hespanha (1980, 1986) suggests that there is a relation between the modification of the state's tax base, the strengthening of state control over the interior, the technical and social change in agrarian production, and the reformulation of the different concepts of property. If he is right, how should we understand the communities in which communal property has persisted through time? Is that persistence the result of

their isolation from the state and developing capitalism as Lema (1978:112) argues? Or are these communities, as Medeiros (1976:310-2, 1978:30, 37-81) claims, pockets of non-capitalist modes of production, which in articulation with surrounding capitalism, maintained their systems of local rule and their independence from the state? (See Fitzpatrick 1980:168-169, 1983 for the role of law in this articulation.) Should the state policy between 1926 and 1974 to divide and nationalize the commons be understood as an attempt to enforce the bourgeois revolution in these pockets and break their political autonomy? Can the restitution of the commons in 1976 be seen as a counter-tendency directed at the revitalization of local self-government and the decentralization of the state? And finally, how should one interpret the role of the state Forestry Service in these processes?

The methodology I followed to answer these questions was based on the assumption that general social processes and changes can only be abstracted from concrete actions of individuals on the basis of theoretical assumptions. The data we gather are (pre-)conceptualized (Sayer 1984:51, 80-90). In this case, these assumptions are largely derived from critical political economy. Among other things, this means that individuals are not taken as isolated, they are part of a wider social settings; the community, the economy, the polity. Therefore, I combined elements from the traditional monograph method (the study of one parish) with the collection of general data on the country's economy and (political) history. I consulted archives and libraries in Lisbon, Braga, and Vila Real to become acquainted with the Portuguese discussion of the matter, and to master the general historical background of the phenomena I wanted to study. I also used the extended case method (Epstein 1967; Van Velzen 1967) of studying selected examples of communities where difficulties had emerged in the functioning of the local communal land management commissions. I visited these selected areas regularly throughout the research period (1990-1994) and interviewed the key actors involved. The monograph part is not intended to provide a portrait of an isolated community but to show the various developments resulting from a small community's integration into the wider national political and economic systems, by investigating its social, political, and economic history (Almeida 1977; Pinto 1977). Hereto, I lived in a village from December 1990 until October 1991 and returned to the same for several weeks in 1992, 1993, and 1994. I spent this time in the village on formal anthropological research (a small survey, structured and unstructured interviews, observation), on consulting the Parish Council's records, and on participating in its social and cultural life. The latter was certainly the most pleasant part of my stay in the village, and crucial for the success of the more formal elements of the research.

## Research Location: Vila Real District and the Parish of Campeã

My inquiry into the relationship between the afforestation of the commons and state formation, took place at several different sites. My most important research location was a parish in the district of Vila Real. This district was chosen because it contains the largest concentration of common land and there are also a considerable number of communities that acquired their *baldios* according to the prerequisites of the 1976 law. Another reason for selecting this district was that I would be able to benefit from contacts that had earlier been established with the university and forest administrators in the region. In order to identify the best research location in this area I decided to search for communities where the patriarchal-communitarian institutions were still vital and where community members had been able to protect their common property regime despite state intervention. In addition, I sought a situation that would allow me to study the different reactions to the 1976 legislation.

There were three possible reactions to the 1976 legislation. The first was that the population did not claim back its commons according to the conditions established by this law. If a community would claim back its commons, the 1976 law defined two options: without state representation and with state representation to the commission (modalities a and b, *supra*, p. 14). Upon my arrival in Vila Real, I asked the Forestry Service's delegation to the area for a list of communities with management commissions (appendix 1). From this list, I selected the parishes where all three possible responses could be found: villages without a management commission, and villages with a management commission without or with state representation to it. It appeared that this situation existed only in four parishes: Alfarela de Jales, Santo André da Campeã, Fontes, and Vila Verde. After having visited these areas, I opted for Campeã on the basis of some other criteria, such as the size of the *baldios*, the existence of animal husbandry, the importance of certain non-agricultural sources of income, the character of the commission and, of course, the presence of the Forestry Service in the area<sup>2</sup>. This parish not only seemed to satisfy the criteria I had set, but also made me feel welcome during my visits.

Santo André da Campeã, abbreviated to Campeã, is located in the extreme west of the district and municipality of Vila Real in the eastern folds of the Serra de Marão (see map in figure 3.1). This mountain range, with a maximum altitude of 1415 meters above sea-level, runs from the north to the south and divides coastal province of Minho in the west from the interior province of Trás-os-Montes ("Behind-the-Mountains") in the east. Minho consists of the districts Viana do Castelo, Braga, and Porto, and Trás-os-Montes includes the

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<sup>2</sup> It appeared that the commissions of Moreira de Jales, Vila Verde, and Balsa and Vale de Agodim had been either only recently created or were likely to fall apart soon.

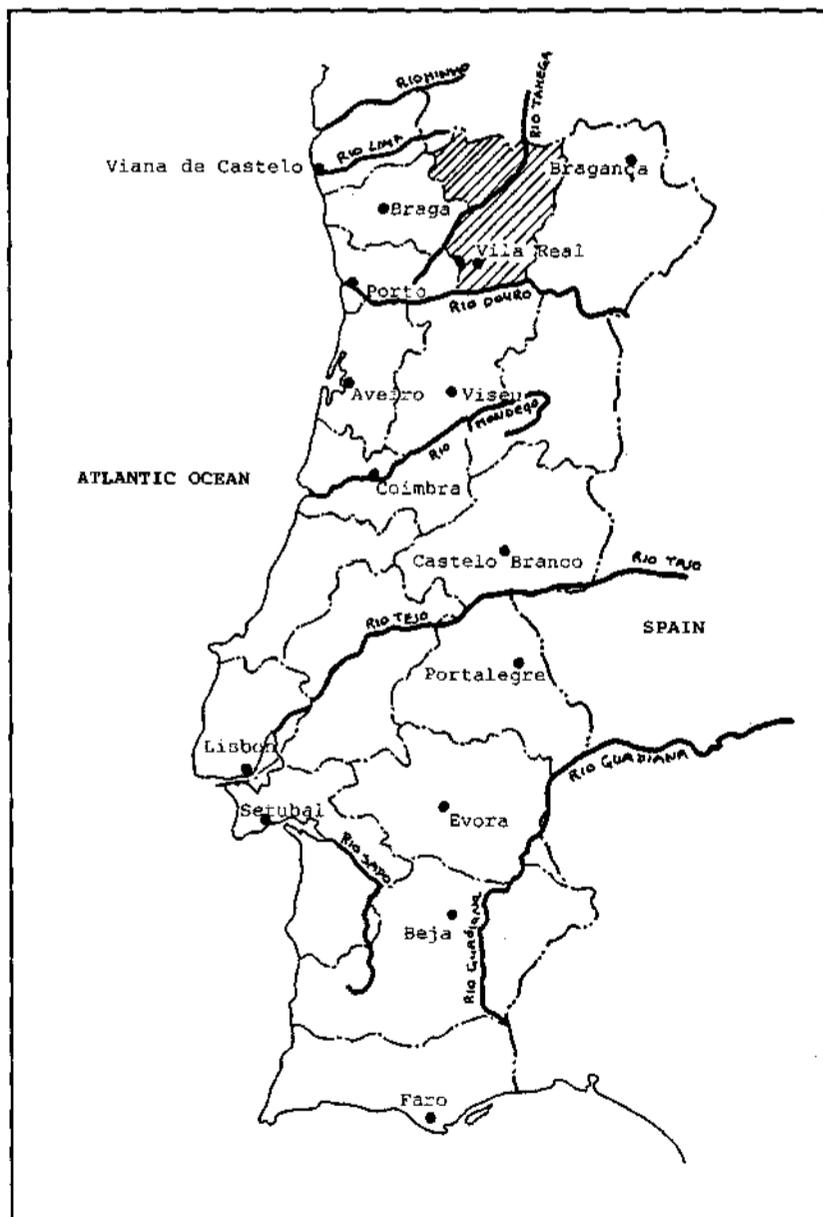


Figure 3.1: The location of the research district Vila Real (shaded) and parish Campeã (black).

districts of Vila Real and Bragança. The Minho area is humid and with relatively moderate temperatures, whereas Trás-os-Montes is dryer. In Trás-os-Montes,

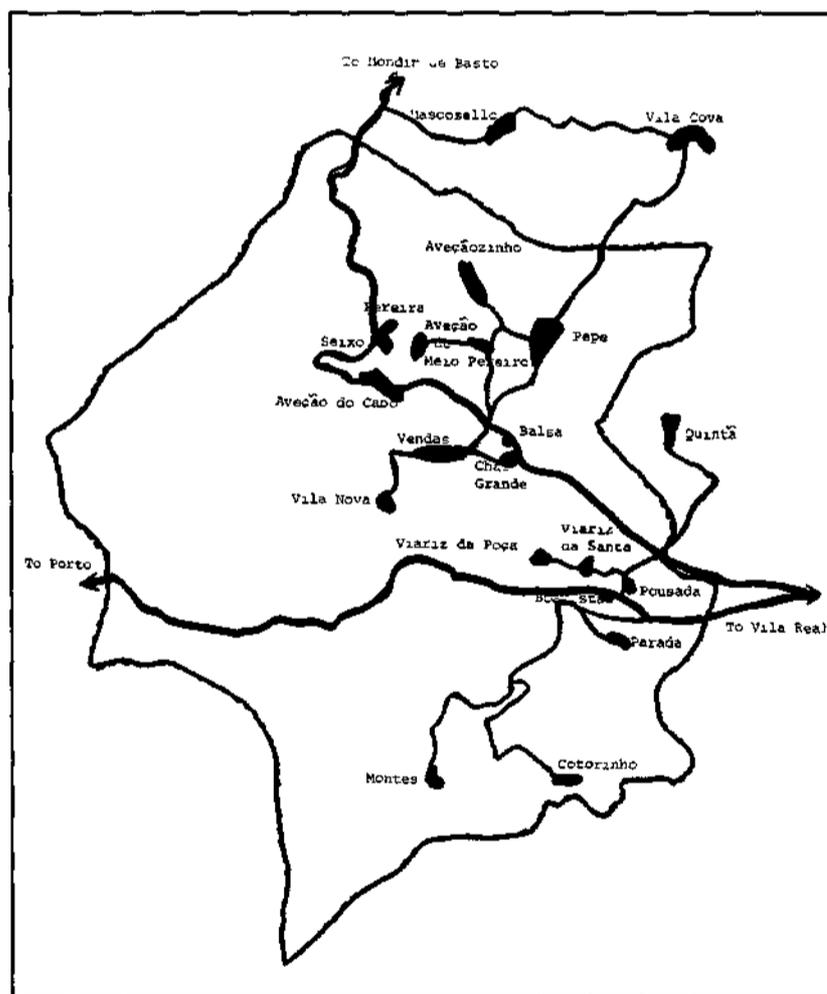


Figure 3.2: The villages constituting the parishes of Campeã, and Vila Cova (Mascosello and Vila Cova) and Quintã (Quintã) (scale 1:71,000).

the lay-out of the villages and the local farming system. Echoing JCI (1939, 1941), Costa (1959:154) calls the way in which houses are huddled together in small hamlets, typical for Trás-os-Montes. 'Minho' is the alternation of crops and pastures, or the *campos-prados* farming system. This system consists of a rotation of fodder grains, grasses, potatoes, and maize on the same field. During winter, the meadows on the plateau (*prados* or *lameiros*) are intensively irrigated. The grass is cut and brought to the cattle which most of the day are kept locked away in stables. In April and May, the meadow is manured, ploughed and sown with maize or potatoes. The pasture is transformed into a

field (*campo*). Harvested by the end of September or October, the field returns to grassland, which after the autumn rains is abundantly irrigated, until it is covered by a constant layer of running water (*agua de lima*) (Ribeiro 1987:116). In this manner, the grass's growth is not affected by the winter frosts. During the summer, maize and potatoes are irrigated. This irrigation is rather extensive, as there is often only water for two or three irrigation turns of several hours each during the entire season<sup>3</sup>.

The present shape of the Campeã farming system is of a rather recent date. Maize arrived from the Americas sometime during the eighteenth century. Potatoes were introduced only in the twentieth century. Potatoes are not mentioned in an 1868 description by the *Instituto Geográfico* (1869:264), but in 1923 the municipality of Vila Real already produced a considerable quantity (Taborda 1932:121). Originally, the most important crop was rye. Sixteenth and seventeenth centuries' documents show that the parishioners had to pay rents and church taxes in quantities of rye (ADB, Tombo da Igreja; ANTdT, Casa do Infantado, Livro 215). It is probable that the grain was cultivated in a two-folds system. The toponyms *Veiga de Cima* and *Veiga de Baixo* (Upper Valley and Lower Valley) still refer to that history (Taborda 1932:119, Dias 1949:106-108). Today, maize and potatoes fill the fallow of the original two-folds system (Costa 1959; Ribeiro 1987).

On the lower parts of the mountains encircling the plateau one can find sweet chestnut groves (*soutos*). Before the introduction of the potato, the chestnut was an important basic staple food. Grapes and olives are cultivated sparsely in the southern part of the parish. The inhabitants of the three villages in the south traditionally lived from animal husbandry: Until the mid 1950s they maintained large flocks of sheep and goats which were grazed on the village commons. On the plateau, homed cattle was more important. In the past, the farmers kept a local stock, the so-called *maronesa*. This breed was principally suitable for the production of meat and the provision of draught power. Nowadays, the *maronesas* have been replaced by the black and white Frisians, locally called *turinas*, which are kept for milk production. Milk is collected in several collective milking parlours which are owned by the dairy cooperative Agros. The shift towards Frisians has practically put an end to the practice of grazing cattle on the *baldios*.

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<sup>3</sup> In the 1950s some potatoes were cultivated without irrigation on fields higher up in the mountains. These potatoes were planted in March, in order to benefit from the rains. At that time, barley was still sown. As far as I know, this is no longer the case.

The maize is generally weeded twice, and watered according to local water availability (three, four, or five times during the growth season), and very often only in the most favoured situations.

The sowing of fodder grains is combined with the harvest, so that during harvest the seeds are worked into the soil.

Cabbages are planted on the potato fields, either amidst the crop, or along the borders. Beans are planted in combination with maize.

The *baldios* of the parish were (and still are) located on the mountains which encircle the valley. Their original juridical status is difficult to establish. The fact that an eighteenth century description included the parish among the properties of the Crown Prince could suggest that they were communally used Crown land (*reguengos*)<sup>4</sup>. However, the 1666 inventory of the Crown Prince's properties in the region mentions only a small area of circa 13,800 square *varas* or 1.7 ha in the southern half of the parish. The inhabitants of Lombo Meam, the original name of the hamlet of Montes, had to pay an annual rent of 16 *alqueires* (272 litres) of rye and one sheep for the use of this *reguengo* (ANTdT, Casa do Infantado, Livro 215)<sup>5</sup>. Therefore, the *baldios* of Campeã were certainly not *reguengos*. Furthermore, eighteenth century reports clarify that the land did not belong to the municipality (Gonçalves 1983) so that they were not *bens do concelho* either. Whether this implies that the commons in Campeã were "true" *baldios*, as Vila Nova de Portugal called it, or a *maninho* owned by the Church or another feudal landlord, cannot be ascertained beyond doubt. But, as I found only references to the payments of rent to the Church and feudal lords for privately exploited areas, I believe that it is safe to assume that the commons in Campeã were indeed "true" *baldios*.

In 1868, the *Instituto Geographico* (1868:264) described the parish's commons as "denuded, or only covered by creepers." Pereiro and Rodrigues (1906, 11:673) mention the existence of two *lagoas* (lakes) in the valley itself. In reality these "lakes" were a kind of wetland which during summer would dry and be used communally by the villagers of Pepe, Balsa, and Quintã as a pasture for their cattle. Nowadays, the mountains are covered by trees and heather, and the *lagoas* in the valley have disappeared. Both changes are the result of state interventions in the local common property arrangements during the 1950s which will be discussed extensively in chapter 7. Presently, about half of the parish area is common property. The lower parts of the commons are generally used for grazing cattle and collecting brush and fuel wood. The upper areas are controlled by the Forestry Service, which acquired control over these areas in 1956. The expansion of the Forestry Service will be discussed in the next chapter.

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<sup>4</sup> This description was given by Father Cardoso in his *Memorias Paroquiais* (ANTdT, Volume 8, Mem. 65, p. 419) and has been copied by subsequent authors such as Leal (1874), Pereiro & Rodrigues (1906) and Costa (1934).

<sup>5</sup> One *vara* was about 1.1 meter, and in Trás-os-Montes one *alqueire* equalled about 17 litres or 12 kg (Castro 1978-1985, III : 258, 260; O'Neill 1987).

## Chapter 4

# **The Emergence and Transformation of the Modern Forest Bureaucracy**

### Introduction: State Formation in Portugal

The contemporary Portuguese state can be traced back to a kingdom that emerged in the twelfth century on the western shore of the Iberian peninsula. Two factors led to the appearance of this kingdom. One factor was the comparative strengths and weaknesses of Christian and Moorish warlords. The other factor was that the Christian count of the area around the mouth of the Douro River near the city of Porto, Portucale, aspired to free himself from his lord and master, the king of Leon. With help from municipal militia, and troops composed of their own vassals, and military religious orders (the Knights of the Temple, Hospital Knights the military orders of Aviz and Santiago) the count succeeded in driving the Moors back to Africa (the so-called *reconquista*) and carving out a territory with stable external frontiers, which was recognized by the Pope as an independent kingdom in 1179. Internally, the king had not only to deal with the bids for power by other noblemen, but also with constraints placed upon their powers by the liberties demanded by the municipalities, vassals and religious orders in reward for their contribution to the conquest. The many documents in which the king renewed or confirmed privileges granted by his predecessors show that the Portuguese ruler succeeded in countervailing centrifugal tendencies and maintaining their paramount position in the feudal order as well as their paramount ownership over the land and resources in their realm (Castro 1978-1985, II:82-83; Silbert 1981:84; see Neves 1978-1993, for forest-related privileges). In the eighteenth century, the Portuguese kings were able to become absolute monarchs. King Dom Pedro II (1668-1706) ruled with almost unlimited power, unlike his predecessors who had to govern in cooperation with the *Cortes*, an assembly of the clergy, nobility, and representatives of the municipalities (Saraiva 1981:220). But even his dominion was incomplete: in the countryside the local communities governed themselves autonomously. These communities were what Elias calls village republics. To the central administration they remained black boxes. The king contented himself to indirect rule in their realm's interior and concentrated on those parts of his kingdom that were vital to his income and power (see *supra*, pp. 15-18).

The transition to a bourgeois state lasted throughout the entire nineteenth century. In 1822, King Dom João VI had to accept a constitution that restricted his powers through the creation of a parliament which was elected by all literate male heads of households. In 1826 this constitution was revised in favour of the propertied classes: The suffrage was limited to those who paid at least 100,000 *réis*

in taxes. The creation of the *Câmara dos Pares* (Chamber of Peers) which existed of noblemen and senior members of the clergy who were appointed by the king strengthened royal power and advanced the noblemen's position over the bourgeoisie. Nevertheless, it did not stop the latter's ascendancy as wealthy civilians became ennobled. In that manner the traditional aristocracy gradually lost their terrain to the *nouveau riche*<sup>1</sup>. 1878 saw the last nobleman, the Duke of Ávila presiding over of the Council of Ministers. And, between 1861 and 1900 the percentage of titled cabinet members declined from 35 to 3.4 (Oliveira Marques 1986, III:120). These changes in the composition of the parliament and the government indicate a transformation the State's class character: the State's societal basis shifted from the nobility to the bourgeoisie.

The transition towards a constitutional monarchy and a bourgeois State met considerable resistance: civil war between 1828 and 1834 and rural and military uprisings in 1846 (called: Maria da Fonte), 1846-1847 (*Patuleia*), and 1851 (*Regeneracao*). Notwithstanding these rebellions, the victorious liberals were able to reform the central State and its relationship to local administrations. The administrative codes of 1836, 1842, 1878, 1886, 1895, and 1896 reflect the central State's attempts to gain control over the municipalities and substitute direct for indirect rule over the country's interior. The trajectory was circuitous; some centralizing measures in one law were revoked by subsequent legislation (see also chapter 2).

In the nineteenth century, the regime also reformed the organization of property by the sale of ecclesiastical goods of the dead hand (1834) and of crown and communal land (1869), by the abolition of feudal rights (1863), and by the institution of a new civil code (1867) (Saraiva 1981:287-295; Oliveira Marques 1986, III :54-58, 118-122; Silbert 1978:79-101). These transformations stimulated the development of capitalist agriculture (Cabral 1981:212 ff., 1988:13; *supra*, chapter 2). At the same time, a process of proletarianization was taking place in the rural areas, first among artisans and later among fanners. As the domestic labour market was unable to absorb this emergent class of workers, many workers left the country, resulting in increased emigration during the last decades of the nineteenth century.

The development of capitalism was connected to a new type of State intervention. Beginning in the 1850s, the State undertook the development of infrastructure. Under Minister Fontes Pereira de Melo, the government initiated the building of new terrestrial connections (roads, bridges, and railways) and promoted the development of a communication infrastructure (postal service in 1850 and telegraph in 1857) (Oliveira Marques 1986, III:89-92). This policy was named *fontismo*, after the minister. It was through these activities that otherwise

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<sup>1</sup> Between 1821 and 1890 the king ennobled 868 individuals, making them barons or viscounts. The devaluation of these titles is well expressed in the popular saying: *Foge cão, que te fazem barão! Para onde, se mefazem visconde?*, "Run away, dog or they make you a baron! Where shall hide if they make me viscount?" (Oliveira Marques 1986, III:119).

isolated areas such as Trás-os-Montes became accessible (Lema 1980). This meant more intensive economic relations between these peripheral areas and the rest of the country directly through the hiring of labour for construction works (about 13,000 to 14,000 rural labourers were employed yearly) and indirectly through the reduction of transport costs and time (Cabral 1988:15). The new roads, railways, and means of communication increased the presence of state power enabling the State to penetrate more easily into the thitherto remote corners of the kingdom.

The last decades of the nineteenth century brought to light the weaknesses of the modernization model. *Fontismo* was financed by heavy State borrowing. By the end of the nineteenth century credit lines had dried up and the State suddenly faced a fiscal crisis. At the same time, domestic commercial wheat production (the source of income of the landed elite) was facing declining international market prices, and the increase in emigration put the market for agricultural labour under pressure (Cabral 1988:13). Finally, in 1890, the central government was deeply humiliated when a British cruiser invaded the Lisbon harbour and threatened to shell the city if Portugal did not immediately give up their territorial claims in southern Africa. The regime was not able to respond adequately to these economic and political difficulties and went bankrupt. Its social basis crumbled while republican political movements became more powerful. In 1891 the first revolt took place in Porto. In February 1908, King Dom Carlos and Crown Prince Luís Filipe were killed, and in October 1910 a military rebellion forced his successor, King Dom Manuel II, to abdicate and go into exile (Oliveira Marques 1986, III :24-30, 43-50).

The formal transformation of the State into a republic did not resolve the political and economic problems. As the State's fiscal crisis deepened, anarchy took hold. The political instability and the rapidly changing economic organization were also reflected in labour unrest and numerous strikes<sup>2</sup>. In 1919, monarchist troops formed a "counter-state", the "Monarchy of the North", which maintained control over the north of the country for about one month (Oliveira Marques 1986, III :246). After seven presidents and forty-five cabinets, of which the most enduring lasted 400 days and the shortest only 7 days (Schwartzman 1986:150), the republic fell victim to a conservative military coup in May 1926. Like elsewhere in Europe, the new regime rapidly acquired a fascist character<sup>3</sup>. In 1928, the military realized that they were unable to solve the country's economic problems and called on civilian experts. António de Oliveira Salazar, an economics professor at the

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<sup>2</sup> See Medeiros (1978) for an extensive description of the history of the labour movement during the First Republic. Labour protest against government policy was not without reason. Gallagher (1983) points to the anti-proletarian character of republican policies.

<sup>3</sup> The success of fascism in Europe of the 1920s is closely related to the way in which it successfully allied itself to nationalism: fascism claimed for itself the mission of creating a nation-state and repressed anyone who challenged that claim and mission (Pais 1986:134). Descriptions of the rise of fascism in other European states (France, Spain, Germany, Eastern Europe) can be found in Volume I of Pinto (1987).

Coimbra University and related to conservative catholic political movements, became minister of Finance. Salazar outwitted both his colleagues as well as the President of the republic and was able to accumulate all power in his hands. In 1932 he became Prime-Minister. He remained the country's sole ruler until he fell ill in 1968.

Salazar's rule meant a new phase in the process of state formation. Being an exponent of catholic corporatism, he reshaped the country using a corporatist outline and in 1933 he created the *Estado Novo* (the New State). Employers and labourers were organized in syndicates and guilds. Representatives of these organizations had privileged access to the government through the *Câmara Corporativa*, an advisory body consisting of the country's political and economic elite. The new political order entailed a leading role for the State on behalf of the country's most important capital groups. In 1931, two years before the new political model was officially established, the so-called *Condicionamento Industrial* (Conditioning of Industries) was created. This policy entailed that new technologies and new enterprises could start only when the government judged that existing industries did not already cover a certain field of activities in a sufficient manner. Any innovation also had to be desirable or acceptable from both the national and the social perspective (Brito 1985, 1989; Marques 1988). In theory, this measure should have corrected capitalism's inefficient and wasteful character and alleviated the disturbances of economic life that resulted from speculation and egoism through coordination and planning<sup>4</sup>. In practice, however, it helped the elite to protect their interests and thwarted industrialization. Between 1920 and 1940 the industrial working population grew from only 1 to 2% (Gallagher 1983:76).

The *Estado Novo* ruler was afraid that the emergence of an industrial proletariat would threaten political stability. Hence, agricultural policy was directed to the support of the family farm. Imitating Mussolini's agricultural policies in Italy, the government in 1937 created the Internal Resettlement Board or *Junta da Colonizacao Interna* (JCI) specially to encourage family farming by creating new settler communities on communal waste lands (Baptista 1978b, 1993:22; Cabral 1982:29). The government also strengthened the Forestry Service in order to forest areas which in technical terms were unsuitable for farming. In this way, allegedly unproductive territories could serve the national interest by providing wood (Estêvão 1983). After 1945 the government started to support substantially industrialization. New legislation enabled the State to contribute capital for new enterprises after approving the viability of the investment. This law was aimed at import substitution and favoured the creation of iron, fertilizer, paper, and copper industries, and of electricity production enterprises. In 1952, the law on industrial conditioning was revised (*Lei* 2,052 of 11 March 1952, quoted by Brito 1985:57-59, 1989:128 ff.). Nevertheless, the new legislation continued to favour the

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<sup>4</sup> According to Marcelo Caetano it translated itself into "the cooperation of producers and discipline in the production, in the regulation of competition and the fixation of a just price" (Caetano 1935:19, quoted by Brito 1985:52).

financial elites in the country.

Although Salazar organized the state according to the principle of corporatism, he officially maintained parliamentary rule as a form of representation. The government submitted itself to plebiscites and every seven years it organized elections for the presidency, and every four years for the chamber of deputies and the members of the municipal councils. Access to political (and public) offices was controlled by the *União Nacional*, which also tried to make the regime acceptable to the general public. The organization of political representation changed after the Second World War. During the regime's first decade, all candidates were drawn from the *União Nacional*. After the defeat of Germany and Italy in 1945, the political opposition in Portugal was allowed to participate in elections. But the district system and winner-takes-all principle guaranteed that the opposition would never gain substantial hold over the state's administrative and political institutions (Cruz 1988:179-227).

When Salazar fell ill in 1968, he was succeeded by Marcelo Caetano. At that time, Caetano was a law professor at the Lisbon University, but he had already occupied important political offices such as leader of the official youth organization (*Mocidade Portuguesa*), Minister of Colonies, and of the executive committee of the *União Nacional*, and Minister of the Presidency (de facto Deputy Prime Minister and heir presumptive to Salazar). "As a publicist he was an ardent exponent not only of corporativism, but of a centralized, self-perpetuating, colonial empire" (Martins 1969). Caetano had been closely involved in designing the corporatist administrative state system. His career was halted by a political crisis in 1958, after which he retired to the law faculty. Caetano's downfall in 1974 meant the end of the submission of the parliamentary system to governmental control. Since then the country has evolved into a multi-party democracy<sup>5</sup>.

Until the overthrow of Caetano, the State had primarily supported the interests of the elite. One of the few interventions it undertook with respect to the lower and destitute classes in society, was the development of primary education.

Education is the vehicle for the diffusion of a standard language, of the arts of reading and writing, and of a standardized national history, which contribute to cultural homogeneity and ideological conformation in favour of the country's metropole. This helps to break traditional loyalties to local and regional elites and the Church (De Swaan 1993, chapter 3). Education therefore, played a key role in the process of state formation, as has been shown by Eugene Weber's book *Peasants into Frenchmen* (1976). In Portugal, public primary education began in 1772. In 1779 there were 720 state-financed schools in the country. During the nineteenth century, their number increased from less than one thousand to over five thousand by the end of the monarchy. But in 1910, in 17.5% of all parishes in the

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<sup>5</sup> Portuguese history shows that a regime may combine different models of intervention and representation: the *Estado Novo* combined substantive support with direction, and incomplete corporatism with parliamentarism and clientelism (see Jessop 1983 for a description of the various models).

country, there was still no primary school (Oliveira Marques 1986 III:126-7). During the *Estado Novo* the number increased to 17,400 and by 1974 the entire country became covered with the education network (ibid, p.495). Under Salazar's regime the role of schooling went beyond the homogenisation of culture and ideology. The educational programme was strongly geared to the promotion of the regime and to the cultus of Salazar himself (ibid, p.496; Barros and Henriques 1987; Stoer & Araújo 1987; Stoer & Dale 1987).

The ideological rooting of the regime and the State was also realized by directing the flow of information towards the general population. Since 1926, the press was censored. From 1929 onward, publications had to be submitted to a special commission (*O Povo do Norte*, (Vila Real), 22 December 1929). In coordination with the censorship commission, the regime developed a propaganda policy through which it tried to spread certain beliefs about societal values, and the nation and its history. It created the *Secretariado de Propaganda Nacional* (SPN, the National Propaganda Bureau) which in 1944 was renamed *Servico Nacional de Informacao* (SNI, National Information Service) (Serrao & Oliveira Marques 1990, XII: 440-443). Forestry was one of the fields in which this service developed activities. In 1944, the SNI distributed an eighty-page booklet in which the director-general of the Forestry Service, Themudo, explained the benefits of the afforestation of the *baldios*.

The benefits of trees and forests were also propagated in "independent" publications, such as newspapers. During the years 1928-1930, 1958-1960, and 1970-1973, regional newspapers in the Vila Real area, *O Povo do Norte* and *O Vilarealense* published (at least once a year) one article pointing to the value of "mankind's oldest friend", the tree<sup>6</sup>. Sometimes, these articles were almost literally identical. Damaging trees or tree plantations was depicted as an example of uncivilized and antisocial behaviour<sup>7</sup>. Thus, the press - tied by censorship laws — served as a herald for the State's afforestation programme.

## The Roots of the Modern Forest Bureaucracy

The *Estado Novo* promoted afforestation of the commons. But the idea to plant these wastelands with trees was far from novel. It was the continuation and intensification of a policy that can be dated back to the beginning of the nineteenth century. State involvement in forestry is even older.

As previously discussed in chapter 2, the Portuguese Forestry Service is rooted in three historical phenomena: the feudal organisation of royal hunting rights, the

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<sup>6</sup> In *O Vilarealense*: 11-5-50, 19-5-59, 12-1-61, 7-5-70, 3-6-71, 20-4-73, 5-4-73. In *O Povo do Norte*: 2-12-28, 22-12-29, 2-3-30, 4-5-30. In the last article, the redaction pointed to the importance of education in the transmission of respect for trees and forests.

<sup>7</sup> See *O Povo do Norte*: 16-3-30, 13-4-30, and 20-4-30.

administration of royal timber during the construction of the Portuguese empire, and the scientific movement of the Enlightenment. These phenomena enabled a separate forest bureaucracy to emerge when the juridical and state systems were reformed during the nineteenth century.

Although Portugal, unlike France and Germany, never belonged to the Frankish imperium, its early political and juridical structure resembled that of these two countries<sup>8</sup>. It was quite similar to the feudal regime that predominated over western Europe from the Carolingian era ( $\pm$  800 AD) until the mid-fifteenth century when mercantilism and colonialism started to reshape the political economy. There were, however, some striking differences. One was the absence of the strong centrifugal tendencies that characterized medieval France and Germany. Due to the rather late date of the institution of the feudal system in Portugal and the centralizing effect of continuous warfare during the centuries of the *reconquista*, the Crown was able to maintain its paramount position vis-à-vis the rest of the nobility.

The fact that the king was able to maintain certain rights in domains he did not own showed the strength of royal power. All land reconquered on the Moors was vested in the Crown. The king kept a part of these lands (the *reguengos*), but the rest was handed out as fiefs to vassals, religious corporations such as monasteries and bishoprics, or to farmer communities or municipalities (*forais* and *cartas de povoacao*). Nevertheless, even in these granted areas the Crown often preserved certain prerogatives, including fishing and hunting rights (Castro 1978-1985, 11:149-51, 155-160).

These royal hunting rights constitute the beginnings of Portuguese public forest administration. During the Middle Ages, hunting was an important economic activity for royals and commoners alike. Hunting was one of the principal distractions of the nobility and represented an important source of subsistence for the villein (Oliveira Marques 1964:8). To a certain extent, a division of labour existed between the two: The king preserved the boars and other wild animals for himself and the higher aristocracy, as hunting these animals presented a "noble exercise and a great relaxation for the King and the Grand of the kingdom" and was not so much "a necessity for common subsistence" (King Dom Afonso in 1466, cited in Neves 1978-1993, 11:142-3; as in all citations of non-english sources, the translation is mine). Thus, the rulers could practice their warfare techniques and maintain their war charisma. The kings created hunting reserves, *coutadas*, which were joined into the *Montaña Real* (Royal Hunting Administration). The supervision of these areas and protection of the game against trespassers and

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<sup>8</sup> Costa (1989:162-167) names the Frank as one of the seven elements that constituted Portuguese law after the *reconquista*. The other six are: the primitive, the Roman, the Germanic, the Christian, the Muslim and Hebraic.

<sup>9</sup> Thus, the Crown hoped to secure the land it had gained from both Moor and Leon invasions (Castro 1978-1993, 11:56; Costa 1989:193).

poachers, was entrusted to *monteiros* (game wardens). These game wardens were supervised by *monteiro-mores* (lords game-warden), who directed the guarding and policing of the preserves and forests (Carvalho 1960:661). These game-wardens can be seen as the first state forest administrators in the country.

The presence and size of the royal hunting reserves depended upon the balance of power between the kings, their vassals, and the rural populations. Between the end of the thirteenth and the middle of the fifteenth century, the number of *coutadas* increased. During that time the kings were able to expand their power. The rural populations were not pleased with the expansion of the hunting preserves. They saw their own rights curtailed and their fields and crops damaged by the wild animals that invaded their lands. Popular protest continued but to no avail. Only at the end of the sixteenth century, did the area covered by *coutadas* gradually diminish. But this was caused by the decline of the economic importance of hunting, by population growth, and by the need to cultivate new parcels of land (Oliveira Marques 1964:199; Devy-Vareta 1986:25).

The second root of public forest administration is related to changes in the economic order in the fifteenth and sixteenth centuries (Castro 1978-1985, 1:178-179). After the expulsion of the Moors from Algarve in 1249, and their eviction from Andalusia in 1492, the war against them was continued overseas. Following the capture of Ceuta on the North African coast in 1415, the Portuguese started to build a "seaborne empire" (Boxer 1969:18). Ships were sent to the so-called Indies and to China to destroy the Arab trade monopoly in gold, silver, spices, and in textiles (silk). The economic, political, and religious ambitions of this enterprise are well reflected in a papal bull from 1456 in which

the Pope authorized] the Kings of Portugal to attack, conquer and subdue Saracens, pagans, and other unbelievers who were inimical to Christ, to capture their goods and territories; to reduce their persons to perpetual slavery, and to transfer their lands and properties to the King of Portugal and his successors (Boxer 1969:21).

Along the African, Asian and Latin American coasts factories were founded where merchandise was collected and shipped to the metropole.

The empire literally floated on the vessels that connected the outposts with the capital. These ships were built out of timber. As a result, the overseas expansion was accompanied by a rapid degradation of the royal forests, which already suffered from grazing, fuel-wood collection, and other legal or illegal forms of exploitation. Declining domestic wood production forced the prohibition of wood exports. In 1471 the king prohibited the export of timber "for ships and charcoal from our kingdom of Algarve to Castile and to other parts" (Neves 1978-1993, II: 183). Notwithstanding these restrictions, the country's ship docks became almost completely dependent upon timber imports from Flanders and the Hanseatic league from the Baltic. This caused the monarch to believe that having a constant and safe source of timber at his disposal was essential to his best interest and that of his realm. Hence, he started to try to regulate timber exploitation in their properties. In 1450 he created a new office; the *mateiro* (woodman), who was charged with

the administration of the fellings in the royal forest of Leiria. Furthermore, the Crown published several laws to stimulate reforestation outside its own estates. In 1565 King Dom Henrique ordered that

the officials of all cities, towns and villages make plant and create pine forest on their waste lands within its boundaries... And that they in those areas which are not suitable for pines make plant sweet chestnuts, oaks and any other tree of quality which can be grown in these areas. And further that in the places where there are no waste lands or where these are not so large that one can grow the mentioned timbers and forests on them, or where it is impossible to guard them well, that here they force the masters of land, estates, farms and properties to have planted the mentioned trees on the sites where they least occupy the mentioned areas (Neiva 1991a, 1991b:8).

In 1597 King Philip II ordered the reforestation of his forest near Leiria.

The forest near Leiria was placed under the responsibility of the Chief Warden of the Royal Forests (Carvalho 1960:662; Devy-Vareta 1986: 10). After several reforms, this position was eliminated in 1790. In 1797, the former Chief Warden's tasks were delegated to the *Junta da Fazenda da Marina* (the Navy's Treasury Council). The assignment of forest administration to an organisation within the Ministry of Marines shows, that at that time the Crown was still principally interested in forest management as a way of guaranteeing the provision of raw material for the ship yards.

The third root of public forest administration was the Enlightenment. The Enlightenment espoused a rational understanding of the world. One of its achievements was the development of economic science and, in particular, physiocracy. This type of economic reasoning maintained that real wealth should be acquired by exploitation of the soil, instead of by shrewd commerce. This was contrary to mercantilism which theretofore had predominated economic discourse. Under physiocracy, a scientific approach started to flourish in agriculture, and, subsequently in forest management (Buis 1985:7519-528). This evolution led to the creation of the first university chair in forestry in Germany (see also *supra*, pp. 22-24).

The first professional forester of Portugal, José Bonifácio de Andrade e Silva, was one of the foreigners who received their education in Germany. Upon his return to Portugal at the beginning of the nineteenth century, he published a book called *Memoria Sôbre a Necessidade do Plantio de Novos Bosques* (Memorandum over the Necessity to Plant New Bosks) in which he pleaded for reforestation and for a better protection and management of existing forests:

Notwithstanding the paternal zeal of our kings, the many ordinances and regiments which order the execution of new seedings and plantations and which give provisions for their keeping and conservation and their due exploitation, our bosks and woodlands have disappeared with a surprising speed since little more than a century, because since then the causes of this ruin have not ceased; some of these causes cannot be

evaded, but others can be corrected and minimized. (Andrade e Silva 1815, quoted by Min de Agr 1940:6; Themudo 1944:38)

One of the strategies proposed by Andrade e Silva to improve the situation was to reorganize the administration of the royal forests. He recommended the creation of a separate institution consisting of a director, two forestry engineers, and three forest administrators (*guardas mores*). Their tasks would include careful policing and keeping of the forests to prevent fires, burnings, roaming cattle, and trespassers (Andrade e Silva 1815:182). Each district had to be divided into cantons (*feitorias*) with a forest guard (*guarda couteiro*). A group of five guards would be under the command of a head guard, the only one in the field required to have forestry training. In the opinion of Andrade e Silva, the guards could best be recruited from the army (*tropa de linha*). Seemingly, he saw them more as custodians or policemen than as forest managers. For the execution of his management tasks, each guard would be assisted by a bookkeeper and the State would provide them with a house and a garden (*ibid*, p.184). Andrade e Silva's proposal was never executed, but it directly influenced the subsequent evolution of public forest administration.

Public forest administration emerged during the state reforms of the nineteenth century. In 1821 the royal hunting reserves and the related administrative offices like the *monteiro-mores* were abolished. Three years later, in June 1824, they were briefly reinstated, only to disappear definitively in 1833 (Neiva 1990:24). In July 1824, a General Administration of the Woods of the Kingdom (*Administração Geral das Matas do Reino*) was created, two parallel forest administrations existed. This new organism was the direct successor of the forestry department within the *Junta de Fazenda da Marina* (the Navy's Treasury Council). When in 1833 the *Montaria Real* finally disappeared, the General Administration of the Woods became the sole public forest administrative body in the country. In 1853 this organism was transferred from the Navy Ministry to the Ministry of Public Works. Seemingly, the forests were no longer seen primarily as a source of raw material for the docks, but began to be approached from a broader perspective. Furthermore, for the first time, professional forest experts were recruited (Mendia 1945:6; Neiva 1990:24). In 1872 a new law was published that reorganized the forest administration again. The 1872 law contained, among other things, dispositions concerning technical aspects of forest management such as the obligatory formulation of management plan. In 1881 the General Administration of Forests was dissolved and its tasks were transferred to the Division of Agriculture within the General Direction of Commerce and Industry. The Forestry Service reemerged in 1886 within the General Direction of Agriculture. In 1919 its evolution was completed. It was elevated to the level of directorate-general as the "*Direcção Geral dos Serviços Florestais*"<sup>10</sup>.

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<sup>10</sup> For a review of the relevant legislation: see appendix 3.

### The Nineteenth Century Reorganization of the Forestry Service as an Example of the Rationalization of the Administrative State Apparatus.

One of the central elements of the state reform of the nineteenth century, is the rationalization of the administrative apparatus. The significance of this process is the concomitant qualitative change in the nature of state power. This rationalization process implied the organizational reform of the state apparatus in such a way that office-holders became wheels in a larger, goal oriented, machinery. The individual official could no longer act arbitrarily, but was required to keep to formal rules and administer *sine ira et studio*. In addition, he was made totally dependent upon the abstract body of the State, from which he derived his powers and his livelihood. Submitted to a hierarchy of superiors, all his actions were supervised. Consequently, instead of being to a large extent autonomous, the official became an instrument in the hands of higher powers. This made rationalization of the state apparatus a step in the substitution of direct for indirect rule and the intensification of the power the State could exercise over its subjects through the civil service.

In his discussion of bureaucracies, Weber (1959:21-22) enumerates eight features which characterize a rational bureaucratic organization. These features are:

- (1) the officials are personally free and subject to authority only with respect to their impersonal official obligations;
- (2) there is a clearly defined hierarchy of offices;
- (3) each office has a specified sphere of competence; there is a free selection of personnel which is appointed through a contractual relation;
- (4) the staff is selected according to technical qualifications which are tested by examination or guaranteed by certificates;
- (5) the salary is fixed and the office is at least the incumbent's primary occupation;
- (6) a bureaucracy has to allow for a career which implies the existence of a promotion system according to seniority and achievement;
- (7) the officials work entirely separated from ownership of the means of administration;
- (8) and are subject to strict and systematic discipline and control.

In table 4.1, I compare the forest administration of the *ancien regime* and the administration that evolved during the nineteenth century to these eight points. It appears that both forms of administration differ fundamentally from each other and that the modern organization comes much closer to Weber's standards than its historical predecessor.

Before the nineteenth century, the royal forest administrative apparatus according to Carlos Neves's (1978-1993) collection of medieval documents, satisfied only a few of Weber's requirements, such as those concerned personal freedom and hierarchy. Within the feudal administration of the royal forests, the officers were free individuals. (Personal servitude, or serfdom, disappeared from the country by the beginning of the thirteenth century, Castro 1978-1985,11:51). At that time, the apparatus also had a certain hierarchy: the guards were supervised by the chief

guards, and the game wardens by the lord game warden. But the documents show neither the exact authority and responsibilities of the guards and game wardens, nor clarify the precise tasks of the officials and their relationships to subordinates and superiors. Therefore, it is impossible to conclude whether or not this apparatus satisfies Weber's criterion on these two points.

Table 4.1: A comparison of the feudal forest administration and the forest bureaucracy that emerged from the state reforms in the nineteenth century to Weber's model of rational administration.

Characteristics of rational bureaucracy according to Weber	<i>Ancien regime</i>	Nineteenth century
1. personally free	yes	yes
2. hierarchy of offices	yes	yes
3. sphere of competence	unknown	yes
4. technical qualified staff	no	yes
5. fixed salary and primary occupation	no	yes
6. promotion system	unknown	yes
7. separation of means of administration	no	no
8. discipline and control	no	yes

With regard to the other characteristics of rational bureaucracy, the *ancien régime's* form of forest administration differs considerably from Weber's model. Feudal officials were not selected because of their technical skills in game management or forest administration, but because of friendship or earlier services, or because their father had held the office. The offices of game warden in Alenquer and Santarém, were apparently passed on within the family Vaz (Neves 1978-1993, VI: 10,40,97)". The offices were also positions of honour, given to royal servants who often executed other jobs as well. In many cases, being a game warden was probably only one out of many positions, and not the most important one. The guard appointed in the forest near Leiria in 1488 was, for example, also the king's shield bearer and sheriff of the town of Pederneira (Neves 1978-1993, III: 123). He received his office in Leiria in reward for earlier services. Finally, the game warden did not earn a salary. Instead, the incumbents were rewarded by the attribution of certain liberties, as the right to bear arms whenever one liked (in 1434, the *monteiros* and *guardas* of the royal forest of Ota near Alenquer, Neves 1978-1993, I:261), or tax exemption. An example of the latter concerns the sixteen guards of the forest of Leiria. In 1502 the king renewed their liberties which dated

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" Compare Hay (1975:197) on gamekeepers in Britain: "they ... passed their positions on to their sons."

back to at least as early as 1450:

By this charter we make known that the sixteen guards of our pine forest in our *villa* [town] of Leirya ... will be excused of paying the *oitavo* and *ihejugada* of neither bread nor wine nor any other thing they have and that they can enjoy all the other privileges and liberties we have granted to the mentioned guards and woodmen. (Neves 1978-1993, V:11; see 11:68 for the reference to the same rights in 1450)

Another, monetary, compensation the king could give, concerned the right to keep the fines paid by infractors of the forest laws. In a royal dispatch of 18 September 1414, the king prohibited all hunting in the forest of Motrena near Setúbal: Nobody, "not a daring knight, squire or any other person" was allowed to hunt deer, boar, or rabbit. Transgression was punished by paying "five *libras* of old coinage for each animal, deer, boar or rabbit, he had killed." These penalties were "for our monteyro-moor" (Neves 1978-1993, I:206). These examples show that the *monteiros* were rewarded with privileges, such as the right to bear arms, or exemption of certain taxes. In these cases, their income was not even related to the actual execution of the job. In the case where they could keep any fines, their income was not fixed, but depended upon the fines collected. Consequently, the ancien régime's organization does not meet the standards set by Weber concerning recruitment, technical qualification, and remuneration. Finally, given the coeval conditions regarding communication, it is also unlikely that the organization meets Weber's criteria of (constant) supervision. This does not mean that there did not exist any control at all over the actions of individual officials; people or municipalities could complain to the king about fines the game wardens applied or about the amount of timber royal officials felled (e.g. Neves 1978-1993, VI:34-35). But this kind of control through complaints cannot be compared with the constant supervision by superiors that Weber had in mind.

Unlike the administrative organizations preceding the nineteenth century, the bureaucracy that emerged during the nineteenth century does meet most of Weber's standards. From 1847 technical experience in forestry became more important. In that year, forest administration was delegated to trained engineers. The growing importance of technical qualifications was reflected in the creation of a forestry course in Lisbon in 1865 within the *Instituto Superior de Agricultura* (ISA). For more than a century, this institute was the only place in the country where students received professional training for forest engineers (Neves 1964).

The emergence of a Weberian form of organization is reflected by the Service's reorganization in 1886. In that year a new law stipulated the tasks of each officer, the qualities and skills required for each job, promotion regulations, salaries, and other prerogatives. It established a clear-cut hierarchy of authority starting with the engineers at the top and continuing through the sub-ordinate engineers, the *regentes* (forest administrators), the *mestres* (foremen), to the guards who constituted the bottom of the pyramid. At each level a different task was delegated. The chief and subordinate foresters had to supervise the technical and administrative services and execute the instructions of the General Direction of Agriculture. The *regentes* of

the first and second class had to direct and control the seeding, plantation, felling, marking, and measuring, and supervise the *mestres* and forest guards. The *mestres* had to look after the execution of forest exploitation, such as marking trees for the thinnings of stands. Finally, the guards were responsible for policing the forests. They were given the status of a rural police force and had the right to bear arms. They had also to take an oath before the judge of the *comarca* (jurisdiction) in which they were employed (art. 60)<sup>12</sup>.

This hierarchy was based upon personal merits in the form of acquired technical skills and training. At the lowest level, the officials' training was restricted to literacy. Guards had to know how to "read and write, they have to be younger than 30 years old, while preference is given to soldiers of the army or the navy, with good behaviour" (art. 25). At the middle level in the bureaucracy, only certain practical skills in forest management were required. Technical education was demanded at the higher levels; the *regentes* had to present a certificate from the course for *regentes agricolas* at the technical school in Sintra, and the top officials needed an engineering course.

Internal ranking within these professional categories made promotion possible: *Mestres* were chosen among the guards of the first class, "who have proven renown zeal and aptitude" (art. 24). Hence, if a guard of the third class did well and remained within the apparatus, he could eventually be promoted to foreman. Promotion was related to a raise in salary: a third class guard earned 120,000 *réis*, and a foreman 180,000 *réis*. In 1918, the internal differentiation in the categories of *regentes* and *mestres* was refined by the creation of more classes. This increased the possibilities for a career within the bureaucratic organization.

In only one respect does the modern forest bureaucracy not fully meet the standards Weber formulated for a rational administration. This criterion is the separation of the official from the ownership of the means of production and administration in order to guarantee complete mutual independence of the function and its incumbent and a full separation of the public from the private.

In the rational type it is a matter of principle that the members of the administrative staff should be completely separated from ownership of the means of production or administration... There exists furthermore, in principle complete separation of property belonging to the organization, which is controlled within the sphere of the office, and the personal property of the official, which is available for his own private uses. There is a corresponding separation of the place in which the official functions are carried out, the "office" in the sense of premises, from the living quarters. (Weber 1959:20)

The Forestry Service does not fully fulfil this last condition. According to the regulation of 24 December 1903, forest guards had to be on a "vigil day and night over the forest area in their charge, being obliged to stay in it permanently [and]

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<sup>12</sup> The 1901 and 1903 laws repeated these dispositions.

not to abandon [their] canton (...)" (art. 3). In many cases, the State provided them with a house built on a strategic site within the forest perimeter for this aim. The office of forest guard was not a "nine-to-five" job but a life-style. There was no separation between the private sphere and the place in which official functions were carried out. Although the legislation only mentioned this conflation of private and public in the case of forest guards, this confusion also existed in the jobs of forest administrators and chiefs of circumscriptions. Many resided in special areas, forestry parks (*parques florestais*), located near their offices in housing provided by the State.

The conflation of private and public is connected to the special nature of forest administration. Forestry entails the management and exploration of a certain, often large, area. Particularly in the cases in which the land is occupied by the foresters against the will of the local population, forestry demands constant presence and surveillance. The ensuing intimate connection between the administrative apparatus and space is the subject of the next section.

### **The Forestry Service and National Space: From the Royal *Coutadas* into the Commons**

The isolation the Service's administrators in separate parks and guards in their wards points to several important aspects of the Forestry Service. At the level of the individual, the job acquired the character of a lifetime occupation, a vocation. At the level of the collective, the separation from ordinary citizens reinforced the *esprit de corps*, and at the level of the organization, the isolation pointed to the intimacy of the forestry bureaucracy's connection to space and geography. The guards occupied a certain space, and their presence in it was the guarantee for control over that territory. This connection of forest administration to space was reflected in the way in which the vertical hierarchy of the organization corresponded to its horizontal distribution over the national territory: the apex was located in Lisbon, the circumscriptions in district capitals, and the lower level in municipal centres, whereas the organization lowest tier was dispersed over the countryside.

The various reorganizations of the Service show the constant adjustment of its vertical and horizontal dimensions to internal and external developments, the latter being principally the organization's spatial expansion. During the ancien régime central state power was exercised through the physical presence of a person. Royal hunting was no exception. The geographical distribution of the royal hunting preserves reveals that the Crown did not penetrate very deeply into the country. Most of the *coutadas* were located near the capital, in the western part of the country and in the regions south of the Tejo River. The royal forest in Leiria was located within the same part of the country. Except for a few patches of land in the Serra de Gerêz, the Crown never controlled vast areas north of the Douro River or in the interior (Devy-Vareta 1985:60; see figure 4.1).

When the Service was created in 1824, it administered only the domains that had survived the dissolution of the *coutadas* and royal forests such as the Pinhal of Leiria, an area of less than 15,000 ha. Thus, the Service was confined to the original sphere of royal influence as it had been defined during the Middle Ages. This area also included some dunes along the coast, which from 1802 onward were expropriated in order to consolidate the drift sands by covering them with trees<sup>13</sup>. But during the nineteenth century, the Service's domain gradually expanded:

in 1835, after the liberal victory in the Civil War and the independence of Brazil, the Service gained control over the forested lands of dissolved religious corporations as well as the nationalized properties of the Crown Prince (*Casa do Infantado*). Additionally, it acquired the forests adjoining mines, which had previously been under the administration of General Intendency of Mines and Metals.

This gradual spatial expansion was reflected by the Service's adjustment of the

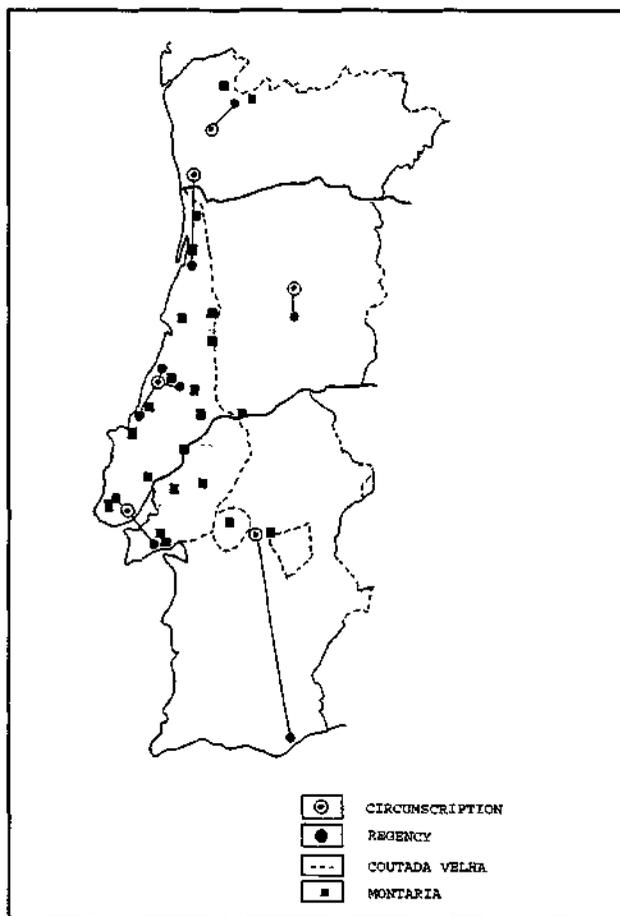


Figure 4.1: map by Devy-Vareta (1985:61) of the old royal *coutadas* with the location of the circumscription headquarters and regencies in 1918.

<sup>13</sup> The state started afforestation of the dunes in 1805 near Lavos. The idea was copied from France where Brémontion afforested the dunes in order to stop the silting up of the harbour of Arcachon in Aquitania. There, between 1800 and 1857 102,000 ha were covered with *Pinus pinaster* and hedges (Min de Agr 1940:8, Neiva 1991b:12)

vertical and horizontal dimensions of their organization. In 1847 the State forests in the country were grouped together into nineteen circumscriptions (*circumscripcoes*). In 1872, forest administration was centralized. The nineteen circumscriptions were replaced by three divisions: one in the north, one in the centre, and one in the south. The 1886 reorganization maintained this centralization but refined the organization's lower levels. The Service's territory was divided into three circumscriptions. Each circumscription was subdivided into sections (*seccoos*) and cantons (*cantoes*).

In 1918 the Forestry Service was reformed again. *Decreto* 4,249 of 8 May 1918 divided the Service into a central bureau, eight circumscriptions, eighteen *regendas* and 121 cantons. The headquarters of the circumscriptions were located in district capitals like Braga, Porto, Coimbra, Lisbon, Évora, and Ponte Delgado (on the Açores), and in the towns of Manteigas and Marinha Grande. The staff was distributed as follows: 31 of the 186 staff members, including 6 engineers worked in the capital, 25 persons (8 engineers, 9 administrative aides, and 8 guards) in the circumscription headquarters; 18 *regentes* and one foreman in the various regencies; and 121 foremen and guards in the cantons (*Decreto* 4,249 of 8 May 1918). The map in figure 4.1 shows that the *regendas* were still located within the confines of the former royal *coutada*. In continental Portugal, Manteigas, in the Serra de Estrella, and Tavira in Algarve, were the only exceptions.

The reforms of 1886 and 1918 should be seen in relation to a new phase in the Service's development. Until 1886, the Service had been confined to state-owned land. But, through a law of 25 November 1886 the State declared that it would undertake the afforestation of the commons by submitting them to what it referred to as a "forestry regime":

Successively and partially will be submitted to the forestry regime by means of the funds given for that end by the *côrtés*,..., the uncultivated lands on the tops and slopes of the mountains, the shifting sands of the coastal dunes, and any other piece of which afforestation is necessary for the general interest of the country, in particular with respect to the water regime. The acquisition of the terrains ... that do not belong to the State will be done by expropriation for public utility.... (art. 4 and 5 of the law of 25 November 1886)

Under the provisions of this law, the first attempt to afforest the commons was made in 1888, with the decision to submit the waste lands of the Serras de Gerêz and Estrela to the forestry regime. This step signified a fundamental change in the balance of power between the central State and the countryside. For the first time since the Middle Ages, the power of the central State forest administration crossed the limits of the old royal *coutadas* and reached into the north and into the interior of the country<sup>14</sup>.

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<sup>14</sup> The quotation of this legal text points also to the role of forestry as a hegemonic project: state intervention is legitimated in terms of "the general interest of the country".

From 1888 onward, the central State intensified its attempts to intervene in the administration of communal and private property by abolishing the condition of expropriation which was still maintained in the 1886 legislation. This step was set in a decree from 24 December 1901 which elaborated the concept of forestry regime. The decree distinguished three types of regimes: the total regime and the partial regime, and the regime of simple policing. Categorization was made according to the type of proprietor: state land, acquired through nationalization or expropriation, was submitted to the total forestry regime; municipal, parish, and private properties were submitted to the partial regime; and, private landowners or groups of landowners could decide to submit their properties voluntarily to the regime of simple policing. In that case, the landowners were required only to provide one hectare of arable land for each 500 hectares placed under state vigilance for cultivation by the forest guard appointed by the State to watch over the area (art. 29 and 30 of *Decreto* of 24 December 1901)<sup>15</sup>.

The execution of the forestry regime with respect to the organization of forest management, policing, etc. was regulated two years later by the *Reglamento* of 24 December 1903. This law stipulated that in the case of the partial forestry regime the proprietor (an administrative body or a private person) should be compensated for afforestation. The proprietor could choose between three modalities: (a) leave afforestation to the State and receive a share of the net revenues of the forest according to the value of the afforested land; (b) afforest the land and receive all of the profits; (c) expropriation of the land by the State which would submit it to the total forestry regime without any further entitlements for the original owner (art. 219 of *Reglamento* of 24 December 1903). The different modalities of the forestry regime in relation to property and management responsibilities are summarized in table 4.2.

The relevance of the 1901 definition of the forestry regime is that the State no longer needed to expropriate the areas it wanted to afforest. The decree opened the road to state involvement in areas that were not state property. Only in the event that a landowner refused to accept submittance to the Forestry Service's intervention, could the State decide to proceed with expropriation. Through the vehicle of the forestry regime, the State was able to proceed with afforestation of the sand dunes near the coast and the communal areas in the mountains, without having to obtain full property rights.

As was the case in 1886, the State in 1901 legitimated its intervention by pointing to the public interest of the forests. As article 25 of the 1901 decree stated:

The forestry regime comprehends the conjunction of dispositions

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<sup>15</sup> This arrangement was also maintained in the case of guards in the perimeters under the partial forestry regime. It not only shows that the state tried to keep the guards' wages low by giving them land for their subsistence, but also confirms the strength of the ties between the guard and his canton: he literally lived off it! In some cases, the cultivation right would create conflicts between his assignment to protect the stand and his need for food.

destined at guaranteeing not only the creation, exploration and conservation of silvicultural wealth, from the perspective of the national economy, but also of the recoverage with forests of areas of which the afforestation will be of public utility, and convenient or good for the water regime and the defense of the river valleys, for the valorization of arid planes and the benefit of the climate, or for the fixation and conservation of the soil in the mountain or the sea-coast regions. (*Decreto* of 24 December 1901)

Table 4.2: The different forestry regimes in relation to property and management responsibilities.

Regime type	Property type	Manager of the forest
Total forestry regime	State	State (Forestry Service)
Partial forestry regime	Communal (parish or municipal) or private	State (Forestry Service)
		Owner
Simple forestry regime	Private	Owner

In the following two decades, the Forestry Service grew slowly in terms of territorial expansion and afforestation. Until 1934 it had only penetrated about 80,000 ha and afforested about 17,000 ha of sand dunes along the coast and 21,000 ha of waste land in the mountains (Min de Agr 1940:107, 115). The Service expanded much faster during the next four decades. This growth was facilitated by the approval of the national afforestation plan, the *Piano de Povoamento Florestal dos Baldios ao Norte do Tejo*

### The *Piano de Povoamento Florestal*

The slow increase in the area afforested by the State motivated the Forestry Service to propose a special plan for the afforestation of the commons north of the Tejo River, the *Piano de Povoamento Florestal dos Baldios ao Norte do Tejo*. It was based on a study carried out in 1935 in which 532,000 ha of *baldios* larger than 500 ha were identified. Of the total area, about 420,000 ha were considered to be available in the sense that they were not essential for the local populations' economies and suitable for forestry. The plan presupposed an important role for the State. Previously, afforestation of the *baldios* had been largely left to the local authorities. However, the slow increment in afforested areas demonstrated that this strategy had been a failure. Consequently, the State decided to intervene.

In principle the task of afforestation pertains to the local authorities, as they are the owners of the lands on which it will be executed. But in reality, this task transcends the more limited interests of local administration, as it influences the cultivation and valorization of the grounds which are washed by the water courses and is of interest to the harbours, to the Nation's economic activities and to its defense. Further, it is a long term enterprise, of which the costs surpass the capabilities of local administrative bodies and of which revenues are realized only after many, many years. This is the reason why the project attributes its execution to the State, except for one case or another in which it is undertaken by these local entities. (Min de Agr 1940:27)

The decision to let the central State undertake the afforestation effort nullified, in practice, the local authorities' ability to afforest their own *baldios*. The State "liberated" them of that "burden" which apparently went beyond their capacities. The intervention in the affairs of local administrative entities was legitimated by arguing that forestry transcended the more limited interests of these bodies, and that it was a long-term project. Similar to the 1901 justification of the forestry regime, it appealed to forestry as a public benefit.

The afforestation plan itself was a detailed proposal for twenty-five years of intensive forestry intervention in the area north of the Tejo River. It distinguished twenty-two regions in the intervention zone. In each region it specified the areas to be afforested, the most suitable tree species for planting, and the staff needed for the execution of the programme. It contained a time schedule, a summary of the necessary financial means, and an estimation of its economic results in social and financial terms. The plan did not limit itself to afforestation alone, but also included plans for infra-structural works<sup>16</sup>. The total cost of these projects was estimated at 747,460,078 escudos (written as: 747,460,078\$00), to be spent in six periods of five years between 1939 and 1968. This meant an average annual spending of 16,922,626\$00. Because the Forestry Service's budget was 9,149,273\$40 in 1937, the plan presupposed a budget increase of 85% (Min de Agr 1940:123-124). These expenditures were seen as an investment. After 1950 revenues were expected to exceed disbursements (Min de Agr 1940:135). The plan was approved by the National Assembly in 1938 (*Lei* 1,971, *Lei do Povoamento Florestal*). The same year the *Estado Novo's* forestry policy towards the commons materialized.

The essence of the *Piano de Povoamento Florestal* was that it brought about an enormous and rapid expansion of the area controlled by the state Forestry Service. The graph in figure 4.2 shows how the total area under the partial forestry regime

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<sup>16</sup> The plan foresaw the construction of 2,455 kilometres of forest roads, 26 buildings for the administration offices, 997 houses for forest guards, and 140 vigilance posts. The offices, houses, and vigilance posts were to be supplied with 1,159 telephones linked by a 5,800 kilometre-long cable network. Transport was to be carried out by 28 horses, donkeys or mules, 56 oxen, 28 *fourgonnettes* (small lorries), and 28 cars.

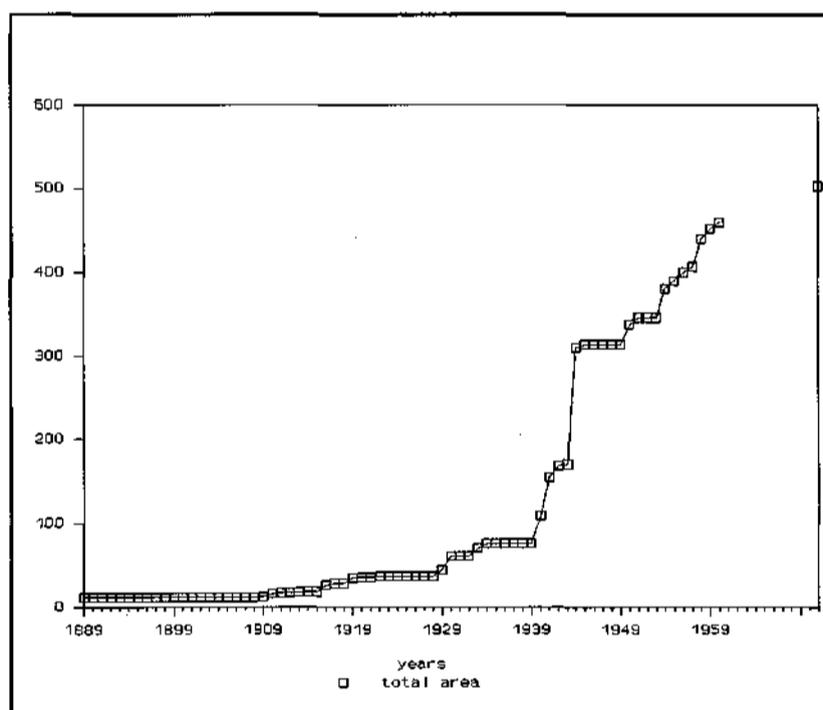


Figure 4.2: Evolution of the total area under the partial forestry regime between 1886 and 1960 (in thousands of hectares; source: Mendonça 1961a:37-38).

increased rapidly after 1940. In the fifty years between 1888 and 1939, 76,000 ha were submitted to this regime. In the next twenty years 383,000 ha (Mendonça 1961a:37-38).

The gradual growth of the area controlled by the Service resulted from the addition of dunes and communal waste lands to the forestry regime. It was clearly correlated to an expansion of the Service's administrative personnel. Between 1886 to 1939 the number of officers employed within the Service grew from 120 to 393 (table 4.3). In the *Piano de Povoamento Florestal* a staff totalling 1138 persons: 935 forest guards, 125 *mestres florestais* and 30 forest administrators was foreseen by 1968, the year the project was to be finished (Min de Agr 1940:123). Thus, compared comparison with 1886, the execution of the afforestation plan in 1968 demanded an increase of the Service's staff by a factor of ten. Furthermore, the Forestry Service's spatial distribution was to be changed radically. The plan's execution required the positioning of more than eleven hundred extra officers in the northern districts dispersed over twenty-seven new administrative areas and 977 new cantons. Hence, it meant increased penetration and more concentrated presence of state officials in the countryside (table 4.3).

The penetration of the State into the north is visualized in figure 4.3. This figure represents a map of the commons under the forestry regime. It also shows the intensification of the State's presence in the countryside. In the map, I indicate the location of the headquarters of the *administrações florestais* (forestry administrative areas) as they existed

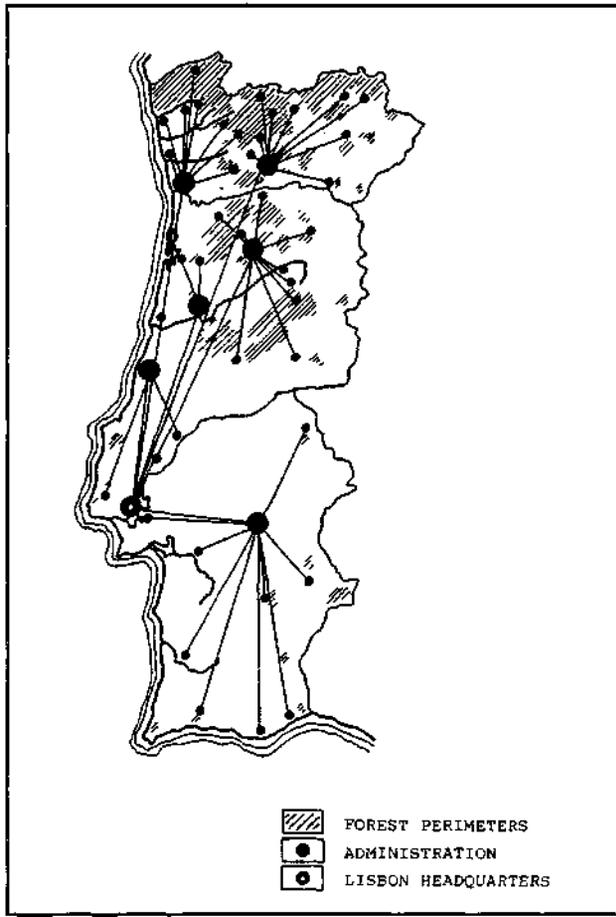


Figure 4.3: Map of the commons under the forestry regime according to Mendonça (1961a) and the location of the central, circumscriptions and forestry administrators' offices.

district capitals and the administrations in the towns and down to the guards in the countryside.

Whereas the area of communal land submitted to the partial forestry regime expanded rapidly, the growth of the actual afforestation proceeded at a much

in 1990. (*Administração* (administration) was since 1931 the name of the former *regências*, Decreto 20,526, of 18 November 1931.) Comparison of the maps in figure 4.1 and 4.3 shows how the Forestry Service's attention moved from the coastal region near Lisbon towards the north and the interior.

The geographical distribution of the staff reflected the organization's internal hierarchy: the top of the pyramid was housed in Lisbon, the intermediate level occupied the district capitals, and the executive was located in the countryside. Hence, the command structure emerged from the capital and followed the hierarchy through the circumscriptions headquarters in the

slower rate. In fact, the Forestry Service never completed the plan. 1968 was officially the plan's last year. By then, of the 420,000 ha that the plan had envisaged, only 271,000 ha were covered by trees (Baptista 1993:288). Reasons for this failure included the Second World War, increased salaries of rural workers, and later, as a result of emigration, the increasing scarcity of a working force in rural areas. In 1988, the original goal had still not been attained as only 380,000 ha of communal land had been afforested (IPF 1988).

Table 4.3 shows the development of the organization in terms of staff and administered areas. It indicates that between 1886 and 1986, the number of staff members rose tremendously, from 127 to almost 3,800. But it also reveals that until 1956, the growth of the staff did not match that of the areas put under the Service's administration: between 1886 and 1956 the number of staff members per 1,000 ha decreased from 3.8 to 1.4.

Table 4.3: The numerical development of the Forestry Service's personnel (N) and the evolution of the area under its control and the number of staff members per 1000 ha (N/A) (Sources: legislation from 1886, 1918, 1936 (DL 27,207 of 6 November 1936), 1956 (DL 40,721), and 1986 (DR 51/86), Mendia (1945:13), EA 1956, 1968, DGSFA 1972, IPF 1988:11).

Rank	1886		1918		1936		1956		1986	
	N	N/A								
Eng <sup>s</sup> .	8	0.2	15	0.3	34	0.3	88	0.2	241	0.5
Regents	11	0.3	20	0.4	30	0.2	56	0.1	..	..
Guards	86	2.6	110	2.1	280	2.1	514	0.9	1477	3.0
Others	15	0.5	51	1.0	49	0.4	141	0.3	2055	4.1
Total	127	3.8	196	3.7	393	2.9	799	1.4	3773	7.6
Area	33		53		136		554		498	

- the area is given in 1000 ha.

- the areas are those areas submitted to the total and the partial forestry regime. The guards appointed to look after the areas submitted to the simple policing regime were *guardas auxiliares* and not included in the Forestry Service's cadre (*Decreto-Lei* 12,625 of 13 November 1926, and *Decreto-Lei* 39,931 of 24 November 1954).

- the *mestres* are included under guards as both ranks together constitute the service's bottom line.

- in 1986 regents are not distinguished. Their equivalents are included either among engineers or among other personnel. The numbers of the cadre surpass the real staff numbers. For example, in January 1994, the Service employed only 920 guards and *mestres* instead of the 1477 listed in the table. Due to measures which in the event of vacancies inhibit the appointment of individuals who do not already work within the civil service, by March 1995, this number had declined further to 895 (1.8 per 1000 ha). The circumscription of Vila Real (128,000 ha) employed 168 guards, and the Vila Real forestry administration (12,000 ha) 8 (0.7 per 1000 ha) (pers. comm. Dr. Maria da Purificacao Pais, director

of the Human Resources department of the Forestry Service).

A look at the distribution of forestry officials in the different levels of the organization shows that the Service has passed through two phases. During the first phase, the number of guards, who constituted the organization's bottom line, followed the expansion of the area under the forestry regime, whereas the number of technicians at the top of the organization did not. The afforestation plan of the commons did not foresee an expansion of the Service's technical staff. However, the expansion of the area under the Service's administration demanded an increase in the Service's technical expertise. In the plan's initial phase, the demand was satisfied by engineers hired on a temporary basis as additional staff members. In the mid-fifties, this situation led to frictions among the staff and the Service started to malfunction. As a result, the Service was reorganized and the additional staff members were included in the fixed cadre (Azevedo Gomes and Quaresma 1988:3-4; ANTdT, Arquivo Salazar, AOS/CO/EC-12, Pasta 23, De Oliveira to Salazar, 11 February 1955; *Decreto-Lei* 40,721)<sup>17</sup>.

In 1986, the Service's cadre expanded to an unprecedented size, particularly in the growth of the number of guards and other personnel. The enormous increase in this second category points to the qualitative transformation of bureaucratic administration and its internal intensification.

## Public Forestry and Private Property

Thus far, I have focused almost exclusively on state-managed forests. But the State was certainly not the only party that entered into forestry. In fact, in relation to the private landowners, state-managed forests (that is, state owned stands plus the stands that are communal property but under the partial forestry regime) have always played a subordinate role in terms of forest area. In 1928 the State administered less than 5% of the total forest area. Even though the State's share more than trebled through the *Piano de Povoamento Florestal*, in 1988 most of the forest area in the country (85%) continued to be administered by private landowners (table 4.4).

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<sup>17</sup> By 1956, the service employed thirty-two foresters in a regular position at the top. In addition, about thirty-five foresters were employed in the lowest rank (*silvicultor 3<sup>o</sup> classe*). In a report to Salazar, it was argued that this imbalance between the number of positions at the lowest and at the highest level implied the absence of career perspectives, which caused a general demotivation. Therefore, it was recommended that these temporary staff members be included in the fixed cadre (ANTdT, Arquivo Salazar, AOS/CO/EX-12, Pasta 23).

Table 4.3 suggests that the number of guards with a fixed position lagged behind the growth of the administrated area as well. This was not resolved until the reforms after 1974.

Table 4.4: Development of forest property between 1928, 1959, and 1988. Sources: Min de Agr 1940:131; Mendonca 1961a:31; IPF 1988:9.

Year	Total area covered by forests (ha)	State land		Communal land		Private property	
		ha	%	ha	%	ha	%
1928	2,331,400	53,662	2.3	55,954	2.4	2,221,824	95.3
1959	2,900,000	58,000	2	145,000	5	2,697,000	93
1988	3,056,000	78,000	2.6	380,000	12.4	2,598,000	85.0

In chapter 2, I explained that there exists a form-determined variation in and between states concerning their internal structures and relations with their environment. In this respect, Jessop (1983:228-234) distinguishes several forms of intervention: formal facilitation, substantive facilitation, formal support, substantive support, and direction. The Portuguese State combined several forms of intervention in its forestry policy. This combination varied with the State's attitude over time towards private afforestation.

Before the Second World War private forest owners were left alone by the State. Landowners planted trees without any help from or intervention by the Forestry Service. If the landholders wanted, they could invite the State to police their area under the conditions of the simple forestry regime. In exchange, they had to provide the guard with one hectare of land, a house, and pay his wage (*Decreto-Lei* 12,625 of 13 November 1926). In principle, this would imply that the landowners had to manage the forest according to the Service's guidelines. However, the State did not have the means to enforce compliance. When a landowner refused to execute the afforestation plan or disobeyed other rules for forest exploitation, he was subjected to a fine of 500\$00 to 5,000\$00 (*Decreto* 39,391 of 24 November 1954)<sup>18</sup>. If he continued to do so for three years, the forestry regime was annulled (art. 44). The simple forestry regime was particularly favourable for the landowner, not so much in terms of forest management, but because the arrangement offered protection for other aspects of his property. He could enclose (*coutar*) grazings (*pastos*), game, and fish, and rather than looking after them himself, he could delegate the policing of his territory to the State. In other words, the simple forestry regime allowed the estate holders state assistance in protecting their property (Baptista 1993:282). This policy is primarily an example of what Jessop (1983) would call formal facilitation by the State of private (capitalist) entrepreneurs.

<sup>18</sup> This fine was not very high, only ten to one hundred times the penalty for grazing one single goat in a forest area (*Decreto-Lei* 39,930, art. 15). Moreover, it is not likely that a guard would really dare to penalize a wealthy estate holder.

In addition to formal facilitation, the State also turned to substantial facilitation. During the Second World War when problems with fuel imports arose, the State issued a law enabling the confiscation of timber and fuel wood from private landowners (*Decreto-Lei* 32,271 of 19 September 1942). In 1945, when the war drew to its end, the government decided that the landowners who had suffered from these confiscations should be compensated. It created the *Fundo de Fomento Florestal* (Forestry Development Fund, FFF), which had as its objective "the facilitation of reforestation of properties which had been affected by requisitions" and "the upgrading of forests belonging to the private dominion ... through the furnishing, to proprietors, of seeds and seedlings" (*Decreto-Lei* 34,394 of 27 January 1945, quoted by Azevedo Gomes and Quaresma 1988:2). The fund was financed by a tax on the consumers' price of fuel wood and timber.

The Forestry Development Fund's organizational structure reflected the *Estado Novo's* state form. It was a corporative organization under government direction. The administrative board consisted of the Director General of the Forestry Service, the government's delegate to the wood exporters' organisations (*Grêmios dos Exportadores de Madeira*), and a forest owner chosen by the Ministry of Economic Affairs (*Decreto-Lei* 34,394 of 27 January 1945).

Before 1965, the fund had little effect in terms of the amount of money it distributed. But when the FFF was organisationally and spatially separated from the Forestry Service and received its own offices and bureaucratic apparatus (*Decreto-Lei* 40,721) it became much more active in providing support to private afforestation efforts (Azevedo Gomes and Quaresma 1988:2-3). During the next two decades it contributed to the afforestation of about 240,000 ha of private and communal land (table 4.5)<sup>19</sup>.

Until the state reforms of 1974-1976, the FFF acted through five channels (table 4.5): the execution of its own afforestation projects, assisting other state bodies active in forestry interventions in private dominions, the *Junta da Colonizacao Interna* (JCI), and the *Comissão Coordenadora e Orientadora da Reversao Agraria* (Coordinating and Orienting Committee for Agrarian Restructuration, CCORA), the supplying of planting material, and finally through the provision of technical assistance to landowners. The distribution of the fund's activities confirms that the State had a benevolent attitude towards the elite. The FFF's principal beneficiaries were the members of the landholding class in the south of the country. Between 1965 and 1974, 81% of the loans allocated during this period went to the districts of Beja, Évora, Portalegre, and Faro; 54% of the afforestation between 1969 and 1974 took place in the districts of Beja, Évora, Faro, and Portalegre; and 24% of afforestation in Lisbon, Setúbal, and Santarém. Of the total afforestation financed by the Fund between 1965-1974, 98% took place on land parcels larger than 50 ha, 84% on land parcels larger than 200 ha, and 59% on

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<sup>19</sup> One should note that the Forestry Development Fund was housed in the same building as the paper company, Companhia do Papel do Prado, at the Rua de Telhal in Lisbon.

land parcels over 500 ha (Baptista 1993:296)<sup>20</sup>.

After the 1974 revolution, the State became less willing to support the large estate holders. The JCI and the CCORA were replaced by the *Instituto de Reestruturacao Agraria* which was charged with the implementation of agrarian reform in the southern districts. In 1981 the Portuguese government obtained a fifty million US dollar loan from the World Bank for the Portuguese Forestry Project (PFP). This project was to afforest 60,000 ha by the state-owned paper pulp industry Portucel and 90,000 ha by the Forestry Development Fund. It also included the improvement of the infrastructure, the creation of a forestry extension service (*Servicos de Extensao Florestal*) and a credit programme. The project did not satisfy all its aims, mainly because of the public services failed to accomplish their tasks. Of the planned 150,000 ha, only 120,000 ha of forest were established, as the State only planted 60,000 ha thus falling 30,000 ha below its target. The extension service and the credit programme did not start up. Nevertheless, during the last two decades of existence, the Forestry Development Fund contributed through its own means and through the funds received from the World Bank, to the afforestation of 242,954 ha (table 4.5; see also chapter 11).

After 1977, the Forestry Development Fund also participated in the afforestation of the *baldios* (*Decreto-Lei* 128/77 of 2 April 1977). As a result, between 1977 and 1981, 27,200 ha afforested through the Forestry Development Fund and 39,700 ha afforested through the World Bank loan took place on communal land. Thus, the fund was responsible for the afforestation of approximately 67,000 ha of *baldios*. Of the total acreage of forest planted under the responsibility of the Forestry

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<sup>20</sup> The same can be said about the money spent by the JCI and the CCORA. The CCORA was created in 1970 by *Decreto-Lei* 491/70 within the State's Secretary of Agriculture in order to stimulate agrarian development. For an afforestation project, landowners received a maximum of 30% of investment costs as a gift, and could acquire the remainder through a loan with 2% interest and a maximum term of 30 years. The JCFs conditions were less favourable. It provided loans on a ten-year term. The forestry activities of the JCI and the CCORA, both extinct by 1975, were almost entirely limited to the southern districts. The twenty-three forestry projects of the JCI were all located in the centre and south of the country. Of the areas in which afforestation was subsidized by the CCORA, almost 86% were located in the five districts of the south (see table). Areas that were afforested by the Forestry Development Fund through CCORA financing (Azevedo Gomes & Quaresma 1988:10) are as follows:

<u>District</u>	<u>Number of projects</u>	<u>Area (ha)</u>	<u>%</u>
Beja	22	1,794	19.8
Santarém	20	1,465	16.2
Portalege	14	1,483	16.4
Faro	20	1,186	13.1
Casteio Branco	10	1,806	20.0
Others (7 did benefit from CCORA)	86	1,311	14.5
Total (Iles and continent)	143	9,045	100.0

Development Fund 28% was on communal land<sup>21</sup>.

Table 4.5: The afforestation activities of the Forestry Development Fund (FFF) between 1965 and 1986 and the bodies through which it received or channelled its credits.

Type of facilitation	Period	Area (ha)
1. JCI credits	1966-1969, 1975	1,083
2. CCORA credits	1971-1975	9,045
3. FFF/PIDDAC credits	1966-1986	116,806
4. Provision of plants	1965-1986	53,136
5. Technical assistance	1966-1984	10,035
6. World Bank loan	1981-1986	58,977
<b>Total afforested through FFF</b>	<b>1965-1986</b>	<b>242,954</b>

The fund's revival after 1965 was related to the strengthening of its organizational structure: it was made independent from the Forestry Service. Since then, public forestry activities have been organized in two divisions within the state apparatus, the *Direcção-Geral dos Serviços Florestais e Aquícolas* (DGSFA) for the public (comprising state lands and the commons), and the *Fundo de Fomento Florestal* (FFF) for the private sector. After 1977, the shift in the FFF's activities away from private property towards the *baldios*, the traditional domain of the Forestry Service, removed the justification for the existence of two parallel organizations. In 1983, both bodies merged into one organism, the *Direcção-Geral das Florestas* (Directorate-General of Forests, DGF) (*Decreto-Lei* 293/83 of 27 July 1983)<sup>22</sup>. The DGF's activities were primarily directed towards public forest areas, although it also had to "promote and support the extension and technical assistance to private

<sup>21</sup> The regional distribution of the World Bank afforestation on private property is shown in the table. It suggests that less emphasis was put on the southern districts (47% in Santarém, Castelo Branco and Portalegre) (compare note 20). The World Bank was active in Porto and Bragança. In Vila Real it developed only a few activities (Azevedo Gomes and Quaresma 1988:16).

The figures given by Azevedo Gomes and Quaresma (1988) should be read with a caution. For instance in the case of the afforestation of common property, on page 7 they declare that 45% of the area of afforested by the FFF after 1977 and 74% of the area afforested by the World Bank project are on communal land. This means that 27,184 plus 43,643 or a total of 70,826 ha would have been afforested in this period. On the same page, they argue that between 1977 and the end of the World Bank project 64,000 ha of communal land have been afforested. This slipshod manner in the presentation of statistics is a general feature of Portuguese forestry statistics.

<sup>22</sup> As the Forestry Development Fund only ceased to function after the conclusion of the World Bank project, the new directorate's internal structure was regulated three years later by *Decreto Regulamentar* 51/86.

forest property and to assure the professional formation in the field of forestry (*Decreto Regulamentar* 51/86, art. 1, section n). In this manner, the Forestry Service continued to maintain a link with private forestry development after its reorganization.

### From State to Public Service

The 1974 revolution ended in the creation of the Third Republic. This ushered in a new era in which the relations between the State and civil society were democratized. The revolution also brought *Decreto-Lei* 39/76 restoring the commons that had been submitted to the forestry regime to the original owners, the communities. This law seriously affected the Forestry Service. The Service's role was restated in terms of providing assistance to the commoners in the management of their properties. The Forestry Service turned, at least formally, from a service for the State into a service for the public.

The new relationship between the Service and the commoners is the subject of chapter 9. In this chapter, I discuss another element of the post-1974 transformation. After the merging of the separate units for private and public forests into one single structure, the reorganized Forestry Service formally became more involved in the supervision of private forest areas that were not submitted to the forestry regime. An example of this increased intervention in private forest management is that since 1988, private landowners are required to report lopping and felling of individual trees and trees in stands, rows, and hays to the public service (*Decretos-Leis* 172/88 and 174/88) and to apply for a licence for the final felling. The licensing system remained restricted to only two species (*Pinus pinaster* and *Eucalyptus spp.*) and did not affect the smaller and older stands (*Decreto-Lei* 173/88)<sup>23</sup>.

Portugal's entry into the European Community (EC) in 1986 also had an important impact on the state Forestry Service. The EC considered forestry as one of Portugal's trump cards (EC 1986:21, 96) and agreed to channel a flow of funds to the country to support forestry. These funds were available through the specific programme for the development of Portuguese agriculture, the *Programma Especifico de Desenvolvimento da Agricultura Portuguesa* (PEDAP) (Reg (CEE) 3828/85), and the agrarian structural policies through EEC-regulation 797/85, the cornerstone of the 1985 revision to the European Agricultural Structures Policies. The funds were channelled through the European Fund for Regional Development

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<sup>23</sup> In the case of pines: over 2 ha and diameters below 17 cm. In the case of eucalyptus: stands larger than 1 ha and diameters below 12 cm. Final fellings are defined as fellings in which more than 50% of the total volume is removed.

(*Fundo de Desenvolvimento Regional*, FEDER<sup>24</sup>), the European Social Fund, and the European Orientation and Guarantee Fund for Agriculture (FEOGA). On the basis of the 797/85 regulation within PEDAP, a forestry branch was created, the Forestry Action Programme. This programme was

three dimensional, including solidarity, national autonomy and environment. It had three functions (economic, social and ecological) and was connected to the set-aside regulations, regional development programmes (FEOGA), forest protection and the small-scale forest industry (saw mills). (Int 9-7-91)

In Portugal, this EC-forestry programme was translated into the *Programa de Acção Florestal* (Forestry Action Programme, PAF), financed through the FEOGA. The programme intended to afforest 400,000 hectares in ten years time (Neiva 1991a, 1991b). Unlike earlier programmes, the landowner himself had to produce a proposal. Landowners who wanted to forest 5 or more ha of land, were eligible for subsidies between 30 to 100% of the investment. According to PAF, *baldios* commissions also qualified for PAF-subsidies for afforestation<sup>25</sup>. The PAF represented a considerable amount of money. For the PAF's second three-year phase (based upon the 1989 modification of regulation 797/85) which started in 1990, the EC agreed to channel 74.13 million ECU through the FEOGA to Portuguese forest owners. From the State and the beneficiaries contributions of 24.71 million and 12.68 million ECU respectively were expected. That the PAF was the second largest expenditure within the FEOGA's budget for Portugal, indicates the importance of forestry for the EC<sup>26</sup>.

Since Portugal entered into the EC, the instrument of substantial facilitation was further developed through the creation of new subsidies and credit lines on behalf

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<sup>24</sup> I use the Portuguese abbreviations. As an indication some figures of the sums involved: In 1987, FEDER attributed 359,8 million ECU to Portugal. One third (36.5%) was spent on projects in the North, 13.2% in the Centre, 11% in the Lisbon area and 19.6% in the Alentejo and Algarve. The remainder was spent on the Açores and on Madeira. About 65% of the regional support to the North went to infrastructural projects, like the construction of motorways and the improvement and expansion of the airport of Porto (EC 1989). But FEDER also supported other projects.

<sup>25</sup> Public contribution depended upon the species and the area, and whether the applicant was an individual or part of an association of forest owners (*Associação de Proprietários Florestais - APF*). In this way, the EC and the Portuguese government intended to resolve the problem of scale in Portuguese forestry by stimulating the association of individual owners into one forest unit (*Portarias* 258/87, 832-A/87 and 570/88 of 1 April 1987, 21 October 1987 and 20 August 1988).

<sup>26</sup> The Portuguese government played the game with the EC quite cleverly. Instead of paying 50% of the costs, as agreed in 1985 by Reg(EEC) 3828/85, it was able to shift most of the burden to the EC. During the programme's first phase (1986-1989), Portugal paid 2,307,266 *contos* (one *conto* is 1,000 escudos)(26%), whereas the EC contributed 6,480,090 *contos* (74%) on a total subsidy of 8,787,356 *contos*. Total investment amounted to 10,918,249 *contos* (EC 1991). In 1989, by Reg(EEC) 1609/89, it was determined that the EC would pay 70% of the public contribution. The Portuguese contribution was at least partially financed through new World Bank loans.

of private forest owners. In addition, the State more frequently carried out the task of directing the management practices of private forest owners. These measures (closer supervision of management practices and an enormous flow of credit to the private forest owners), all show that, whereas during the last two decades, formal state control over the commons diminished, the State's involvement in private forest management had intensified.

### Conclusion: State Form and State Forestry

The present Portuguese state is the result of a complicated process of state formation. In the Middle Ages, the ambition of a nobleman near Porto resulted in the realm of Portugal. During the nineteenth century, this realm was gradually turned into a bourgeois state: representation through a parliamentary system allowed the replacement of the aristocracy by the bourgeoisie in positions in the state's political and administrative organs. The State developed new modes of intervention to facilitate or support capitalist entrepreneurs. Finally, its internal structure was reformed in such a way that direct rule became viable. The modern Portuguese forestry bureaucracy emerged within this context of nineteenth-century transformations.

According to Weber (1964:209), "[t]he proper soil for bureaucratization of an administration has always been the specific development of administrative tasks". In the case of the Forestry Service, that soil had a twin character: game protection in the royal hunting preserves, and the administration of wood felling in the Crown's forest. When Portugal became a seaborne empire, timber became a more important resource and, thus, the Crown took various measures to encourage afforestation and to protect its woods. The modern forest bureaucracy emerged during the nineteenth century. This step was facilitated by the restructuring of the state, the re-conceptualization of property, and the development of scientific forest management. The Forestry Service's creation and evolution illustrates the rationalization of public administration, the strengthening of state power, and the transition to direct rule.

The nineteenth century also provided the conditions for the Service's penetration into the interior. The king's power had previously been limited to the littoral and the area around Lisbon. Under the legal provision of the forestry regime, the State was able to intervene in the management of the commons in the interior and the north of the country, which until then had been administered by the local communities. The result was a horizontal expansion of the Service's apparatus through the appointment of extra guards and the creation of new administrations. The internal hierarchy was not affected: strategic decisions were taken at the top in the capital, whereas at the bottom and in the organization's periphery the responsibilities had predominantly an executive character.

The installation of corporatist rule under Salazar and later Caetano implied a clear strengthening of the afforestation effort and the Forestry Service in terms of

funds and personnel. The Service was able to obtain the financial means necessary to fully employ the legal tools it had acquired during the last decades of the monarchy. With these means, the Service could rapidly expand the area under its administration. Hence, it is during the autocratic *Estado Novo* that public forestry reached its zenith.

The intensity with which the State intervened in the *baldios* can be contrasted with its attitude towards the private forestry sector. Most of the time, the Portuguese State refrained from action in the domain of private property. Since 1901, it supported forest owners who wanted to have their land policed. This was accomplished by submitting their land to the simple policing regime. The forest owners were assigned a guard provided they would keep to certain management arrangements. These arrangements, however, were not superimposed but established by mutual agreement, and in the event that an owner did not want to execute them, he could rather easily liberate himself from state interference. After the Second World War, the State turned to substantial support through the provision of credit to forest owners. Initially this credit was destined to those who had suffered from forced timber requisition during the Second World War, but after 1965, other forest owners were also able to benefit from the arrangement. The provision of that support had a clear class bias; those who benefitted from it were the large estate holders in the south of the country, who also formed part of the regime's social basis.

The changes in the state form that followed the 1974 revolution were clearly reflected in the Forestry Service. On the one hand, civil society in the form of commoners communities gained strength. Officially, at least, the Forestry Service turned from a service for the State, into a service for the public. On the other hand, its intervention in private forest management intensified. Credit facilities were expanded as a result of the availability of EC-funds. But, in addition to this substantial support, State interference in management intensified<sup>27</sup>. In this respect, one might argue that civil society became subject to stricter supervision by the State.

It seems that public forestry paralleled changes in the state form: the build-up of public forestry during the nineteenth-century constitutional monarchy, its climax in terms of political support and expansion during the *Estado Novo*, its submission to civil society after the revolution, and its growing interference in private forest management during the Third Republic. In the following chapter I will examine the attitude of the Forestry Service towards the public, in particular to commoners' communities, during the first two stages in the Service's development.

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<sup>27</sup> This new orientation of the Forestry Service towards private forest owners was also expressed by a new organizational geography: after 1992, the service increased its presence in the south, the region where, in terms of acreage, private forest owners predominate (IF 1994:ix-x).

## Chapter 5

# The Forestry Service and Civil Society

### Introduction

In chapter 4, I focused on the institutional expansion of the Forestry Service in terms of number of officials employed and area of land controlled. This growth was related to specific changes in the internal structure of the Portuguese State and its relations with society. The state apparatus, in particular the forest administration, was reorganized according to the principles of a Weberian bureaucracy enabling it penetrate deep into rural areas, which had up to that point remained relatively free of state interference. In this chapter, I examine the relationship of the Forestry Service to the public, and discuss how the Service's expansion took shape in the countryside. I cite examples from different phases in the Service's development: (a) the period of hesitant growth until 1938, (b) the Forestry Service's rapid expansion during the execution of the *Piano de Povoamento Florestal*, (c) the Service's submission to civil society in the form of the commoners' communities after 1974, and finally (d) growing interference in private forest management after 1988. The examples illuminate the weaknesses and strengths of the state forestry bureaucracy during each of these stages. Two examples are derived from literature and general information, whereas the other two are the result of fieldwork in Campeã, my principal research area.

The examples of the bureaucracy's intervention in the countryside are presented in two different contexts: that of the submission of communal land to the Forestry Service's administration, and that of forest management. The two contexts differ in the sense that in the first, the Service's authority was still contested by the local communities which could still engage in an open struggle against its imposition, whereas in the second, the Service's authority was, at least formally, acknowledged by the communities. It will appear that in both cases the Service's power was severely constrained by popular resistance and, in fact, could only be effective as long as it was in some way or another supported by other mechanisms in the State or society.

### The Forestry Service and The Imposition of the Partial Forestry Regime: the Serra da Lousã

The first example of the way in which the Forestry Service was able to acquire control over communal land is not derived from my own research data. In his book *Terra Que Ja Foi Terra* (Land Which Once Was a Home) (1985), Paulo Monteiro

describes the death of shepherd communities in the mountainous area of the Serra da Lousã. At the time he was writing his book, most of these hamlets had been totally abandoned by their inhabitants, who had either emigrated to Brazil or the USA, or moved into the nearby town. One of the villages in his study served as the background to *O Fim do Mundo*, the film I cited in the first chapter. Using correspondence between emigrated villagers from the region, Monteiro reconstructs the motives for their departure and their ambitions for the future (particularly with their desire to (re-)establish or enlarge their farms). Among the causes for the decline of these shepherd communities, Monteiro highlights the occupation of the mountain ranges (*serras*) by the Forestry Service. The afforestation of the commons by the Service in these areas put an end to traditional forms of land exploitation and employment, hence, forcing the people to leave.

*Terra Que Ja Foi Terra* contains an elaborate description of the way in which the Forestry Service began its actions in the area. Basing his research on contemporary sources, Monteiro describes how a town about twenty-five kilometres to the southeast of Coimbra, in an area in the mountains near Lousã, was submitted to the partial forestry regime in 1909<sup>1</sup>. Monteiro's description is particularly illuminating, because he connects the events in the early twentieth century which accompanied the arrival of the Forestry Service and, the subsequent forestation of the *serra*, to two more general developments. These were a 'civilisation project', and the dissolution of the pastoral mountain communities as a result of massive emigration.

The first area within the municipality of Lousã that was submitted to the forestry regime belonged to the parish of Serpins. This parish lies to the northeast of the town of Lousa and had been an independent municipality until 1835. Its annexation by the municipality of Lousã laid the foundation for a conflict between the parishioners of Serpins and the municipal authorities in Lousã concerning jurisdiction over the commons. The municipality argued that these lands were submitted to the municipal authorities like in the other parishes within the municipality, whereas the Parish Council claimed them as its traditional dominion. The conflict was brought before the Coimbra district council, which in 1859 ordered the Parish Council of Serpins to render all its goods to the municipality except for the *baldios*. It was ruled that these *baldios* did not belong to the parish's private property but to the communities within the parish, which were allowed to continue to administer their grounds as they had done before. Thus, the Municipal Council did not receive control over the *baldios* in Serpins, but it did start to interfere in their management through the nomination of *zeladores* and the creation of certain by-laws (*posturas*).

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<sup>1</sup> His sources are: Adriano Jose de Carvalho's (1911a) *O Regime Florestal em Serpins: Exposicao e Critica*. Coimbra: Imprensa da Universidade; Joao Augusto dos Santos *et al.* (1911) *A Camara de Lousã e o regimen florestal*. Porto: Empresa Guedes; and Adriano José de Carvalho's (1911b) *O Regime Florestal e a Camara de Lousa*. Porto: Empresa Litteraria e Typographica.

Among the properties that were transferred to municipal administration was a thicket of cork oaks called the Mata do Sobral. In 1909 the Municipal Council found no one who wanted to exploit the cork from this woodlot. The Council concluded that this was because of the advanced degradation of the forest resulting from its abuse by the local population. Because the locals preferred to exploit the municipality's land instead of their private properties, the Mata do Sobral became severely degraded, while the surrounding areas remained in a reasonable state. Or as a contemporary source observed:

In the *Camara's* thicket, not one frondose and robust tree; around, on the private grounds, which are of the same quality, the cork oaks and the arbutes reach the most beautiful proportions! The contrast was and is striking. (Santos 1911:8; quoted on p. 191)

The Municipal Council believed that the municipal forest could only be preserved through state intervention and began to consider submitting the area to the forestry regime "in order to defend the general well-being of the community against the egoism, vandalism and rapacious mentality of the illiterate population of the mountain hamlets" (ibid; quoted on p. 189).

The *Câmara Municipal* moved rapidly in order to obtain the desired intervention by the State. In March 1909, the Municipal Council decided to request submission of the area to the forestry regime at the first meeting the proposal was raised and without any other alternative being discussed. The Council convinced the central State authorities of the urgent need for afforestation by referring to the deplorable and degraded conditions of another mountain range in the area, the Serra da Lousã, which lies to the southeast of the town. However, the Council asked for intervention in the Serra de Serpins, which was less steep and not ruined by erosion. In this way, the first areas to be submitted to the forestry regime were precisely those that had the most abundant vegetation, the most bountiful fuelwood, and produced the best fodder. In other words, those areas that were the most valuable and the most important to the local population.

The population of Serpins tried to resist the Forestry Service's arrival. In May it presented a petition to the Municipal Council demanding that the commons be divided among the commoners. Each commoner would pay a rent to the *Câmara* and plant or sow trees on his plot. The municipal authorities declined the demands. However, they responded that they would only request submission to the forestry regime of municipal properties (such as the thicket of Sobral), and they promised to defend the population's traditional prerogatives concerning brush and fire wood collection and cattle grazing.

But when the Forestry Service arrived, it did not limit itself to the areas the municipal authorities had indicated in their response to the population's petition. Instead the Service included the surrounding commons in its afforestation plans as well. With the municipality's consent, the Service refused to abide by the legal prerequisite to inquire into traditional usufruct rights and to delimit areas for the continuation of communal exploitation.

The inhabitants of Serpins rebelled against the municipal authorities and the central State for imposing their power. They appealed to the king in 1910, and continued to collect fire wood and brush, and to graze their cattle on the disputed areas. As a result, the municipal authorities called in the military from Coimbra:

The population, with the vanguard occupied by the female element, resisted tenaciously exclaiming 'This is ours! This is ours!'. The troops tried to destroy the bundles of brush, but the women doubled their clamours. (Carvalho 1911a:20 quoted on p. 198)

The inhabitants also refused to help the Forestry Service to afforest their commons, even though the Service offered to pay them more than the average daily agricultural wage (400 *rês* instead of 240 *rês*), to demand less than the normal working time, and to give them free firewood. In the end, the job was executed by the inhabitants of a neighbouring parish, whose priest was the vice-president of the *Câmara* (Monteiro 1985:185-199).

Monteiro extends his description of the conflict with a thorough analysis of its cultural and political background. He believes (pp. 176-183), that the afforestation in the Serra da Lousã should be seen as an expression of how the urban population of Lousã perceived the people and landscape of the *serra*. These town dwellers felt only contempt for the people living in the surrounding mountains.

They confused the mountain population with wolves; believed that these people, dirty from charcoal, low, with their round faces and their little eyes, seemed a type of mongols; and that in all that blackness, their mouths seemed to bleed, their teeth to radiate with ferocity, and their eyes to flash infernal thunderbolts. The children fled from them; and even many grown-ups lacked the courage to face them. (Quotations on p. 178)

At the end of the nineteenth century, this urban image of the *serra* and its population changed. The city dwellers were no longer dependent upon firewood and charcoal and, thus, began to look at the mountains in a new way. In the past, these inaccessible mountains, the domain of shepherds and charcoal-makers, had worked as a barrier between them and Lisbon. Now, they should be turned into a tourist resort:

The Serra, for centuries that immense barrier to the natural and full expansion of Lousã, is nowadays with the modern means of communication and its forest and development of tourism a large and legitimate hope of the Lousanians. She, who, correctly speaking, closed us [the Lousanians, RB] off from the south, has today the task to compensate us for the harm she has done to us. (Lemos, *Lousã: e o seu concelho*, 1950; quoted on p. 179)

This redefinition of the mountains from a constraint into a resource, was connected to a revaluation of the people living on them. In 1932, the "mongoloid" of the nineteenth century had turned into a

... little boy-shepherd, rustic, curly hair, his breast naked, a crook in his hand, — in the afternoon, in order to gather his cattle, masterly he

blows the horn, of which Pan, when he retreated definitively to the mythological mists, must have lost the original somewhere here in the mountains. (Luso, *Viajar*, 1932:87; quoted by Monteiro 1985:179-180).

The urban people created a romantic image of the inhabitants of the *serra*. Instead of being considered dangerous wild creatures, they became inoffensive, primitive illiterates who needed to be civilized and educated. Forest management became an instrument of civilization.

At the same time it was thought to be necessary to preserve the typical character and traditional costumes of the mountain dwellers because the advance of modern society would most likely homogenize them and destroy their culture. These two perceptions of the mountain people as uncivilized on the one hand and noble, "typical" and charming on the other, were mirrored by two developments: educational expansion through the creation of schools in the mountain villages surrounding Lousã, and "folklorization" in the town itself. One started to refer to the Lousã area as a homogeneous region, with its typical costumes, and created folkloric bands (*ranchos*) clothed in the "regional" "traditional" attire and singing old or new "traditional" songs "from the region". In this manner, the countryside became the object of modernization, while in town tradition was reinvented<sup>2</sup>.

This modernization project ~ the domestication and civilization of the mountains and its population and the conceptualization of the *serra* as a resource instead of a barrier ~ characterized the cultural context in which the Forestry Service arrived. The project provided the cultural and political legitimation of Service's intervention<sup>3</sup>.

Officially, the Forestry Service's intervention was due to the neglected state of the thicket of Sobral. It was represented as a necessary condition for the economic development of the area. Ideologically, the Service's intervention was justified by the idea of civilizing the mountain population. However, beneath this ideological layer there existed political intentions that had nothing to do with the deplorable conditions of the mountain vegetation, or with regional development or civilization. According to Monteiro, the Municipal Council of Lousã requested the Service's intervention not because of the degraded state of the cork thicket (in 1908 it had done nothing when the Algarvian enterprise which had exploited the Mata do Sobral left without paying the 492,000 réis of the two ultimate instalments), but because of the municipality's own eagerness to control the resources of Serpins which had remained in the hands of the parish. This political motive also explains

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<sup>2</sup> This reinvention of tradition was a typical feature of the *Estado Novo* and officially supported. Salazar defended rural life and considered the village as the "soul of Portugal" (see for examples: *O Vilarealense* 23-8-51, 28-8-58, 8-12-60, 14-5-70, and 30-8-73). In 1938, a contest was held in order to identify *a aldeia mais portuguesa* (the most Portuguese village) (Pais de Brito 1982).

<sup>3</sup> The way in which the Forestry Service's official chronicler Mendonça (1961a, 1961b) depicts the role of afforestation of the commons shows that the Service itself perceived its intervention as a mission of civilization and modernization of the countryside as well.

why the Forestry Service could go against the preconditions of the law that regulated the introduction of the forestry regime, and refuse to execute an inquiry into the population's usufruct rights as well as refusing to reserve an area for the continuation of communal exploitation. It clarifies why the Service afforested the *baldios* instead of limiting itself to the reforestation of the municipal thickets, and why it began activities close to the hamlets instead of in isolated areas farther away. It could only do so because, in its eagerness to establish its power over the parish of Serpins, the municipal authorities consented to and supported these actions. Two other events support this argument: the *Câmara* and not the Forestry Service summoned the troops to quell popular resistance; and the *Câmara's* vice-president recruited the labour power that breached the locals' boycott of the plantation activities from his own parish. This means that the arrival of the Forestry Service should not only be seen as part of the national forestry policy, but also in the light of local struggles for power, control, and self-determination.

### The Forestry Regime in the Serra do Marão

The imposition of the forestry regime in the Serra da Lousã was shaped by the struggle between municipal authorities and parishes over control of the *baldios*. A similar political undercurrent can also be found in other areas. One such area is the Serra do Marão. Submission of this *serra* to the forestry regime took place in two steps. On the western side of this mountain range, in the part belonging to the *concelho* of Amarante, the commons were submitted to the partial forestry regime in 1916. As in the Lousã case, this decision was made at the request of the local municipal authorities, the *Câmara Municipal* of Amarante (*Decreto* 2,786 of 18 November 1916; Mendes 1928; Mendia 1939). Contrary to what happened in Lousã, the Forestry Service in Amarante organized an inquiry in June 1917 into the rights and privileges of the local population, and promised to safeguard them<sup>4</sup>. However, a conflict similar to that with Serpins arose. The parish of Ansiães had belonged to an independent municipality that was incorporated into the *concelho* of Amarante in the nineteenth century (Freire 1909). When the Forestry Service started to work in the parish's commons, the parish authorities tried to stop them, saying that the decree referred only to the commons that belonged to the municipality, and as the commons of Ansiães belonged to the parish, the decree did not affect them. However, as was the case in Lousã, their protests remained unheard and afforestation continued.

The eastern side of the Serra do Marão belonged to the *concelho* of Vila Real. In 1917 the local *Câmara Municipal* took the initiative to request the imposition of the partial forestry regime:

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<sup>4</sup> A copy of this inquiry is still kept in the forestry administration's office in Amarante.

Under the proposal of *vogal* [councillor, RB] Senhor Rocha it was unanimously decided to submit to the forestry regime the *baldios* of the *Câmara* in the parish of Torgueda, the remainder in the parish of Lordelo, as well as the areas considered *baldio* on the slopes of the Sasbeira, bordering the national road N 10 until the hamlet of Pousada, parish of Campeã, in order to improve the waters of the Corgo and Sôrdo rivers. (ACM 2 January 1917)

However, none of the commons in the area belonged to the municipality. They all belonged to the different parishes (JCI 1939; Sousa 1983). This suggests that similar to what happened a few years earlier in Lousã, the preoccupation with the watersheds served as a pretext. In reality, the municipality wanted to use the Forestry Service as a means of increasing its own power over the commons in the *concelho*. Again, the forestry regime (and the Forestry Service) was as a weapon in the hand of the municipality which could be deployed against the parishes.

The municipality's request to submit the eastern side of the Marão to the forestry regime did not have any immediate effect. The area was not yet submitted to administration by the Forestry Service. However, afforestation continued to preoccupy the population of that part of the Serra. Perhaps this was because of the steady advance of afforestation in neighbouring Amarante, where in 1928 3,816 ha were already covered with trees (Mendes 1928). Furthermore, there were signs that the national government wanted to afforest the *baldios* on the eastern slopes of the Marão, including those of Campeã.

In December 1929, the Parish Council of Campeã discussed the government's intention to afforest the parish commons. Afraid that this afforestation might be disadvantageous to the area's agriculture, the Parish Council decided to preclude state intervention and undertake afforestation by itself. Because the issue was of great importance, the Parish Council resolved to inform the population of its decision and to hear their response (AJF 15 December 1929). Three weeks later, on 5 January 1930, the Council met with a group of representatives from the parish population (the *zeladores* and some other inhabitants of the parish who were invited for the occasion). The representatives declared that the people supported the afforestation "under the condition that the commons remain in its property like before, and that it can wield and enjoy fully the same prerogatives" (AJF 5 January 1930). Having thus assured itself of the population's support, the Council explained that its cash reserves were empty, and that it was unable to cover the costs of afforestation from its own means. In response, the people's representatives declared that the ten villages in the parish that owned large communal areas were willing to contribute the amount of money needed (2,165\$00), provided that local labour would benefit from the employment. The villages then collected the money and handed it over to the Council<sup>5</sup>. Two months later, in March, the Parish

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<sup>5</sup> The minutes do not contain separate entries which prove that the money was actually paid. But the fact that between July 1929 and July 1930 the council's budget increased by 2657\$50 from 480\$55 to 3138\$05 suggests that this really happened. See also appendix 7.

Council ordered four hundred litres of pine seed from the Forestry Service in Lisbon. However, instead of the seed, it received a message from the Service explaining that it was not the right season for seeding pines, and that it would send someone to clarify any questions.

In April the council discussed the results of that visit. It appeared that the Forestry Service had set strict conditions for forestation. Therefore, the council thought it necessary to inform the people about the affair and give them an opportunity to express their opinion on the issue (AJF 6 April 1930). At the meeting, the new conditions created a lot of confusion:

The people, seeing that the agriculture of this parish will be prejudiced if the area for communal exploitation is lost, disagreed about the future course. As it was impossible to come to a compromise, it was decided to notify the *Governador Civil* [District Governor, RB] of the existence of disparate attitudes which during the [Parish Council's] next visit would be explained verbally. (AJF 20 April 1930)

What had happened during the conversations between the Forestry Service's representative and the District Governor is not known. The Parish Council's minutes neither explain the contents of the Forestry Service's conditions, nor describe the attitudes taken by the councillors and representatives of the villages who were present. Further, there is no mention made of the outcome of the visit to the District's Governor. As the records do not contain any further reference to the project, one must conclude that the population decided to abandon afforesting the *baldios* because of certain preconditions set by the Forestry Service. In the light of the conditions formulated earlier by the parishioners themselves, the Service's preconditions probably entailed limitation of the population's control over and access to the commons.

The events between 1929 and 1930 in Campeã show that the Forestry Service's aspirations went well beyond afforestation. Had the Forestry Service's intentions been purely to afforest the area, it should have welcomed the fact that the parish population wished to participate and had even raised the necessary funds. The Service stifled the local readiness and refused to take into account the population's needs regarding control over and access to the commons. The result of the Service's attitude was that the population abandoned the project and the mountains remained denuded and eroded.

The case of Campeã is no exception. In his study of Rio de Onor, Dias (1953:124) describes a similar case. Here,

"partly inspired by the example [of the Forestry Service's afforestation works, RB], partly out of fear that the Forestry Service would master some of its *baldios*.... The village council must already have planted several thousands of sweet chestnut trees ..., and also many walnuts, and is thinking about new experiments.

The commons of Rio de Onor were submitted to the forestry regime in 1940 as part of the perimeter of the Deilão (*Decreto* of 21 September 1940; see Gil

1975:59). However, afforestation in this area did not begin until the mid-1950s (DGSFA 1956b).

The irony of this history is that the alleged incapability of local administrative bodies to afforest their commons had been used to legitimize the strengthening of the role of the Forestry Service through the *Piano de Povoamento Florestal*. As I explained in chapter 4 (pp.77-78), the government justified this plan by saying that, although the afforestation of the commons was in principle one of the local administrations' responsibilities, the task transcended their means and scope. But the cases of Serpins, Rio de Onor, and Campeã demonstrate that the local population was prepared to afforest their commons. In Campeã, this willingness even materialized in the form of gathering the necessary finances, whereas in Rio de Onor the local authorities actually carried out plantation works. These local initiatives did not proceed because of the Service's attitude. This attitude can be explained in two ways. First, it was in the interest of the Service to acquire full control over the commons as that would guarantee the institution's growth. Second, by halting local initiatives, it could argue at a national level that local councils were incapable of administering the commons thus requiring that those areas be handed over to the Forestry Service. The motives of the State's forest administrators went beyond the mere need to stop erosion and improve the watersheds. The examples discussed reveal that the Forestry Service's motivation was geared to acquiring control over the commons themselves.

### The *Piano de Povoamento Florestal* in Campeã: 'For the Good of the Nation'

The slow advance of the afforestation of the commons led to the formulation of the *Piano de Povoamento Florestal*. This plan included all *baldios* north of the Tejo River and thus envisaged the afforestation of the commons on the eastern side of the Marão. In April 1938, shortly before the afforestation plan was approved by the National Assembly, the president of Campeã's Parish Council was called to Vila Real to discuss with the *Camara Municipal* the submission to the forestry regime of the *baldios* of the *concelho*, including those of Campeã itself. The Parish Council decided to send two envoys: the president himself, and a council member (*vogal*), Eduardo Antunes Cerejeira<sup>6</sup>. As the council was convinced of the *baldios*' importance to the parish, it instructed the delegation to "discuss with the president of the municipality the best possible way to defend the commons" (AJF 4 December 1938). Two weeks later, the envoys presented their report. They stated, that the president of the *Camara Municipal* had declared that "time had not yet been appointed for the inquiry and that later he would inform them, and that

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<sup>6</sup> Eduardo Antunes Cerejeira later played an important part as Parish Council president and member of the *Comissao Politica* during the intervention by the JCI. See also chapter 6.

he would do his best to achieve that the minimum of the parish's grounds would be submitted" (AJF 18 December 1938).

The last part of the president's statement suggests that over this twenty-year period the municipality's attitude had drastically changed. In 1917, the *Camara Municipal* itself had requested the submission of the entire Serra to the forestry regime. In 1938, it said that it would do anything to stop the Service from acquiring control over the area. Apparently, the municipality no longer saw the Forestry Service as a suitable means to acquire control over the parishes and their commons.

In March 1939, the Parish Council of Campeã was notified that the inquiry was set for May. The council was shocked by the news and discussed what the possible consequences would be for farming if all the commons were submitted to forestry. In order to stall such a development, it decided,

unanimously to make a list of all the names of the montes baldios of each hamlet, its approximate sizes, the usufructuaries' names and its confines, as determined in art. 334 of the Administrative Code.... António Joaquim Rebelo, the *regedor* of the parish, and Eduardo Antunes Cerejeira [were] charged with this task and [would] be paid 50\$00 each after its completion. (AJF 4 March 1939).

The *regedor* and *vogal* completed a list, that indicated which *baldios* the parish would agree to yield to the Forestry Service in May. On May 21, the Forestry Service arrived for its inquiry. The Parish Council handed over the list and demanded that

in the part dispensable of the *logradouro comum* all water wells are to be respected, and the irrigation channels as well, because these belong to private proprietors. And it demands that trees will not be planted within a distance of 5 meters of these channels in order to avoid hindrance of the water flow. It also demands that all rights<sup>7</sup> are respected, and that only those *baldios* which are mentioned in the list will be subjected to the forestry regime. (AJF 21 May 1939)

The officers took the list with them to Lisbon, while a copy was kept in Vila Real<sup>8</sup>.

It is unclear what happened thereafter. In August 1939, the Parish Council complained about irregularities committed by the Forestry Service. It accused the Service of not upholding the agreements made earlier that year. In September, the

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<sup>7</sup> The word used in the text is *servicos*, or services. Therefore probably rights-of-way and other servitudes (*servidões*) are meant.

<sup>8</sup> It was impossible to find the list, its copy, or even a reference in the archives of the Forestry Service in Lisbon and the municipality in Vila Real. Apparently, it is lost. Since the 1930s, the central department of the Forestry Service was moved and a fire destroyed part of the city hall in the 1970s. It is possible that the documents were lost during the removal and the fire.

president of the Campeã Parish Council declared that he had complained to the president of the municipality about the imposition of the forestry regime claiming [first, that only those commons shall be submitted to the forestry regime which are mentioned in the list prepared by the Parish Council and which the Parish Council considers nonessential for communal exploitation, and second, that the commons which are considered indispensable continue to be owned by the Parish Council and shall be administered by the council and regulated by the by-laws in force. (AJF 3 September 1939).

However, the minutes of the *Camara Municipal's* meetings during that period contain no references to the Forestry Service's activities. And within the Service itself, no living or written memory exists of this first attempt to afforest the commons of Campeã. Apart from the Parish Council's minutes, the only proof that something had been going on is a short notice in a local newspaper, *O Vilarealense* of 23 March 1939. According to this article, the Forestry Service intended to plant 272 hectares in the Serra do Marão, of which "32 ha were located between Espinho and the Alto de Velao," i.e., in Campeã. But areal photographs from 1947 do not show any sign of planted tree stands in that area. After the incidents of 1939, the Parish Council's minutes do not mention any Forestry Service activity, either. Hence, one must conclude that for some reason, the Service must have refrained from intervention in the parish. It did not return to Campeã until 1955.

Before the Forestry Service's return to the parish, another state agency intervened: the *Junta da Colonizacao Interna* (JCI). This agency promoted the privatization of parts of the parish's commons by attributing *glebas* (plots) to a selected portion of its inhabitants. The way in which it proceeded with this privatization of the commons in Campeã, is discussed in chapter 7. However, it is important to point out here that based on an assessment of land quality and possible land use alternatives, the JCI also determined which areas were to be administered by the Forestry Service in the future as part of the forestry perimeter of the Serras do Marão (Vila Real) e Ordem.

In 1955, the Forestry Service summoned the representatives of the parishes included in the forestry perimeter of the Serras do Marão (Vila Real) e Ordem, to come to the City Hall in Vila Real. The Service invited them to state their demands with respect to their commons. At the meeting, the representatives of Campeã tried to use the JCI's intervention in order to stop afforestation:

By the representatives of the Parish Council of Campeã it was said that they have nothing to expect from the activity of the Forestry Service, as the area which was left to them by the Junta da Colonizacao Interna was very small. However, they expressed their hope that the baldios problem will be reviewed in a way that benefits the parish, because the

present situation does not satisfy the local needs. (CFP to DGSFA, 5 May 1955)<sup>9</sup>.

During this time, the Council developed a two-pronged strategy aimed, on the one hand, at reversing the previous intervention by the JCI and, on the other hand, at getting as much land as possible out of the planned afforestation. In March, it requested that the JCI return the commons to the parish. If that would be impossible, it asked the JCI to intervene with the Forestry Service so that the communities of Campeã would be allowed to use their old *baldios*, cutting brush and firewood (*carqueija*) and grazing their animals only in the territories each community originally had held, making *coutadas* and *partilhas* [reserves and partions, RB], like they still do in the area reserved for communal exploitation, until the start of the planned afforestation. (JDF to JCI, 3 March 1955).

The JCI forwarded this request to the Forestry Service, which wrote to the Parish Council that

it d[id] not see any inconveniences in the usufruct by the communities of the parish, like was their tradition and costume.... This usufruct right should be understood as temporary, terminating when the expected works demand so. (DGSFA to JDF, 19 March 1955).

The Parish Council answered immediately by asking for temporary licences for the cultivation of some *baldios* on behalf of "poor inhabitants of this parish to whom by bad fortune was not adjudicated a *gleba*" (JDF to DGSFA, 29 March 1955).

The Forestry Service's reaction shows that it was not insensitive to the Parish Council's claims and had its own doubts concerning the JCI's actions in the area. The *chefe da 1ª circunscricao* (director of the first circumscription) in Porto (the *circunscricao* in Vila Real was created only in August 1956) recommended that headquarters in Lisbon grant these licences because of the negative repercussions of the JCI's intervention in the parish:

The villages of the Parish Council of Campeã are separated from the *baldios* of the Forestry Service by land that the JCI divided into *glebas* which were given only to the most wealthy, under the allegation that only the wealthy households were in the condition to take care of the land in a convenient way. The remainder of the *baldios* it left to communal use, by both the rich and the poor. As a result, the original situation was clearly worsened, as the rich became richer and the poor poorer (CFP to DGSFA, 31 March 1955).

A few weeks later, this recommendation was followed by a positive decision (DGSFA to JDF, 24 May 1955).

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<sup>9</sup> The information about the intervention of the Forestry Service in Campeã is taken from the correspondence between the Service and the parish, which was lent to me by the Service's headquarters in Lisbon. The abbreviations refer to: the circumscription of Porto (CFP), the directorate general (DGSFA, DG).

The Parish Council must have seen that the Forestry Service might become an ally in its battle against the JCI. In June it sent another supplication to the Director-General of the Forestry Service, in which it requested permission to graze sheep and goats, which "is also part of local usages and customs". It warned that in the absence of such a permit, the taxation of animal grazing on *baldios* would lose its legal base, which would undermine the parish's financial basis. Finally, the council stated that "only the revision of the division of the *baldios* of the parish would bring the people hope for another economic arrangement" (JDF to DGSFA, 22 June 1955). The Forestry Service responded positively to this request as well, and promised to take the local population's usufruct rights into account during the execution of the planting activities. But, regarding the ultimate point raised by the Parish Council, it declared that "the requested revision of the division of the *baldios* only has to do with the Junta da Colonização Interna" (CFP to JDF, 1 July 1955).

From then on, the Parish Council did not make any further demands. Subsequent correspondence between the parish and the Forestry Service, refers only to the status of some *baldios* belonging to the villages Pepe and Aveçãozinho, as it was not entirely clear under whose jurisdiction these areas belonged: the JCI's, the Forestry Service's, or the Parish Council's. The conclusion was that these *baldios* were neither included in the forestry perimeter nor reserved by the JCI, but had been restored to the Parish Council as its private property (CFVR to SF, 28 March 1957; see also chapter 7, footnote 28).

In September 1955, the Forestry Service requested that the municipal authorities invite the presidents of those parishes affected by the creation of the new forest perimeter to come to the town hall in order to participate in the valuation of the *baldios* (DG to CMVR, 7 September 1955):

As it has become necessary to proceed to the valuation of the commons which will constitute the forestry perimeter of the Serras do Marão (Vila Real) e Ordem, representatives of the Ministry of Finances and the Ministry of Economy [under which the Forestry Service fell, RB] will visit this city on the next 17th....

In these terms I request your Excellency to see that the representatives of the involved parishes will appear in the City Hall on the indicated day and hour (...).

Thanking you in anticipation,

For the good of the Nation,  
The Director General

Six months later, about half of the commons of Campeã (625 ha or 25% of the parish's surface) was placed under the partial forestry regime as part of the forest perimeter of the Serras do Marão (Vila Real) e Ordem. In the decree, each hectare

in the parish was valued at 250\$00, and it was established that the Forestry Service should respect the population's usufruct rights so far as these did not impede afforestation activities (*Decreto* 40,524 of 4 February 1956). In 1956, the forestry administration in Vila Real produced a proposal for executing the afforestation project (DGSFA 1956a). According to this proposal, 620 ha were intended for afforestation, while the remaining 5 ha were reserved for communal use. These 5 ha were to be added to the 285 ha of *baldio* land located outside the forest perimeter and would remain under communal exploitation (see chapter 7).

It would seem that the foresters responsible for the area tried to take the local demands for grazing and other forms of exploitation into consideration. Their proposal for the afforestation of the perimeter contains a lot of information about how the<sup>1</sup> parishes would be affected by the project with respect to animal husbandry, demography, and the customary regulation of communal land use. In addition, the afforestation was scheduled so that traditional rights of grazing and brush collecting were protected.

## The Forest Guards as a Police Force

In the previous sections I have explained how the Forestry Service expanded into certain areas. I continue here with a short description of the way in which the Forestry Service acted after the creation of forestry perimeters. Again, the examples are derived from different periods: the first one stems from the *Estado Novo* era, whereas the second dates from after 1974. It appears that there was a huge difference between the formal competencies of forestry officials and their actual powers.

Keeping watch over tree stands was an integral part of forest guard duties. Only by policing the area could illegal forms of exploitation be prevented. In the case of the Portuguese Forestry Service, the guards were officially equal to rural policemen. The guards were given police tasks, they were armed and had to take an oath before the judge of the *comarca*. The formal power of the guards and the definition of what constituted offenses, confirm that Service was a custodial-paramilitary organization. This feature was mentioned in chapter 2 as one of the characteristics that made the Forestry Service a suitable outreach structure.

Under the *Estado Novo* regime, forest policing was regulated by a number of decrees. In principle, all decrees went back to the legislation that regulated the forestry regime. This legislation was elaborated in 1926 (*Decreto* 12,625 of 3 November 1926)<sup>10</sup>. The decree contained various clauses relative to the execution of the forestry regime. It defined forest crimes set fines and penalties for committing these laws. In art. 18 it was declared that

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<sup>10</sup> All these decrees in 1937 were put together in a leaflet published by the DGSFA and the Ministry of Agriculture. The quotations in the text are taken from this leaflet.

[t]he forestry agent that catches cattle in flagrant trespassing of the dispositions of the forestry police, will only return it to its owners after the payment of a fine, the damage, and the costs caused by the catching of the animals.

The fines for trespassing, that is leaving public roads and firebreaks, varied between four and twenty Escudos<sup>11</sup>. The decree also contained regulations pertaining to wood theft, fires, hunting, and landowners failing to fulfil the requirements of the forestry regime (DGSFA 1937:23). The decree of 1926 confirmed previous legislation by defining the status of each guard as a policeman:

Each forestry functionary, after having taken oath before the judge of the *comarca* of his residence, has the character of an agent of the public force and of the rural police in the entire country; his charges have the force of a proof of evidence [*corpo de delito*] and merit faith until plain proof of the contrary. (Art. 9)

Compared to the regular police, the forest guard's position as defender of the law was even stronger. In the case of crimes committed on forest land, the guard had the same powers as the administrator of the *concelho* with the authority to prepare prosecution. This made the forest guard equal to a public prosecutor.

In the case of tumults, fires or other events occurring in properties placed under the forestry regime that demand criminal evidence, the forestry functionaries have the same attributions as law confers to the Administrators of the Municipality in the preparation of processes on behalf of the respective Delegate of the Prosecutor of the Republic. (Art. 11)

Being policemen, all forestry functionaries had the right to bear arms (art. 13), provided by the State (art. 14). And if they hurt or killed someone while on duty, they would not be prosecuted because their position entitled them to the legitimate use of these arms (art. 16). The forest guards' activities were not only restricted to preventing forest crimes:

The foremen and guards have the obligation to arrest any delinquent, (1) when during the exercise of their functions they are perturbed, disobeyed or injured, (2) when a crime is committed that can be punished under the Penal Code with a major penalty, and (3) in the case that one who committed a flagrant forestry delict is unknown by the

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<sup>11</sup> The fines were: for a person, 4\$00; for a vehicle, 20\$00; for homed cattle, horses, donkeys or mules (per head), 6\$00; for sheep and swines (per head), 1\$00; and for goats (per head): 4\$00.

The fines for animals that went astray were doubled if they did not have a bell per five heads, or if they carried a bell that did not make a sound. After being caught, the animals were brought to special stables. The owner was charged with the costs of their maintenance: 4\$00 for each head of horned cattle, horses, and mules, and 1\$00 for goats, sheep, and swines per day (pp.16-18).

The fines were made five times as high in 1954, except for that for trespassing with goats. This fine was raised to 50\$00 (*Decreto-Lei* 39,931 of 24 November 1954, art. 15). This law did not change the status of the guards. It merely specified some crimes in more detail and contained measures against fire danger.

guard and the person has to be identified by a superior or a local authority. (Art. 25, DGSFA 1937:7-10)

Their authority went beyond the mere imposition of the rules related to forest management. Indeed, they could prosecute anyone who committed a crime.

The decree also guaranteed that the forest guard was always right in relationship to the persons accused of trespassing. Statements from a guard were considered to be true unless the contrary was proven. Since many crimes are not committed by individuals, but by groups, accused trespassers could often mobilize witnesses who would testify that they were innocent. But in the forest it is habitually very difficult to find witnesses who would corroborate the forest guard's accusations, thus the forest guard's statements were given more weight by *Decreto* 17,714 of 13 November 1929. This decree made witnesses who would testify in favour of the guard superfluous if "the conditions under which the crime had been committed make it impossible" to verify the occurrences through the hearing of testimonies. It also allowed for capturing people that were seen committing a crime afterwards (DGSFA 1937:51).

These regulations defined the relationship between the Forestry Service and the population. Giving the forest guards large responsibilities and authority equal to that of police officers, facilitated an oppressive imposition of the forestry regime. Silva's book *Occupação Sent Limites*, contains documents from the early 1970s from parishes in the municipality of Sever do Vouga, in the district of Aveiro. Here, one can read several complaints about abusive or excessive behaviour by the forest guards. For instance, a guard was accused of having usurped a vineyard and a water-source by scaring the owner so much that he no longer dared to use his properties. Furthermore, people from the area were recorded saying that "[i]n order to get a job they sometimes had to kneel in front of the guards and raise their hands." They accepted these continuous humiliations "[o]ut of fear of the armed guards and ... because of the need to get employment in the Forestry Service's planting..." (Silva 1973:81-82)<sup>12</sup>

These and other acts of the excessive use of power by the Forestry Service's officials caused the authorities to become concerned with the situation. In June 1958, a friend of Salazar wrote the Prime Minister a letter about the political situation in the north of the country<sup>13</sup>. The author argued that the support General

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<sup>12</sup> I would have liked to present case material from the Campeã area, but this was impossible since I was never granted access to the local Forestry Administration's archives.

Until the 1980s guards were not recruited among the people living in or nearby his canton and he and his family had to live in a house in the forest, far from the village. The ensuing lack of contact and interaction made the relationship between the forest guard and the population very official. In such cases, lack of knowledge about the local situation and contempt for the population, could easily lead to disputes over properties and boundaries. The difficulties which the service met in the field may well have been the result of the absence of social relationships

<sup>13</sup> They were apparently so close, that he could address his letter to his dear "António" and treat Salazar by the familiar "tu" instead of "Your Excellency".

Humberto Delgado was able to raise in the last presidential elections in municipalities such as Miranda do Douro, Vila Pouca de Aguiar, Chaves, and Montalegre should be attributed to the way in which the Forestry Service had acted in these areas<sup>14</sup>. The president of the Afonsim Parish Council in the *concelho* of Vila Pouca de Aguiar, for instance, told Salazar's informer that his parish would vote against the government because of the Forestry Service's and the *Junta da Colonizacao Interna's* wrongdoings. These actions made

that there [were] no longer open spaces of *baldios* which are indispensable for their animal husbandry and the collection of brush for their cultivated fields. The lack of accessible *baldios* has damaged their economic life, that also suffers from the caustic of constant series of fines (ANTdT, Arquivo Salazar, AOS/CO/EC-22, Pasta 1).

In Vila Meã, Nuzedo, and Sampaio the Service planted its trees up to the village border. After stressing the great value of the afforestation of the country in general, the author concluded that "it is really a pity that the appreciation of such a large enterprise is affected by a disoriented *modus faciendi* that overshadows the laudation with which it would merit to be prized" (*ibid*).

The JCI divided the *baldios* into *glebas* (plots). Some of these *glebas* were located within the hamlets' confines. People who owned adjacent plots were given *glebas* far away, lost in the uninhabited *baldio*, while the *glebas* directly next to them, were given to strangers, who would take from the original villagers the rights of passage or dispute the access to water. It even gave plots to people who immediately resold them and made a lot of money through this speculation, "instead of attributing them to others who really needed a field for work and food." Apparently, here, as in Campeã, the JCI's actions favoured the wealthy over the poor in the parish.

The author of the letter explains this behaviour by pointing to the competition between the Forestry Service and the JCI:

The[se] services act as if Portugal was an unpopulated wilderness and if the respective sectors were watertight compartments. They do not adjust prudently their specific activities to general convenience nor care to respect the superior policy of the Nation. From the Directors-General, adorned like tyrants, and the peripheral agents, adorned as petty tyrants, they work — arbitrarily and whimsically — with their eyes on statistics, without consideration for anything and anybody. (*Ibid*)

The letter establishes that the Forestry Service (and the JCI) acted as an arbitrary tyrant without heeding the local socio-economic and administrative contexts in

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<sup>14</sup> Humberto Delgado was an air force general who had been an enthusiastic supporter of the 1928 military takeover and of Salazar's rule. But in 1958, discontented about the way Salazar had treated other (insubordinate) soldiers, he stood against the *Uniao Nacional's* candidate in presidential elections. His candidature posed the first serious political threat to Salazar's rule. After being involved in military conspiracies against the regime, he was killed in exile in Spain by agents of the Portuguese Secret Service and Political Police (PIDE) in 1965 (Robinson 1979:73-74, 78).

which they functioned. In this manner the letter discloses the custodial-paramilitary posture of the Forestry Service. It also points to the ruler of the *Estado Novo's* particular interest in the Service's actions: the planting of trees without taking into account the needs of the population undermined popular support of the regime and favoured the political opposition.

In 1974, Salazar's successor, Caetano, fell victim to a military coup. Fear of the political elite and its instruments of power subsided among the population. Not unlike what happened in Eastern Europe during 1989-1990 with the rapid dissolution of the communist dictatorships, the Portuguese bureaucracies and police apparatuses met increased disrespect and disobedience from the public. The interview below gives an illustration of the effect of this change in attitudes upon forest and game management.

In 1993, I asked a guard, what he was doing all day in the forest. He told me: Well, I read the *Bola* [a newspaper on sports, RB] and sometimes I make a little stroll to see what is going on. But I am alone in the forest. There is nobody to help and protect me. Therefore, I cannot afford to do anything serious. If, for instance, there is a hunter in my canton, he might have a permit, or he might have none, but surely he has a gun. When I go to him to ask for his licence, and he is a poacher, he may try to get away by shooting me first. Of course, I have a gun myself, but I prefer not to take any risk and return home at night safe and sound and see my wife and little daughter. If I would be able to identify the man and prosecute him in court, I have no chance of winning the case. Of course, according to the law my testimony has more weight than his, but he will ask some friends to testify for him, and make me look like a fool. So, as long as I have to work alone, and have no companion who can help me to catch a poacher and testify for me in court, I will just sit and read my *Bola* and do nothing. (Int 9 June 1993)

This declaration gives one the impression that, although legally the guards wield virtually absolute power, in reality, (particularly after the revolution), that power has become rather limited. The fact that democratization has taken place and that people feel freer and less inclined to respect higher authorities, has seriously undermined the forest guard's ability to impose his authority (int 5 September 1991).

### The Forestry Service and Private Forest Owners

The guard's story reveals that even in the case of a *baldio* submitted to the partial forestry regime, the Forestry Service's effective power is much less than the law suggests. In the case of private property, its power is still weaker. As I explained in chapter 4 (pp.87 ff.), since 1988, forest owners are required to report thinnings, loppings, and fellings. Over the six years following the publication of the decree (1988-1993), the Service registered 1,705 of these reports. The number of reports

per year ranged from a maximum of 514 in 1989 to a minimum of 151 in 1990. These reports corresponded to a total volume of about 956,000 m<sup>3</sup> of timber (Instituto Florestal 1994:xliv). This means that during this six year period, the Service was able to register, on the average, a volume of about 160,000 m<sup>3</sup> each year. Compared to the country's total annual timber yield, this is an insignificant quantity. In 1988 the estimated harvest of pine and eucalyptus timber alone amounted to approximately 11.2 million m<sup>3</sup> (IPF 1991). Therefore, the reported fellings involved less than 1.4% of the total amount of timber felled in the country. Whether the licensing system was implemented is difficult to say. But, as it is not even mentioned in the Service's 1994 report, this law probably remained without any significant effect<sup>15</sup>.

As in the past, the State seemed to refrain from actions that would seriously affect the position of the private forest owner. Legislation concerning fellings and thinnings had little tangible effect. There was a widespread concern for the poor state of the private forests in terms of fire prevention, health, and productivity (see for instance: Martins 1991:3-6; Morais 1990; int 10 April 91; Neiva 1991b; *Público* 21 May 1991, 15 April 1992, 27 April 92, 8 May 1992). Nevertheless, the private forest owners were allowed to continue to manage their stands as they wished. The public service did not stimulate or enforce the removal of dead wood or other sanitary measures in private stands. The guard (quoted above) told me that it was hopeless to try to interfere with private forest owners, because he would not receive any backing from his superiors in the forestry administration. The transformation in the Forestry Service from a service for the State into a service for the public apparently did not go beyond the provision of subsidies.

## Conclusion

The Forestry Service has often been accused of exercising brutal and absolute power over the areas under its control. The works of Silva (1973), Baptista (1978a: 176-177, 1993:290), Rodrigues (1987:58-59), and Castro-Caldas (199Q:532-534) document these transgressions. Baptista (1978a) notes, "the frontal repression of the battle in defense of the commons" and "the imposition of the forestry regime while repressing the people." I myself have heard people saying that in certain regions, the forest administrators "ruled like kings".

These accusations rest upon the perception of the Forestry Service as an external agency that imposed itself upon the rural population. Indeed, there is sufficient evidence to show that during the *Estado Novo* the Service acted domineeringly even to the extent that it caused the regime's highest level to become concerned.

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<sup>15</sup> The idea to license felling was not new: in 1927 a law was published which made such a license obligatory (*Decreto* 13,658 of 20 May 1927). The fact that the idea was reintroduced sixty years later shows that the state was quite powerless in relation to the direction of management of private forest properties.

However, the three examples concerning the forestry regime demonstrate that the Service's power was far from external and absolute. In Lousã, the Forestry Service intervened upon the request of the municipal authorities who wanted to acquire control over the commons of the parish of Serpins. These authorities themselves broke the popular resistance of the local parishioners. In Amarante, on the western slopes of the Serra do Marão, the municipality helped to enforce the Forestry Service upon the parish of Ansiães, and thus wrestled the local *baldios* from the parish. In 1917, the Municipal Council of Vila Real developed a similar strategy for dealing with the commons of the parishes on the eastern slopes of the Serra do Marão. These examples indicate that the Forestry Service's intervention was conditioned by the local political agenda: the municipalities' attempts to gain control over the domains of the Parish Councils.

The examples also show that the parish population was never a passive recipient of state intervention: in Serpins, the parishioners tried to avoid the Service's interference by proposing a division of the *baldios*. In this manner, they would dissolve the commons and hence destroy the legal basis for the partial forestry regime. They promised also to afforest the area by themselves. In Campeã, the communities and the Parish Council tried to defend their areas against forestation in a similar way. In 1929, under the military dictatorship that formed the prelude to the *Estado Novo*, they anticipated the forceful imposition of the forestry regime and tried to preempt such a development by undertaking tree planting themselves. The Service's refusal to accept these locally formulated solutions of the deforestation problem indicates that tree planting was only one of their concerns and that acquiring control over the commons was also important.

The imposition of the forestry regime in Campeã seems to have been executed by the book. Apparently at that time and place, the Forestry Service did not act domineeringly but tried at least partly to respect local demands and rights. The events of 1955-1957 also demonstrate that this time, the initiative was with the central State. The municipal authorities played a subordinate role and seem to have executed only what was demanded from them by the central State in Lisbon. Finally, this case confirms that the mutual adjustment to different state bureaucracies was problematic. The Forestry Service's Director-General criticized heavily the JCI's actions in the area, while the Parish Council tried (in vain) to mobilize the Service to revert the JCI's actions. These events show that the State does not act as one coherent machine or monolith. It is internally divided. Elements of the state apparatus may compete instead of cooperate.

The arguments used by the Parish Council and the Forestry Service against the JCI indicate that like the State, local communities were internally divided as well. Apparently, there existed wealthy people who had been able to benefit more from the privatization of the commons than their less affluent fellow parishioners. The nature of these social and economic differences are the topic of the next chapter. There, I discuss extensively the apparent contradiction of the existence of commons and a communalist tradition together with the economic and social fissures within the parish community.

## Chapter 6

# Commons and Capitalism in Campeã

### Introduction

Whoever arrives at Campeã for the first time in spring, will find groups of villagers, men, women, and children, working side by side planting potatoes. These groups are composed of neighbours, who work without payment on each others' land. In exchange, they receive only a picnic of wine, bread, meat, chicken and codfish (*bolos de bacalhau*) and the certainty that their 'employer' (*patrão*) will provide labour power when their own fields have to be planted. (Van der Linden 1988). In this way, part of the labour power in the parish is a common resource. In addition, part of the land is communal, as well. About half of the area is not individually owned, but is *baldio* and belongs to the village communities that compose the parish and is administered by an assembly of commoners and a collegium of elected officials.

In the light of these elements, it is quite understandable why this type of society has been described in terms of communalism or communitarianism (Peixoto 1974; Dias 1948, 1953), closed corporate community (Wolf 1966) or peasant mode of production (Medeiros 1976, 1978)<sup>1</sup>. The virtual nonexistence of wage relations in agriculture, and the relevance and intensity of mutual help and the exchange of labour make it easy to overlook the differences in power and wealth and the exploitative relations between parishioners. Nevertheless, these differences and exploitative relations do exist. In the past, however, they were greater and more explicit than they are today. All farming households nowadays seem more or less equal, whereas it would have been no exaggeration to call the Campean society of thirty or forty years ago class divided. Beneath the parish's present peasant appearance rests a capitalist past.

The parish's capitalist past and the social divisions which extend to the present are the subject of this chapter. I explore the development of capitalism in Campeã and reconstruct the process that led to its apparent disappearance. I conceive capitalism as a mode of production characterized, on the one hand, by commoditization of the inputs and outputs of the production process, and on the other hand, by the subsumption of labour to capital and its eventual

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<sup>1</sup> The first authors assume that these forms of social organization could persist due to their relative isolation from their exterior (Sampaio 1923; Peixoto 1974; Ribeiro 1940, 1987, 1991:38, 373-385; Leraa, 1978:152; see also *supra*, pp.46-49). Medeiros (1976:310-312, 1978:57-72) is a Portuguese exponent of the articulation of modes of production school of Laclau (1971), Meillassoux (1973), and Wolpe (1980).

proletarianization (De Freitas, De Almeida, and Cabral 1974:8; Friedmann 1980:160-162, 1986; Goodman and Redclift 1985).

I start with a reconstruction of the development of commerce. I point out that because is Campeã located halfway between the coast and the town of Vila Real, and because of its vast communal grazings, it became a relatively important centre of trade and commercial animal husbandry. I continue by demonstrating that capital in the form of land, cattle, and money, was concentrated in the hands of an elite, and by illuminating the role of these forms of capital in the reproduction of this elite at the expense of the rest of the parish population. I also point to the role of the commons in this process. "Repeasantization" is discussed in the second half of the chapter. There I start with a short discussion of the development of mass emigration in the 1960s and continue by showing how this enabled the substitution of capitalist farms with family farms. In the last section of the chapter I explore the implications of this reconstruction of the parish's history for the way in which one should look upon the commons and their afforestation.

## Commerce and Commodities

The history of eighteenth and nineteenth century communities in Portugal remains a great extent unwritten (Brandão 1991:651). This makes my attempt to reconstruct the development of capitalist farming quite exploratory. In the particular case of Campeã many historical data are simply non-existent, and this means that a sketch of the development of commercial farming will always be incomplete.

Farming can be integrated in the market in three ways: through buying inputs, through selling products, and through hiring labour. In this section, I focus upon commerce and commodities. In the absence of historical data on the organization of the farm and its relations with the market, one has to turn to other characteristics which may point to the degree of commercialization in a local economy. The most suitable substitute indicator I found, was the percentage of traders in a certain community. If there were merchants in a particular population it can be said that in that community goods were traded. If the number of merchants was relatively higher than in other areas, this would indicate that commercial activities were more important there than elsewhere. The number has to be corrected for the size of the community. If there were ten traders in a village with fifty households, and there were eight traders in a small hamlet of only ten households, it can be assumed that commerce was relatively less important in the first case than in the second. The numbers of traders per hundred households in the various municipalities within the *comarca* of Vila Real, and in the town of Vila Real itself, and in the parish of Campeã in the late-eighteenth century are listed in table 6.1.

Table 6.1. Social differentiation within the *comarca* of Vila Real in the late eighteenth century (Amado Mendes: 1981:433-434).

Municipality	HH	N	A	% HH	L	J	J/L	I/O
Vila Real	17,808	187	151	1.90	3,441	2,707	0.79	part
town	945	114	0	12.06	5	72	14.40	out
rural area	16,863	73	151	1.33	3,436	2,635	0.77	part
<i>Camped</i>	282	2	5	2.48	166	53	0.32	out
Abreiro	217	1	0	0.46	108	73	0.68	out
Alfarella	688	0	3	0.44	364	114	0.31	out
Alijó	813	0	16	1.97	229	248	1.08	in
Athei	320	6	4	3.13	87	111	1.28	out
Barqueiros	395	1	0	0.25	25	7	0.28	in
Canellas	173	3	0	1.73	70	41	0.58	in
Favaios	293	1	0	0.34	15	43	2.87	in
Fontes	408	0	16	3.92	88	123	1.40	in
Freixiel	319	2	0	0.63	129	92	0.71	out
Gallegos	41	0	0	0.00	86	3	0.03	out
Godim	317	12	2	4.42	108	90	0.83	in
Goivaens	207	10	0	4.83	25	87	3.48	in
Hermello	483	0	2	0.41	268	19	0.07	out
Lamas	913	0	0	0.00	242	238	0.98	out
Lordello	155	0	14	9.03	13	22	1.69	out
Mezao Frio	865	5	3	0.92	144	340	2.36	in
Mondim	724	0	2	0.28	196	104	0.53	out
Murça	1,029	24	0	2.33	573	206	0.36	out
Parada	124	0	2	1.61	16	47	2.94	out
Provezende	211	3	3	2.84	9	78	8.67	in
Ribeira da Pena	540	0	9	1.67	288	170	0.59	out
S <sup>ta</sup> Martha	2,670	68	17	3.18	1356	643	0.47	in
Serva	570	4	2	1.05	225	162	0.72	out
S. Mamede	292	0	11	3.77	12	5	0.42	in
Teixeira	147	0	0	0.00	67	19	0.28	out
Vila Pouca	1,711	19	7	1.52	864	140	0.16	out
Vimiozo	446	5	0	1.12	173	22	0.13	out
Total <i>comarca</i>	32,879	351	264	1.87	9,221	5,954	0.65	part

## Remarks:

HH: Households. N: *Negociantes* (merchants). A: *Almocreves* (porters). % HH: Number of merchants and porters (N+A) per 100 households. L: *Lavradores* (farmers). J: *Jornaleiros* (day labourers). J/L: number of day labourers per farmer. I/O: Inside or Outside the Douro Region.

The figures in table 6.1 show that the traders were not equally distributed over the *comarca*. In municipalities such as Lamas and Teixeira they were completely absent, whereas in, for example, Vila Real and Santa Martha de

Penaguião they formed an important category<sup>2</sup>. This regional variation in the distribution of the traders can be at least partly explained by the development of market oriented viticulture in the Douro valley<sup>3</sup>. After 1754, port wine production was monopolized by the *Companhia Geral de Agricultura das Vinhas do Alto Douro*. This Company did not engage in the exploitation of vineyards, but regulated and monopolized the processing of the wine with brandy. The grapes were produced by individual landowners (Schneider 1980:43). The most innovative aspect of the company, was that for the first time in European history, a geographical place and the production of quality wine were connected through the creation of a special region, the *Região Demarcada*, in the valley of the Douro River. Most of the municipalities containing a high percentage of merchants were located within this region (see map in figure 6.1).

Campeã is located outside the Demarcated Region's northwestern corner. Campeã's climatic conditions impeded commercial wine production. According to a 1721 report by the parish priest, the parish's population lived from grains, sweet chestnuts and animal husbandry: "people collect a lot of bread [grain, RB], a lot of sweet chestnut, and many beans; there are large *monies* where all breeds of cattle belonging to the inhabitants graze...." (Gonçalves 1987, 11:532-3)<sup>4</sup>. Yet, the percentage of traders in the parish exceeded the average in the municipality of Vila Real and, was comparable to that of wine-growing towns

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<sup>2</sup> The figures are taken from a 1792 survey which has been republished by José Maria Amado Mendes in 1981. The inquiry distinguishes between several (professional) groups such as peasants, merchants, pharmacists, surgeons, blacksmiths and so forth. The list of professions gives an indication of the relative weight of agriculture and the role of other trades and crafts. In this manner, it sheds some light on the contemporary division of labour and, consequently, on the organization of production and commerce. For the purpose of this thesis, I limit myself to an enumeration of four professions: the *negociantes* (merchants), the *almocreves* (porters), the *lavradores* (ploughmen or peasants), and the *jornaleiros* (day labourers).

The *negociantes* and *almocreves* together were responsible for trade. In modern Portuguese, a *negociante* is a merchant and an *almocreve* is a mule-driver or porter. However, in the eighteenth and nineteenth century the *almocreves'* economic and social position was much higher than that of a simple carrier and equalled that of merchants. Figures from the 1831 tax assessment show that their financial position could be equal to that of landowners. Apparently, both were professional salesmen, involved in the transfer of commodities from one location to another (compare Ribeiro 1990:425). Table 6.1 suggests that the difference between both categories was related to their residence: *negociantes* tended to dwell in town, whereas the *almocreves* lived primarily in rural areas.

<sup>3</sup> Commercial port wine production boomed after 1703 when through the Methuen treaty Portugal acquired free access to the British market. The Wilcoxon ranking-order test confirms that the indicators for commoditization and proletarianization in table 6.1 are significantly correlated to the variation in region.

<sup>4</sup> The priest answered a questionnaire related to a national inquiry by the Royal Academy of Sciences. The Academy asked the priests of the region to describe their parishes in terms of religious organization, population, products, and profession (Gonçalves 1987, 1:10).

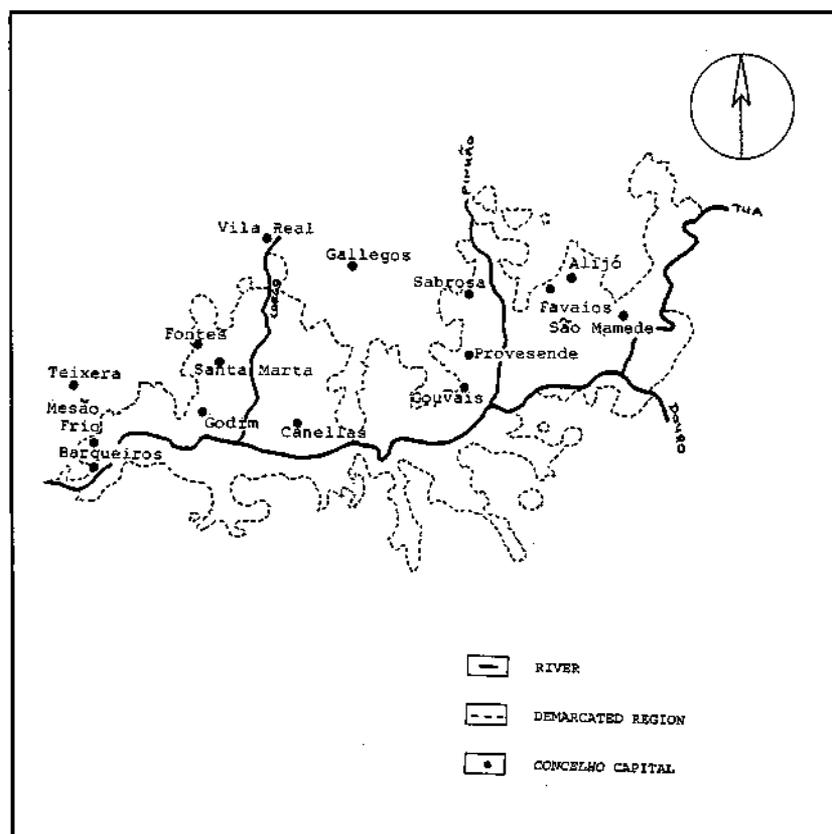


Figure 6.1: The *Região Demarcada* with the municipal capitals in 1761 (scale circa 1:575,000).

like Provezende and Santa Martha. According to table 6.1, Campeã was characterized by a relatively high number of tradesmen. There were five *almocreves* and two *negodantes* living in the parish. This meant that 2.5 people in every hundred households were engaged in trade. Compared to the rest of the region, this was quite a considerable figure. Campeã had a higher percentage of merchants than the other rural parishes within the municipality of Vila Real (on the average only 1.3 traders per hundred households) and higher than the average for the entire *comarca* (1.9 per hundred households).

The relative importance of tradesmen in Campeã can be explained by the traffic crossing the parish, and the commercialization of local produce.

In the eighteenth century, Trás-os-Montes to Minho was connected over land by five roads (see the map in figure 6.2):

- the Chaves road, which passed through Montalegre to Braga (I);



Figure 6.2: The roads connecting Trás-os-Montes and Minho in the eighteenth century (scale 1:1,200,000). For an explanation: see text.

- the Alturas road, connecting Chaves and Braga through Boticas and Alturas along the old Roman tract (II);
  - the Ribeira da Pena road, which connected Vila Pouca and Braga (III);
  - the Mondim road, which linked Vila Real to Braga through Mondim de Basto (IV); and
  - the road of the Marão, which connected Vila Real to Amarante (V).
- Most traffic passed through the roads of Chaves, Mondim, and the Marão (Gonçalves 1983:41-42)<sup>5</sup>. The last two met in Campeã.

<sup>5</sup> Despite its economic importance, the connection was badly maintained. According to an 1792 inquiry the road through the Marão was "...perhaps the roughest of the province and maybe of the Kingdom, for [although] being the indispensable passage to the province of Minho, it can hardly be passed because of the disorder in which it finds itself..." (Amado Mendes 1981:455).

Today, the road through the Marão runs south of the population centres in the parish along the watershed that divides the plateau from the steep valleys which open downward to the Douro River. However, before 1860, the road ran more to the north, through the plateau itself. There it crossed several villages, where the passage of traffic encouraged the development of commercial activities. The name of the village Vendas hints at the commercial history of the area. Originally, it was called Gudim, "where one can find the shops [*vendas*] of Campeã". In fact, both *negociantes* and one of the five *almocreves* lived in this hamlet (compare Ribeiro 1991:349)<sup>6</sup>.

The second explanation for the presence of traders in the parish, is the marketing of commodities produced in Campeã itself. In the 1721 report quoted above, the priest mentioned commercialization of cloth: "women use to take up the trade of weavers ... and to take cloth to the town where they offer it" (Gonçalves 1987, 11:532-533). The importance of the commercialization of local produce is further confirmed by the fact that in the parish there was a fair renowned for its cattle. In the eighteenth century markets and fairs were relatively rare and were concentrated in the urban centres. The town of Vila Real, for instance, had an annual fair in June (Santo António), and two weekly markets: a meat market and the "hucksters" market (*o mercado de regateiras*). Only five rural parishes in the area had fairs: São Lourenço de Ribapinhão organized an annual fair while Adoufe, Lamares, Abaças, and Campeã had a monthly market.

The existence of this monthly market in Campeã is another indication of the commoditization of the parish's agricultural production. Campeã was particularly famous for its cattle (Gonçalves 1987, 1:112-113). This was a local breed of cattle, *maronesa*, which was in particularly high demand for its labour power. The importance of a *local* breed shows that at least part of the population was engaged in market-oriented cattle breeding<sup>7</sup>.

## Landlords, Ploughmen, and Day-labourers

In the Douro region, export-oriented viticulture became a capitalist enterprise based upon wage instead of family labour. In 1721 the priest of Santo António de Alvações do Corgo wrote the following portrait of the effect of this development upon his parishioners:

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<sup>6</sup> The other *almocreves* lived in Balsa and in Pepe (for the location of these hamlets see the map in figure 1.2). The quotation is taken from a 1530 description cited by Freire (1909). Nowadays, this name, "Gudim", is barely remembered.

<sup>7</sup> This fair still exists, but it convenes twice as often. Today, it is organized on the 10th and the 21st of each month. According to the parishioners, the present number of cattle for sale is much smaller than in the past.

[The parish] lies in a very steep setting, two *léguas*<sup>8</sup> south of Villa Real; the Corgo river divides it from the parish of Lobrogos, where one can go by a boat crossing a large captation in the river...; [the parish] is a land abundant with fish and delicious fruits of summer and also much fine wine for the factories of the North, and olive oil; there is no grain, because the land is used for vines and olive trees; many nobles from outside the parish have their estates in it; this causes poverty among many of its inhabitants who work in the vineyards. (Gonçalves 1987, 11:401)

According to this account, the expansion of export-oriented wine production coincided with the replacement of peasants by agrarian employers and the emergence of low-paid day labourers. The number of so-called employer farms increased particularly during the second half of the eighteenth century. Many of these employer farms were founded to the detriment of the traditional homesteads (Bennema 1992:45-49).

In Campeã day labourers appeared in the eighteenth century. In 1721, according to the parson, Campeã's population consisted of well-to-do peasants, traders and carpenters, but no day labourers:

The naturals [of the parish] are all satiated *lavradores* [ploughmen, RB], rustic and crude, very shrewd and stubborn.... Many of them take up the trade of *almocreve*, and others of carpenter, to which all incline; they are all of a good stature, broad-shouldered, with lean bodies, very valiant...; they live long years for [being] healthy; in the luck of our time they live up to old age, coming to our town on foot, until the age of one hundred. (Gonçalves 1987, II:533)<sup>9</sup>

This image differs considerably from the description of Alvações do Corgo from the same year. It can also be compared with the data summarized in table 6.1. According to the table, in 1792 the parish had fifty-three *jornaleiros*. Therefore, the emergence of *jornaleiros* has to be dated somewhere between 1721 and 1792.

In 1792, the percentage of *jornaleiros* had advanced considerably in Campeã compared with other communities in the region. In the parish there were 0.32 day labourers per *lavrador*. This was much less than in municipalities within the Demarcated Region such as Favaios or Mesão Frio where there were about three wage labourers per farmer. The percentage was even smaller than in Fontes, a wine-growing municipality southeast of Campeã, where there were 1.4 day labourers per farmer. However, compared with the region to the north of the parish, the number of day labourers was already considerable: in Hermello (now called: Ermelo), just to the north of Campeã, there were only

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<sup>8</sup> A *legua* equalled about 5 to 6.2 kilometres (Castro 1978-1985, III:260-263).

<sup>9</sup> Indeed, it seems that the first half of the eighteenth century brought much wealth to the parish: its main church and all of its chapels date from this period.

0.07 labourers per farmer. Apparently, in Campeã wage labour was not as important as in the wine-growing areas near the Douro, but in comparison with other rural communities in its surroundings, it could be possible to say that wage labour played a more important role<sup>10</sup>.

The presence of *jornaleiros* in itself does not necessarily imply the emergence of a class of landless labourers (proletarianization). Some wage labourers were probably ploughmen's sons who went to work temporarily for other farmers in Campeã itself or in the neighbourhood to acquire some additional cash income. Even in the twentieth century this was a general practice. It is also possible that many *jornaleiros* were seasonally employed in the Douro vineyards. De Castro Caldas (1991:258-259) and Bennema (1992:97) mention that the Douro valley attracted people from as far as Galicia. Hence, the relatively high incidence of wage labourers in the parish indicates only that Campeã was integrated into the regional labour market. In order to prove that this integration should be understood as a proletarianization process, it is necessary to show that these *jornaleiros* were separated from their land.

In the coming section, on the basis of a tax assessment from 1831, a list of the electorate from 1866, and a detailed study of the parish by the *Junta da Colonizacao Interna* from 1941, I discuss the emergence of a group of landless parishioners.

### The 1831 Tax Assessment

The 1831 tax assessment can be used to make an indirect estimation of the differences in wealth and access to land between the parishioners. All taxes concerned capital and capital owners. The assessment included five types of duties: tithes on buildings (*imposto urbano*) and landed property (*imposto rústico*), a tax on the sale of animals (*manejo*)<sup>11</sup>, and a levy on beasts of burden, mules or horses, the *imposto novo*. This levy was probably paid by

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<sup>10</sup> Proletarianization was significantly higher in the Demarcated Region. Even in Campeã itself, it was most advanced in Cotorinho, the southern-most village in the parish close to Fontes where there were seven *jornaleiros* on four *lavradores*.

<sup>11</sup> The text of the law which in 1762 raised the taxes from 4.5 to 10% of all "commodities, rents, salaries, maneyos and offices" uses the word *manejo* only in relation to traders, where it seems to refer to the amount of money these traders administer, their capital. According to Pereira e Souza (1827) day labourers were exempted from this duty. In the tax role, it is explicitly connected to cows or oxen.

porters (*almocreves*)<sup>12</sup>. Finally, some parishioners had to pay taxes on the interest (*juros*) they received from capital or outstanding duties.

According to the data summarized in table 6.2, 160 persons paid a tithe (*décimo*) on their buildings, 214 on their land, 52 on their cattle, and 80 on interest. Only 4 inhabitants were registered as having paid the *imposto novo*. Of those charged for landed estate, 200 were inhabitants of Campeã, 6 were outsiders, and 8 were in the form of undivided inheritances. The largest duty in terms of volume of tax payments and taxpayers, was the land tax. This duty alone produced about two-thirds of the total amount paid by the parishioners. I do not know whether all pieces of land were taxed, or whether extremely small or infertile plots were exempted. However, even if this were the case, it is a fact that only a relatively small part of the population owned sufficient land to be levied. In 1831, the parish was inhabited by about 360 to 370 households<sup>13</sup>. About 40 to 46% possessed no land at all or such small and worthless plots that they were exempted from these taxes (for a similar approach, see Brandao 1991). As far as these households did not have access to land through rent, they constituted the parish's (semi-)proletariate.

**Table 6.2: Tax payments in Campeã in 1831; the categories are mentioned in the original order.**

Tax	<i>Urbano</i>	<i>Rústico</i>	<i>Manejo</i>	<i>Juros</i>	<i>Imposto novo</i>
Nr. of tax payers	160	214	52	80	4
Tax amount ( <i>réis</i> )	13,250	101,840	12,020	22,327	5,000
Average ( <i>réis</i> )	83	476	231	279	1,250

The possession of land did not necessarily make one a wealthy *proprietario*. First, land distribution was skewed within the category of landowners. In the village of Aveçãozinho, for example, the amount of land tax paid varied between forty-two and fifteen hundred *réis*, so that some land possessions were more than twenty-five times as valuable than others. Second, there was no clear connection between the possession of land and that of other wealth. Only eleven out of the twenty-eight landowners paid tax on their dwellings (table 6.3). Apparently, the other seventeen either did not own the houses in which they

<sup>12</sup> Compared to the other taxes, the charge was quite high: For "hua mulla" (one mule) one paid 1,000 *réis*, and for "duas bestas de Albarde" (two pack animals) 2,000 *réis*. The tax was paid by only four persons, one from Vendas and three from Aveçã do Cabo.

<sup>13</sup> Between 1792 and 1862 the number of households increased from 282 to 440 households. With Floud's formula (fn. 33) the number of households is estimated in 363.

lived, or they possessed such worthless residences that they were exempted. Surprisingly, there is no clear connection between the size of one's landed estate and the worth of one's urban property. Even of the four largest landowners, who each paid at least one thousand *réis* in land tax, only two paid the *taxa urbana* as well. Ownership of land did not necessarily imply wealth (see appendix 7)<sup>14</sup>.

Table 6.3: The correspondence between the payment of the different taxes in Avejãozinho in 1831. The bold figures in the table refer to the total numbers of taxpayers (derived from annexo 7).

A paying B	<i>Rústico</i>	<i>Urbano</i>	<i>Maneio</i>	<i>Juros</i>	No other tax	Min - Max ( <i>réis</i> )
<i>Rústico</i>	<b>28</b>	11	4	4	13	42 - 1500
<i>Urbano</i>	11	<b>16</b>	5	3	4	40 - 100
<i>Maneio</i>	4	5	<b>6</b>	0	1	120 - 400
<i>Juros</i>	4	3	0	<b>5</b>	1	117 - 586

Being totally or virtually landless, did not necessarily imply poverty. First, one could acquire land through renting and sharecropping<sup>15</sup>. Second, one could develop other activities not tied to the land. These other activities, for instance, lending money against interest (usury) or the sale of cattle, could provide one with a relatively high income. All but one of the seven persons in the village who did not pay the land tithe paid more than the poorest "landowners", in other kinds of taxes.

Nevertheless, there remained a group which did not have any of these alternative sources of income. In the case of Avejãozinho, which had approximately forty-five households, the tax assessment included thirty-five names. Thus, around ten households, or one-fifth of the population, was not taxed. They were either exempted from taxes or neither possessed land, nor buildings, nor practised usury, nor traded cattle. This group probably had probably no other alternative source of income other than selling its labour power to fellow parishioners or to employers outside the area.

<sup>14</sup> With a = 0.05 the averages of the land taxes paid by those groups that pay the maximum or minimum of urban taxes do not differ significantly from the average of the total payments (Wilcoxon two sample test, Corsten & Van der Laan 1987:108).

<sup>15</sup> In 1866, the Campeã electorate roll distinguished taxes paid for properties that were leased and properties that were not leased, but only under the second entry were tax payments mentioned. This suggests that at least in 1866 only the proprietor paid taxes, not the tenant or sharecropper.

Summarizing these findings, one could conclude that in 1831, the differences in wealth among the parishioners were considerable and that at least one-fifth of the population had such a small amount of capital that they did not have to pay taxes<sup>16</sup>. This group, the "non-capitalists", probably depended upon selling its labour power for a living.

### The 1866 Ballot Roll

The next available source on wealth distribution dates from 1866. It concerns a list of the people entitled to vote and running as a candidate during the choosing of the *juiz eleito* (elected judge) for the parish of Campeã, and the *juiz de paz* (justice of peace) for the *judgado* that consisted of Campeã, Vila Cova, and Quintã together. Suffrage was granted to male heads of households who had enough wealth to pay a certain minimum level of taxes, and to literate officials such as priests and teachers<sup>17</sup>. This implied that political power was accorded to only a very small political and economic elite, which included the local landowners and bourgeoisie.

The relative size of this elite can be estimated by comparing it to the number of households registered four years before the election. In 1862, the parish was inhabited by 440 households. According to the roll, 122 heads of households had the right of suffrage, but only 17 were eligible. Of these 122 men, there were 101 landowners (*proprietários*), 9 *almocreves*, 7 presbyters, and 5 with other professions (table 6.4)<sup>18</sup>. Assuming that in 1866 the parish population was approximately the same as four years earlier, less than one-third (28%) of the household heads had the right to vote and less than 4% could be elected. It

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<sup>16</sup> My interpretation of the tax roll is qualified by the following four conditions: (1) it is not clear whether the names in the list correspond with households or with individuals; (2) one household may be listed under different names; (3) one person may be registered under different names (I assume that Luis Dinis and Luis Dinis da Fonte were the same person, just like Lourenço Martins and Lourenço Martins Rebello). and finally, (4) I may have misread some of the names: the roll is handwritten and uses abbreviations next to full names.

<sup>17</sup> According to the electoral law of 1852, one had to have a net annual income of at least 100,000 *reis* for voting and 400,000 *reis* for being elected (Oliveira Marques 1986, III:59). This corresponded to tax limits of 1,000 and 4,000 *réis* respectively. In the electoral law of 28 May 1946, the minimum tax base was still maintained: According to this law the suffrage was granted to all literate men paying not less than 100\$00 (1\$00 — one escudo — equals 1,000 *réis*), and to females heading a household and paying not less than 100\$00, too (art. 1). Poor people were excluded (art. 2) (Vareda & Costa 1973). After 1974, tax payments were no longer used as criteria for suffrage.

<sup>18</sup> Compared to 1792, the number of *almocreves* had grown, but this increase may also have been the result of a redefinition of this professional group. The *negociantes* were no longer mentioned. These either disappeared or were included among the *almocreves*.

is unclear whether the dividing line between the household heads with and those without the right to vote coincided with the division between the *proprietários* and *jornaleiros*. Smaller landowners (*lavradores*) probably did not have suffrage rights as well. Put together, the poorer smallholders and proletarianized rural workers constituted no less than 72% of the total number of households in the parish.

Table 6.4: Composition of the franchised population of the parish of Campeã in 1866.

Category	number
<i>Proprietário</i>	101
<i>Almocreve</i>	9
Blacksmith	1
Priest	7
Surgeon	1
Farrier	1
Miller	1
Teacher	1
Total	122

The ballot roll shows that large differences in wealth existed among the population of Campeã. This has implications for how one should understand the organization of political power in the parish as well. The restriction of suffrage rights to a small section of the population shows that, at least in relation to local justice, the system of patriarchal-communitarian rule favoured the small economic elite. Only 17 of the most wealthy males out of a population of about 440 households (circa 2,000 individuals), were entitled to be elected to the office of a judge. Obviously the system was more "patriarchal" than "communitarian" in nature. Of course, this does not necessarily imply that administration within the various villages was equally "patriarchal" (see also chapter 7).

#### The JCI's 1941 Inquiry

Information concerning the composition of the population of Campeã in the first half of the twentieth century was collected by the *Junta de Colonizagao Interna* (JCI). The JCI summarized the sizes of each farm in the parish according to the number of *alqueires* maize produced. (One *alqueire* is approximately equal to 17 litres.) The harvests of other crops, such as potatoes and rye, were converted into the equivalents of *alqueires* of maize (JCI 1941, 11:151). In principle, it is possible to calculate the cultivated areas from these figures if one knows the average production per hectare. The JCI (1941 11:159) itself estimated the

productivity on reclaimed *baldios* at 2,500 litre/ha in the case of the wetlands on the valley floor after drainage and under irrigation (147 *alqueires*), and 1,500 litre/ha in the case of extensive cultures on the slopes (88.2 *alqueires*). Taking this variation into account, it is reasonable to follow Lima Basto and De Barros (1935:197) in estimating the production of one hectare to be approximately 100 *alqueires*<sup>19</sup>. The calculation results are listed in table 6.5.

Table 6.5 shows that in 1940 the majority of the households in Campeã worked on small plots: only 22% of the households farmed areas over two hectares. The households farming more than two hectares possessed on average more than two cows or oxen per household and they presumably had enough land to maintain a ploughing team. According to O'Neill (1987:79) "no villager who has no plough team is termed a *lavrador*". This means that these farmers together with some others working between 1.0 and 2.0 hectares, formed the classes of *lavradores* (ploughmen) and *proprietários* (landowners). The households with areas smaller than 1.0 ha together with the remaining farmers with areas between 1.0 and 2.0 ha, constituted the (semi-)proletariat. In 1940, by far the majority of the parish population (between 60 and 80%) belonged to this stratum.

Table 6.5: farm sizes in Campeã in 1940 (calculated from JCI 1941:151-2 and Lima Basto and De Barros 1935:197).

Cultivated area (ha)	<0.1	0.1-0.5	0.5-1.0	1.0-2.0	>2.0	Total
Number of households (HH)	74	116	102	102	113	507
% HH	15	23	20	20	22	100
Cows						
total number	10	39	96	164	296	605
average per HH	0.1	0.3	0.9	1.6	2.6	1.2
Goats						
total number	8	64	163	158	140	553
average per HH	0.1	0.6	1.6	1.5	1.2	1.2
Sheep						
total number	41	211	507	511	415	1685
average per HH	0.6	1.8	5.0	5.0	3.7	3.3

The areas in table 6.5 are based upon the estimation of farm output calculated in *alqueires* of maize. This means that the figures only give a rough indication of the actual land distribution. First, variation in soil quality is not expressed in the table. Second, it refers only to cultivated areas and does not include thickets, brush lands, or pastures. Finally, the table does not clarify property relations.

<sup>19</sup> Lima Basto and De Barros (1935) refer here to the bordering district of Porto. In regions more to the north, productivity was much lower. The figures in table 6.5 do not represent factual land distribution and should be read as an estimation.

Not all of the land upon which one worked was owned by that person. Many cultivated properties were leased by the small number of landowners controlling large areas. According to Costa (1959:96) "[s]ome farmers by inheritance or marriage possess [ed] large extensions of land and [saw] themselves obliged to rent it out to *caseiros* [tenants]". Obviously, landownership was even more skewed than the figures in the table suggest.

Cattle were also unequally distributed. According to table 6.5, farmed areas and the possession of animals were correlated. The larger landowners tended to own more animals<sup>20</sup>. Large farmers tended to specialize in cattle, whereas goats and sheep were owned by the farmers who had 0.5-1.0 and 1.0-2.0 hectares of land<sup>21</sup>. The farmers with the smallest plots had only a few animals (0.1 goat and 0.6 sheep per household). This image of great social inequality is confirmed by the following example. When in 1952 the Parish Council decided to require that licences be obtained for the grazing of cows on the Lagoa de Pepe, (a communal wetland in the middle of the plateau), it received 121\$50 from only two farmers (AJF 3 August 1952). As the fee was 1\$00 per animal, two farmers together possessed more than 20% of the total number of cows in the parish. Obviously the real extent to which the distribution of cattle was skewed, is not expressed by the table. This is probably because many of the cows listed as belonging to the poorer households were, in reality, possessed by some wealthy farmers who had "hired" them out to their poorer fellows. As the table only indicates the differences between income, not between capital, the real depth of social inequality in the parish is missed. This inequity was much larger than the table suggests.

The figures listed in table 6.5 indicate that, in comparison to the 1721 report, a lot had changed. In 1721, the local priest wrote that his parishioners were all healthy and satiated ploughmen. More than two centuries later, the JCI (1941 11:156) reported: "in the villages live many penurious families". The peasant community described by the parson in 1721 had turned into a class-divided society, at its extremes were a small group of farmer/landowners at one end and a large group of day labourers on the other. Landowning farmers produced cattle, maize, and potatoes on the basis of a hired labour force of *jornaleiros* who, having partly or completely lost their land, became dependent upon selling their labour to subsist. The landowners' enterprises employed a hired labour

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<sup>20</sup> The skewed distribution of cattle would exacerbate the inequity in the distribution of land. This can be demonstrated in the following manner. According to O'Neill (1987:80), one needs 1.5 hectares of meadow land to support a plough team. Therefore, the farmers with over 2 ha of farm land disposed over on average 3.9 ha of meadow land in addition to the areas they farmed. Those with less than 0.1 ha had only 0.15 ha of pasture.

<sup>21</sup> This impression is only partially correct. Sheep and goat herding were concentrated in the three villages in the southern part of the parish. Here, land holdings were smaller than elsewhere in the parish. Therefore, in reality animal husbandry was predominantly the business of the largest farmers in a community.

force. Some farmers even tried to attract capital for the commercial production of seed potatoes by the creation of a partnership company (*O Vilarealense*, 25 August 1951). These farms had acquired a capitalist form of production.

## Commons and Capitalism

The early development of commercial cattle holding and the presence of landless day labourers in Campeã point to an important conclusion about the nature of the commons. In the Douro region commercialization of agriculture and the development of capitalism led to the privatization of the *baldios*. Commercial wine production contributed to the expansion of the vineyards, partly through the conversion of grain fields, and partly through the reclamation of waste lands (Bennema 1992: 45-49). As a result, one century after the foundation of the *Companhia Geral*, most of the commons in this area had disappeared, becoming private property. In 1853 the *Governador Civil* of the province, reported the queen that in the Douro region:

... the *Câmaras Municipals* of Pezo da Regoa, Sabrosa and Villar de Maçada do not possess any land, and there exist even only a few commons. This has, ..., a powerful reason known by all, which is the nature of the land of the Douro, which has even turned the stony outcrops into cultivated fields (we can observe excellent vines in rock cracks). This [reclamation of waste lands] has been the effect of the expansion of the vineyards, consequence of the prosperity to which trade has called this country. (António Pinto Lemos quoted by Gonçalves 1983:66-67)<sup>22</sup>

In Campeã, the existence of the commons persisted. Following MacPherson (1975) and Hespanha (1980) who see a direct connection between the prevailing property regime and the mode of production, one would have to conclude that (contrary to the Douro area), Campeã still lingered in a pre-capitalist, peasant economy. Further, the present existence of communal land should be seen as an indicator of the endurance of that pre-capitalist organization up to today. The data cited above, however, indicate that even in the eighteenth century this peasant economy gave way to market-oriented production. The magnitude of cattle trade in the parish points to the peculiar relation that existed between commerce and the communal *monte*. Apparently, these *baldios* played an important role in the development of commercial animal husbandry in the parish. The *maronesa* were grazed on the commons. Whereas in the Douro region the *baldios* were privatized and reclaimed for vineyards, in Campeã, they

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<sup>21</sup> The governor's report was related to an inventory of the forestry conditions in the area. It dealt with municipal woodlots and availability of land for afforestation. According to the governor, the area controlled by the municipalities in the district had been reduced by population growth, usurpation by locals in combination with careless local authorities, or even favouritism.

served as the basis for local commodity production. This not only shows that common property is not necessarily incompatible with commoditization, but even suggests that it can be beneficial to such a development<sup>23</sup>.

Commons are compatible and sometimes even beneficial to the development of a capitalist mode of production. The same can be said about social inequality. In the previous section I have shown that Campeã was characterized by large social and economic differences between a small wealthy elite and a large group of day labourers. The *baldios* could (can) exist within such a context of profound inequality. Moreover, their existence even reinforced that inequality. It is obvious that those who can graze more cattle on a common, profit more from it than those with fewer animals. According to the figures in table 6.5, the distribution of land and cattle were correlated. In this manner, the commons sustained the wealth of the large *proprietários* rather than providing the poor with the means to make a living (see for a similar conclusion: Velozo 1953:13).

### Land, Labour, and Cattle

In its 1941 report, the JCI mentioned the poverty of a large part of the population of Campeã. Its figures indicate that about two-thirds of the parishioners could be considered poor and virtually landless day labourers<sup>24</sup>. The structure of the parish society was reproduced by (among other things) the specific relations between these two groups. These relations were structured around four resources or forms of capital: land, labour, cattle, and money. With respect to money, usury continued to be an important means by which the wealthier parishioners could accumulate wealth. However, my material does not allow for elaboration on this point. Therefore, I will concentrate on the role of the first three resources as instruments of exploitation.

The first form of exploitation of the poorer by the propertied strata is based on land. The elite's control of the land enabled them to rent out parcels to others. Land rent, either fixed or defined as a share of the crop, was thus the first instrument of exploitation<sup>25</sup>. The second instrument was related to the

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<sup>23</sup> Cabral (1974:34) makes a similar argument with respect to the existence on the commons of large herds of capitalist cattle owners without land in the Beiras. According to Taborda (1932:148,153) and Jacob (1989:147), the practice of commercial animal herding should be seen as the central cause for the persistence of the communal waste lands.

<sup>24</sup> This situation was typical for Trás-os-Montes as a whole. In the province the number of workers was around twice as high as the number of farmers. According to Lima Basto and De Barros (1935:288), of the agrarian working population of 191,388 persons, 24.7% were working for their own account, 44.5% were working for somebody else and 30.8% were unpaid helpers.

<sup>25</sup> In Cotorinho sharecroppers paid up to two-thirds of their harvest to their landlords (int 8 June 1993).

first. He who controlled a lot of land, had both the need and the means to hire labour, while the landless had to look for employment. Hence, the wage relation was the second form of exploitation. But the exploitation of labour was not restricted to wage relations alone. The exchange of labour entails a hidden exploitation of the poor. People would work for a day for someone without demanding any payment but only some wine and food, knowing that in return they would receive a day of work back from that person, the *retada*. This system favoured the wealthy:

One of the 'strongest' peasants in the region arrives to join more than 70 persons at the planting of potatoes who will return *him* the labour, as his *servants and tenants* have helped his neighbours during the preparation of their terrains. (Costa 1959:97, my emphasis)

The servants and tenants worked for their landlord's neighbours, but the patron would receive his neighbour's labour in return. In this manner, the landlord and patron received free labour. The landowner himself never returned the labour to his neighbours.

Even in the case where the landowner himself would participate, reciprocal exchange of labour did not lose its exploitative nature. O'Neill (1987:171-174) argues that the exchange of unpaid labour between unequal partners, under supposedly equal conditions, can be a form of exploitation. The poor man who helps his wealthy neighbour to thresh his bountiful harvest gives a larger service than he receives when his neighbour helps him with the few sheafs of rye he has collected. Bourdieu (1977:60, 192) calls these inequalities a form of "disguised *corvée*" or "gentle, hidden exploitation," while Scott (1985:306-307) speaks of the "euphemization" of exploitation.

Exploitation of wage labour was not restricted to the domain of agriculture. Costa (1959:128-39) notes it in the employment of *jomaleiros* in non-agrarian jobs such as in the iron mines of Vila Cova, which employed about 1,000 men from the region, and in the lime ovens in Campanhó, which employed between 30 and 80 people, including porters. But even these labour opportunities outside agriculture were partially controlled by the local elite. Some of the *proprietários* worked within the mine's offices and could influence labour contracts, while a few of the important landowner families (Jorge Alexandre, Antunes Cerejeira, and Barria Maio) owned the lime stone furnaces (AJF 1 May 1950)<sup>26</sup>.

The third instrument for exploiting the less endowed in the parish was the leasing of cattle. In Campeã, some wealthy landowners such as the Jorge Alexandra's, would give a pair of cows to a "partner". The partner was responsible for feeding the cows, but could milk the cows and use them for labour for free. Normally, each cow would give a calf. The cattle owner would keep one calf and the partner would be given the other in compensation for taking care of the animals. In practice, however, this rule was not always

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<sup>26</sup> The names of persons in this book are pseudonyms.

followed: an owner would claim both calves if he found the animals in a poor condition due to inadequate care or overwork. (For example, during the transport of lime and plaster from the furnaces in Campanhó). He would then claim that the partner's treatment had reduced the cattle's worth, and in compensation for that loss, he would demand the second calf as well (int 20 May 1993).

In addition to land, labour, and cattle, some landowners could deploy a fourth means of exploitation. This was control over someone's consumption. Barria Maio and other large farmers (such as my landlady's husband) were also the major shopowners. The money a labourer would have earned working on a *proprietario's* farm, would in fact be returned to the landowner since the labourer would spend his earnings in the same landowner's shop to buy his daily ration of food. It is easy to see how a day labourer, similar to the main character in Edgar Allan Poe's *The Pit and The Pendulum*, could become trapped within an ever narrowing space between his landlord, employer, cattle-breeding partner, and grocer.

The local elite's powerful members controlled all the means of exploitation. A tenant relied upon the landowner for land, on the farmer-employer for employment, on the cattle owner for breeding and traction animals, and last but not least, upon the shop owner for his food and other needs. Under these conditions, the reproduction of social differences, the class division between farmer-employers and proletarianized crofters and tenants, seems virtually inevitable. However, the histories of some important *proprietario* families show that there were many factors that frustrated this reproduction. Division of the patrimony, bad luck, and witless sons are only three out of the many events or conditions that could lead to the downfall of an elite family.

The problems which the elite met in reproducing its economic and political power can be illustrated by the histories of the descendants of the three men who played an important political role in the parish during the *Estado Novo*. These three men formed the *Comissão Política*, Salazar's *Unido National* party representation at the local level. Its wealthiest member was Alberto (*Albertinho*) Barria Maio from Pepe<sup>27</sup>. Barria Maio, the son of a school master, was a merchant and landowner. He became one of the largest cattle owners in the district, with properties in Campeã as well as in other parts of the region such as in the Douro valley. He was also the largest shopowner in the parish. In 1955, he had to pay the municipality of Vila Real 2,625\$00 of *avencas*. He was the largest taxpayer in the parish and the twenty third largest in the municipality. This becomes even more significant since his shop was in a rural

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<sup>27</sup> Barria Maio descended from Manuel Joao Dias Barria, a *proprietario* from Vila Cova. In 1866 this Barria was the richest man of the parishes of Campeã, Vila Cova, and Quintas, paying a tax of 24,543 *rês*. António Jorge Grilo, the richest man in Aveçãozinho, paid only 6,336 *rês*. Barria Maio is discussed in chapter 7 (footnotes 27 and 28) because of his role in the privatization of the *baldios* of Campeã.

area, while the other twenty-two taxpayers were almost all located in the city of Vila Real (ACM 19 January 1955 ff.)<sup>28</sup>. Although Alberto Barria Maio was one of the largest landowners in the parish, after his death, his son did not continue to farm the land he inherited. Instead, he sold or rented out most of his properties in Campeã and started a farm in Campo Maior, near Lisbon. There, he dedicated himself to intensive pig breeding.

The history of the descendants of Fernando Cerejeira Seixo from Chão Grande is not unlike that of Barria Maio. Fernando Seixo owned one of the finest houses in the area, which remains famous for its beautiful garden and rich furniture. He also owned a considerable amount of land, including one of the valley's best fields, Chão Grande. In 1966, Seixo was elected member of the farmers' corporation (*Grémio de Lavoura*) of Vila Real (AJF 2 October 1966). Similar to Barria Maio's son, Seixo's descendants no longer live in the parish. His grandson consumed his grandfather's fortunes and was forced to sell his property. Nowadays, he works as an engineer in the north of the district.

The *Comissão Política's* third member was Eduardo Antunes Cerejeira. Antunes Cerejeira held public offices within the parish between 1926 and 1972. His political career was closely connected to the *Estado Novo*. When the military took over power in May 1926 and heralded Salazar's dictatorship, they gradually changed all political and administrative bodies and personnel. They appointed a new district government, and, in his turn, the new *Governador Civil* replaced the Parish Councils with Administrative Commissions. Cerejeira became for the first time involved in the administration of the parish of Campeã in September 1926, when he was appointed a scribe to the Administrative Commission which had been installed a few weeks earlier (AJF 22 August 1926, 5 September 1926). In 1946 he became the Commission's president. Contrary to Barria Maio's and Seixo's children, Eduardo's sons were still living in the parish when I did my research. They had become major local entrepreneurs. One son, Arturo, owned the most important café, restaurant, and guesthouse in the parish. The other son, Alfredo, had a dress shop, and held several public offices such as head of the local volunteer fire brigade. Both brothers continued their father's political career. In 1976, they were elected into the Parish Council, Arturo for the Socialist Party (PS) as the treasurer, Alfredo for the Social Democratic Party (PSD) as president. In 1990, Alfredo was the Parish Council's secretary, while Arturo belonged to the Parish Assembly.

Although the history of Alfredo and Arturo Antunes Cerejeira shows that the elite have sometimes been capable of conserving economical and political power over generations, anyone who visits the area will notice that many of the better houses which belonged to the old landowning class, have become uninhabited. The *proprietarios'* descendants still own them, but live outside the area, in Vila

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<sup>28</sup> The exceptions were the Empresa Ceramica de Vila Real (65,000\$00) and Augusto dos Reis (27,000\$00), both from Folhadela.

Real, in Porto, or even farther away. The landowning class has disappeared from the area.

### Campeã after 1960: The Demise of the Landowning Class

The downfall of the landed elite families was partly related to contingencies. After 1960 the reproduction of the landowning class met new difficulties which were related to overall changes in the local economy. These changes appear clearly from the figures presented in table 6.6. This table lists the farm-sizes in the parish according to the 1940 inquiry by the JCI and the 1989 inquiry by the National Institute for Statistics (INE 1989, 1993). The latter inquiry is the first one that provides information at the parish level. A comparison of both years' figures shows that Campeã's society has been thoroughly transformed. First, in the four decades following the Second World War, agriculture lost its predominance in the local economy. While in 1941 97% of 524 households were engaged in farming, in 1989 this figure had decreased to 46%. Second, the structure of the farms had changed. There had been an increase in scale in terms of the area worked and livestock. The small farms with less than 0.5 hectare had virtually disappeared while the share of farms over 2 ha had increased. In 1941 only 22% of the farming households belonged to that category. In 1989, this had increased to 37%. Third, livestock production had changed. The number of sheep and goats diminished dramatically, and the *maronesas* were replaced by *turinas*. The average number of cows per farm household had increased from 1.6 to 3.8 head. The category of farms over 2 ha exhibited the largest growth: from 2.6 to 5.8 heads per household.

These developments at the parish level were confirmed by the results of my own survey in the village of Aveçãozinho in 1991 (table 4.7). Compared to 1940, there were no longer any tiny land holdings, and land had become concentrated in fewer larger farms. For many in the village, agriculture was no longer the basis of their existence. Instead, they had found employment in other economic activities, such as construction works or industries in town.

Although in 1991 agriculture was no longer the sole way of making a living, farming continued to be an important livelihood for a large portion of the population. One-third of the households were registered as being engaged in farming. This meant that access to land, and differences in access, either in terms of area or the rules regulating it, still were important for the understanding of social relations within the parish. It appears that renting constituted an important way of obtaining land: According to INE (1989) figures, of the 242 farms in Campeã, 97 farms rented a total of 126 ha. In Aveçãozinho, out of 28 farms 14 rented a total of 36 ha (appendix 5).

Table 6.6: Farm-sizes in Campeã in 1940 and 1989 (sources: JCI 1941:151-153 and INE 1989).

Farm size (ha arable land)	Number of households (hh)				Heads of cattle (n)							
	1940		1989		1940				1989			
	N	%	N	%	cows	c/hh	goats	sheep	cows	c/hh	goats	sheep
a ≤ 0.5	190	38	9	4	49	0.3	72	252	20	2.2	3	15
0.5 < a ≤ 1.0	102	20	39	16	96	0.9	163	507	81	2.1	20	7
1.0 < a ≤ 2.0	102	20	105	43	164	1.6	158	511	300	2.9	48	88
a > 2.0	113	22	89	37	296	2.6	140	415	517	5.8	67	27
2 < a ≤ 3			34	14					129	3.8	4	1
3 < a ≤ 4			23	10					111	4.8	62	20
4 < a ≤ 5			14	6					123	8.8	1	6
a > 5			18	7					154	8.6	0	0
Total farming	507	97	242	34	605	1.6	533	1685	918	3.8	138	137
Total households	524	100	705*	100								

\* number in INE (1991).

Table 6.7: Farm-sizes and distribution of cattle in Aveçãozinho in 1940 and 1991 (JCI 1941 and field data).

Farm size (ha arable land) <sup>a</sup>	Number of households (hh)				Heads of cattle (n)							
	1940		1991		animals/hh in 1940 <sup>b</sup>				animals/hh in 1991			
	N	%	N	%	cows	c/hh	goats	sheep	cows	c/hh	goats	sheep
a=0	2	4	15	35	-	0.0	0.1	0.6	0	0	0.3	0
0 < a ≤ 0.1	3	6	0	0	-	0.0	0.6	1.8	0	0	0	0
0.1 < a ≤ 0.5	8	16	5	18	-	0.1	1.6	5.0	0	0	0	0
0.5 < a ≤ 1.0	9	18	2	7	-	0.3	1.5	5.0	3	1.0	0	0
1.0 < a ≤ 2.0	13	26	12	43	-	1.6	1.2	3.7	44	3.7	0	0
a > 2.0	17	34	9	32	-	2.6	1.1	3.3	71	7.9	0	0
2 < a ≤ 3	-	-	4	14	-	-	-	-	20	5.0	0	0
3 < a ≤ 4	-	-	2	7	-	-	-	-	12	6.0	0	0
4 < a ≤ 5	-	-	1	4	-	-	-	-	9	9.0	0	0
a > 5	-	-	2	7	-	-	-	-	30	15.0	0	0
Total farming	50	96	28	65	82	1.6	4	7	118	4.2	0	0
Total households	52	100	43	100	-	-	-	-	-	-	3	0

<sup>a</sup> farm land only; 'mato' is excluded; leased land is discounted;<sup>b</sup> figures for the whole parish; only the totals refer to the village.

Oddly enough, according to my survey in Aveçãozinho, the rented area was not equal to the leased area (12 ha). The difference between the leased and rented areas can be explained in two ways. The first is that people gave false responses to my questionnaire. This may have caused a bias in favour of renting rather than leasing<sup>29</sup>.

The second explanation for the difference between the let and rented areas is that landlords were systematically excluded from the interviews<sup>30</sup>. During most of the time I stayed in Aveçãozinho, several houses remained uninhabited by their owners. Two houses belonged to two sisters, members of one of the *proprietario* families in the village, the Jorge Alexandre family. According to the neighbours, in the past they were important landowners, although they gradually sold much of their property (see below). At least one of the tenants (household 34 in appendix 5) rented of one of these sisters. Though it is unlikely that the total difference between the leased and the rented area can be attributed to these two households, their absence from the survey certainly accounts for a large part of that difference. The absence of the landowners goes beyond the fact that they were not included in the survey. In reality, they are vanishing as well. This can be illustrated by several examples. As mentioned above, one of the members of the Jorge Alexandre family, was my landlady. She was a clear representative of the landowning class. This was even expressed in the way her neighbours addressed her. They added *-inha* to her first name, a typical way of verbally distinguishing the *proprietárias*. She had been able to maintain her class's life-style almost all her life. During our talks, my landlady assured me that she herself had never worked on her land and that, in the past, the housework had been left to a maid (*criada*). In the meantime, however, the family had sold most of its property. According to their neighbours this was done partly to finance the classy life-style. My landlady still has some land though. One of the plots she owns is a field of approximately 0,5 ha with a barn and a well in the valley. This plot was leased on the basis of a five-year contract to Fátima, her former *criada* (household 34). During my stay, Fátima announced that she did not want to continue the contract after its term had

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<sup>29</sup> It is for instance conceivable that households systematically underestimated the leased area (of course, denial is a form of underestimation) and overestimated the rented area, for instance because they preferred to stress their costs (paying rent) and hide their income and assets (owning land and receiving rent). One household that denied letting land during the survey, admitted later having at least one tenant. On the other hand tenants, may either overestimate the rented area (stressing their costs) or underestimate it (saving their social status as farmers). This means that, in the case of landlords, the let area is likely to be understated, and in the case of tenants, the distortion caused by falsified answers can have go both ways.

<sup>30</sup> In the survey I asked for the names of tenants (in the case one admitted leasing land) and the names of landlords (in the case one admitted renting). Unfortunately, none of the other respondents answered this question. This makes it impossible to identify all of the landlords in the village and to see how many did not participate in the survey.

ended. Although the field had good soil and renting it included unlimited access to irrigation water through a bore hole, my landlady was unable to find another tenant.

The lack of tenants and Fátima's reluctance to continue the rental relation underscore the difficulties agriculture in northern Portugal is passing through. Despite the fact that the rent was very affordable no one wanted to take advantage of the land. While rents decline (Black 1992:99), wages rise, partly due to the emergence of off-farm labour. In addition, since 1986, EC-policies have been making it more difficult for small farmers to continue their enterprise. As a result, between 1979 and 1989, almost 200,000 farms have disappeared<sup>31</sup>. In this light, it is hardly surprising that my landlady did not find a tenant. It also becomes understandable that she and her children no longer invested their capital in farm land. Instead, they turned to real estate in Vila Real, where they bought apartments and a shop in a recently constructed apartment building and shopping mall.

In Aveçãozinho, the family of Dinis da Fonte were considered a wealthy family, as well. This family had been among the village's elite for ages. In the 1831 tax roll, a Luis Dinis da Fonte is mentioned, paying 500 *réis* for his landed estate and 100 *reis* for his dwelling (appendix 7). In 1866 Joaquim Dinis da Fonte was the second richest man in the village, paying 4,302 *réis*. The present generations of the family lost much of the former glamour. Nevertheless, one member, an elderly woman named Fortunata (household 26), still was the largest landlord in the survey: she owned about 5 ha of land all of which she rented out.

The economic ascent of some members of the lowest social categories, confirms that the old social divisions between day labourers and landowners have become less important. António and his wife (household number 09) from Aveçãozinho are both descendants of small peasants or *jomaleiros* without land of their own. Without having yet acquired any property, António was able to build up the largest farm in the village at the time, with over 10 ha of rented land and 25 head of cattle. Until 1992, António was the only person in the village who had succeeded in obtaining enough funds for the financing the construction of a modern stable. Moreover, he owned one of the few tractors in the village and was also the only person who had a liquid manure tank, no longer having to collect *mato* for fertilizing his fields. If in the future, he and his wife will be able to manage their farm in such a way that they can repay their debts, they will be living proof that one no longer needs to be a *proprietario* or a *lavrador* in order to become a farmer.

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<sup>31</sup> *Semandrio Economico*, (Lisbon), 3 April 1992, p.5; INE (1993:24). Since Portugal became an EC-member, the net earnings of farmers have decreased every year except for 1989. Between 1985 and 1993 this income decreased by 39.1% (Eurostat 1994, *Rapid Reports, Agriculture, Forestry and Fisheries*, no. 4).

These examples indicate that the parish's economic and social structures have dramatically changed. First, the social stratification that emerged during the eighteenth century on the basis of ownership of land, has become outdated as economic wealth and social prestige are increasingly derived from sources and practices other than farming. Second, as a result of technological changes, the traditional distinction between *lavradores* who owned a pair of oxen or cows to pull a plough and those who did not, has become unimportant. Animals have been replaced by tractors. Third, the practice of hiring agrarian wage labourers has essentially been abolished. In 1989, there were only three farmers who employed labourers on a regular basis in the parish. Consequently, the class of *jornaleiros* (agrarian wage labourers), has disappeared, along with the landowners and the ploughmen.

### The "Escape" From Exploitation

The main cause of the dissolution of the old social order and agrarian structure, has been emigration. Since 1960, in particular, many members of the lowest social classes have escaped from their imprisonment in the exploitative relations that tied them to the elite of Campeã, and emigrated, at least temporarily, to make a living. The 1960 emigration movement was not the first in the parish. In fact, here, as in the rest of Portugal, labour migration has a long history.

Between 1890 and 1980 more than 3.5 million people left the country legally or illegally for destinations such as Brazil, France, and Germany. Portuguese emigration has passed through three phases. The first one coincided with a massive flow of Europeans crossing the Atlantic to the Americas. This wave reached its zenith just before the first World War. During this phase, the Portuguese moved primarily to Brazil. After the Second World War, the second emigration period saw many Portuguese leave for the African colonies. During the late 1940s and 1950s, Africa was attracting 50% of all emigrants from Portugal, nearly twice as many as Brazil (Newitt 1981:164). Contrary to other emigrations, this emigration movement was encouraged by the Portuguese government as a part of its colonial policies<sup>32</sup>. The third phase started in the 1960s and coincided with labour migration from the Mediterranean to the North-West of Europe. This time, France was the preferred destination (see for example Cepeda 1988:219).

The history of Campeã does not substantially deviate from this general image. Among the 2,550 passports issued by the district's governor between 1930 and

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<sup>32</sup> For this reason and for the fact that according to the official guidelines moving to the African territories did not differ from moving within Portugal itself, emigration to Africa has generally been excluded from inquiries in Portuguese population movements (Serrão 1970:598 and for a critique: Brouwer 1994:158; in this article I also criticize the myopic approach of migration by authors like Serrão 1970, Cabral 1981, and Brandão 1991).

1947, only six were given to inhabitants from Camiã; three women and three men who all declared that they were going to Brazil (ADVR, Livros de Passaportes, Livros 175 and 176). The composition of this group confirms more general observations concerning the role of class and gender in migration (Monteiro 1985; Brettell 1986, 1988). The women, twenty, thirty, and fifty-one years old, all declared that they would be visiting their husbands. The youngest was taking a child with her. All of the women were registered as housewives, not one was classified as day labourer. This suggests that they all belonged to the higher social strata in the parish. Of the three men, only the youngest one (age twenty-eight) was recorded as an agricultural wage labourer, the other two (thirty and thirty-three years old) were registered as agriculturalists. Like the women, all men were married. Although the limited number of passports makes it impossible to arrive at clear conclusions as to the composition of the emigrating population in terms of class and gender, it seems that the situation in Camiã was similar to that elsewhere in the north of Portugal. Men migrated alone, leaving their wives at home. The women stayed behind, or followed their husbands later. Further, it seems that the lowest class (about two-thirds of the parishioners) was underrepresented in the departing population. Only one in six was registered as a day labourer. Indeed, according to statistics for 1909 and 1913, only one-fifth of the registered emigrants were agricultural workers (Serrão 1970:609-610).

In demographic terms, the 1960 phase of emigration in Camiã was much more important than previous phases. Between 1890 and 1920, when many persons departed for Brazil, the parish population showed a small decrease from 1,979 to 1,914 (-0.11% per year). But between 1960 and 1970, the parish's population dropped more than 2% per year (table 6.8). During the same period, the estimated natural growth of the population amounted to 1.32% so that, roughly, about 3.4% of the population departed each year. After 1970 the number of inhabitants continued to decline. This tendency was caused partly by international migration and partly by an internal population movement towards urban centres such as Porto and Lisbon. There was also migration to the city of Vila Real from the parish.

The effect of emigration on the local society can hardly be underestimated. In Aveçãozinho only twelve households heads (28% of those included in the survey) did not have close relatives abroad (brother, sister, child). Thirteen declared to have come back to the parish after a stay abroad (30%). Most of the returned emigrants (two-thirds) had a farm, which some of them had been able to buy only after their return.

During the 1960s, the impact of massive emigration upon the local labour market seems to have been tremendous. In 1963, a staff member of the State's regional agrarian services complained in a newsletter on farming published in the northern districts (*O Lavrador*), that labour shortages resulting from emigration and alternative employment opportunities in state-sponsored road construction and tree-planting works, not only complicated the execution of

labour intensive agrarian jobs, but also provoked demands for higher wages and an eight hour working day. These circumstances made it only more difficult for farmers to continue their traditional form of production based upon wage labour (Silveirinha 1963).

Table 6.8: Demography of Campeã and Vila Real district. Sources: Costa 1934:405-406; INE 1960, 1970, 1981, 1991; Floud's formula<sup>33</sup> for the mean population growth is taken from Pina-Cabral (1986:15). The figures for the estimated natural growth in the district are from Nazareth (1985:976).

Year	House-holds	Persons	Net average annual increment (%)	Year	House-holds	Persons	Net and natural average annual increments (%)	
			Campeã				Net (Cam.)	Natural (Distr.)
1862	440	1,900	..	1900	502	1,947	..	..
1864	..	2,030	3.25	1930	485	2,103	0.50	0.89
1890	504	1,979	-0.10	1940	523	2,173	0.33	1.29
1900	502	1,947	-0.16	1950	..	2,416	1.07	1.35
1911	538	1,912	-0.16	1960	729	2,742	1.27	1.57
1920	492	1,914	0.01	1970	546	2,224	-2.07	1.32
1930	502	1,947	0.17	1981	571	2,193	-0.13	0.77
				1991	705	1,838	-1.72	n.a.

The employer-farmers were extremely worried about the impact of emigration. In the documents of Salazar currently kept in the National Archive in the *Torre do Tombo*, one can find a letter written in 1963 by a *proprietario* from a rural parish in Minho, in which he complains that all of his parishioners have turned into communists. However, the letter's phrasing makes it clear that the ideological issue plays only a subordinate role. It is used as a vehicle for the expression of the real message: the landowner's frustration over lack of *jornaleiros* still willing to work on his fields:

Your Excellency, I write you this letter in order to tell you that in [the parish] nobody talks about anything else but the three hundred men going to France. This should be prohibited by the State, as all that go there do nothing but talk of communism and how it is in France and in Russia. They even bring books back that deal with communism. Hence, I believe that it is convenient that you prohibit

<sup>33</sup>  $r = 100 * ((X_n/X_t)^{1/a} - 1)$ : r is the growth rate in percents,  $X_n$  is the number of inhabitants at the end of the period,  $X_t$  is the number at the beginning of the period, and  $a = 1/m$ , with m as the number of intervening years.

them to depart, because when three to four hundred people go away, only the elderly stay behind and one will not find anybody willing to work in agriculture. Even if they return, they no longer want to work, for they tell the persons who go to call on them that they have brought money from abroad to live on.... According to what is being told in the shops those who go for two months bring twelve to thirteen thousand escudos.... Therefore, if one needs people to do the jobs on the fields, one cannot find any. (ANTdT, Arquivo Salazar, AOS/CO/ES-29, pasta 2)<sup>34</sup>.

The farmers resolved the problems related to labour scarcity in part by the replacing manual labour with machines, the oxen were replaced by tractors, bands of threshers were replaced by threshing machines, hay was mowed by hay mowers and joined by balers, etc., and in part through the application of chemical herbicides. The 1970s and 1980s, in particular saw a rapid mechanization of agriculture. According to the 1952-54 agricultural survey, about 0.2% of Portuguese farms had a tractor. By 1989, this number had increased to 18.2% (De Freitas, De Almeida, and Cabral 1976:74; INE 1993:24)<sup>35</sup>. The result has been that tasks which in the past demanded the hiring of labourers, could now be executed by household members alone. Weeding, for instance, formerly demanded a standing force of some four or five workers. Nowadays, a farmer can himself spray the field with a herbicide and weed it only once or twice during the season, requiring only the help of his family members. The adoption of new technologies made the hiring of *jomalheiros* superfluous and allowed the transformation of employer-farms into family farms.

Emigration not only made this development necessary, it also made it possible. Returning emigrants used their savings to buy land, machines, and other innovations. Returning emigrants have always invested in farms. (Cepeda

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<sup>34</sup> According to Costa (1959) rural wages at that time were approximately 20\$00 per day, so that an agrarian worker in a month would earn less than 600\$00. In this light, it is hardly surprising that people left for France.

<sup>35</sup> Mechanization measured by the number of tractors (De Freitas, De Almeida, and Cabral 1976: 74,93,97; INE 1979, Total Geral:168; INE 1993:24).

<u>Year</u>	<u>Farms with tractors</u>	<u>Total farms</u>	<u>Percent with tractors</u>
1952-54	1,906	853,568	0.22
1968	17,163	811,656	2.11
1979	52,322	783,944	6.67
1989	109,126	598,742	18.23

In 1952, the district of Vila Real had only 10 tractors, in 1972, this had increased to 722 (De Freitas, De Almeida, and Cabral 1976:97). In Campeã, in 1989, 51 farms (21%) owned 55 tractors (INE 1989).

1988; Wall 1986; Nobre 1987; Pina-Cabral 1986:13; Black 1992:101). Monteiro's 1985 study of early-twentieth-century correspondence between emigrants in Brazil and the USA and their families at home in Portugal clearly shows the emigrants' interest in acquiring or enlarging their farms. In Campeã they did the same. The assets of Joana's household (household 27), for example, were bought with the savings earned by Joana's father in Brazil. As Joana and her mother told me, Joana's father had emigrated in about 1912, when he was sixteen years old, because he was afraid of being enlisted in the army. Joana's grandfather, a relatively wealthy peasant, had paid a *passador*, a "travel agent" for people trying to depart illegally, to help him cross the border into Spain. It had been rather difficult. Joana's father had been forced to hide for a week in a barn. Finally he sailed from Gibraltar to Rio de Janeiro, where he arrived seventy days after his departure from home. He stayed in Brazil for twenty-three years. During this time he saved money which he used for purchasing land in his home village. Today these assets still form the nucleus of his daughter's farm (int 1 February 1991)<sup>36</sup>.

After the Second World War, emigrants returning from France or Germany did as Joana's father had (see Amaro 1985a, 1985b; Cepeda 1988). Paulo da Silva (household 01) is a case in point. Da Silva's parents were very poor. He began with nothing; no land, no house, or any other property. When he realized that the chances to improve his life at home were slim, he decided to leave for Germany. There he lived as frugally as possible in order to save as much money as he could for his family at home. After a few years, he went back to Campeã and married. After his marriage, he kept on working in Germany for several years, only seeing his wife and children during summer holidays and at Christmas. He invested his savings in his homestead; buying land and building a house and stables. During his absence, the farm remained in the care of his wife. After ten or fifteen years, he decided to stop working in Germany and return to the village. Nowadays, he divides his time between his farm and a job with a construction enterprise in Vila Real.

The case of Da Silva illustrates that the effect of emigration was the influx of capital which was used to acquire land. Pina-Cabral's (1986:13) quotation of a wealthy peasant underlines the rise of the lower social stratum at the detriment of the landowning elite: "Now things are as in the times of Afonso Henriques, of the *Reconquista* from the Moors, the sharecroppers are buying back the land". Apparently, along with the agrarian structure, the social structure has changed as a result of remittances and returning emigrants.

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<sup>36</sup> Joana's father was not the only member of this family to leave. In fact, all his brothers and sisters departed. Most of them never returned, but died and were buried in Brazil. Only one brother, Silvério, came back. Presently, his assets are incorporated into the properties of household 24, which belongs to José, one of his sons. José himself left for Brazil in the mid-fifties, and came back definitively in the late-eighties. Contrary to his cousin Joana, he does not engage in farming, but lives off the revenues of his shop in Rio de Janeiro.

Kummert (1988:9) believes that the expulsion of labour from farming has not been accompanied by a redistribution of landed property and that this *Umverteilung* will not even occur in the next generation. My impression is that in Campeã, the opposite is occurring. The influx of remittances on the one hand, and the sale of land by farmers and landowners who look for more rewarding investment opportunities outside agriculture on the other, have opened up the land market. The result of this redistribution has been that the actual agrarian structure has acquired a peasant outlook: the distribution of land seems less economic or class derived (Patnaik 1979:380, 415-6; Littlejohn 1987:31), but rather determined by the family cycle. According to Chayanov (1987), this is a typical feature of a peasant economy. In the village of Aveçãozinho, the six households who rent out land, consist of elderly people (with an average age of seventy) who have abandoned farming. None of them has any cattle. The tenants are much younger (with an average of fifty-three) and are actively engaged in agriculture<sup>37</sup>. Within the category of tenants, the percentage of the farm rented from someone else varies between 25 and 100%. Younger people tend to rent a larger part of their farm than the elderly (see annexo 6)<sup>38</sup>. However, in the case of Campeã, this peasant-like land distribution is not the relic of a pre-capitalist, communalist form of social and economic organization, but the effect of the particular way in which the parish has been integrated into the wider economy. The farms are founded or supported with money acquired by persons working as wage labourers outside of agriculture and often, even outside the country. The farmers are capitalist, simple commodity producers: subsumed to the logic of capital by its ties to the markets of labour, inputs, and outputs (Friedmann 1980; 1986)<sup>39</sup>.

Peasant-like features, such as the distribution of land, are the result of the particular way in which the parish has been integrated into capitalism. These features are not a relic of a pre-capitalist mode of production. In the same manner, the wide-spread practice of the exchange of labour, is not a mere

<sup>37</sup> A Wilcoxon test shows that the age difference is statistically significant for  $p < 0.025$ . (The test is described in Van der Laan 1983:21-26; Corsten and Van der Laan 1987:108-111.)

<sup>38</sup> According to the Wilcoxon test, the ages of the group renting all of a farm and of that renting only a part differ significantly with  $p < 0.025$ .

<sup>39</sup> INE (1989) gives the following figures for the most important commodities:

Commodity	Producers	Sellers	Share of output traded			
			<25%	25-50%	50-75%	>75%
Maize	223	24	6	5	5	8
Bovines	227	225	-	-	-	-
Beans	209	43	9	16	7	11
Potatoes	197	185	8	17	29	131
Milk	153	133	2	-	-	126

continuation of an ancient or traditional practice, but a reaction to modern changes in the labour structure.

As a result of emigration and the growing opportunities for finding non-agricultural employment, the number of people willing to work on a farm for a day's wage declined. Therefore, if a farmer chose to continue his enterprise he had no other option but to call upon his family for labour or to mechanize his farm. However, at certain moments in the production cycle, the family alone could not provide all the labour required. Particular activities, such as seeding, must be executed within a relatively short time span. Mechanization is difficult because of the plot sizes and the inclination of the fields. Mechanization would require a large investment which is unbearable and uneconomical for such small scale farms that predominate in the parish. Rather than mechanizing these particular jobs, another solution has been found: labour is pooled.

Instead of hiring a group of workers, the job is done with the help of neighbours and relatives on the basis of reciprocity. Direct compensation is given only in the form of drinks during the job and a picnic (*merenda*) as soon as it is finished. Obtaining a working force for one's seeding and harvesting parties is no longer determined by the simple ability to pay wages, but depends upon non-monetary factors, such as one's popularity in the village, respect, and the number of days one's household members work for others. As with the emergence of the family farm, the exchange of labour is the direct result of the transformation of the parish's agrarian structure caused by integration into the wider economy through labour migration. Although the present form of the agrarian structure seems non-capitalist or traditional, its existence is purely modern<sup>40</sup>.

## Conclusion

The discussion of the history of social differentiation in Campeã leads to two conclusions. The first one concerns the conceptualization of communities such as Campeã. Although at first sight these communities may look like a peasant society in the best corporate community tradition, in reality they should be understood as a capitalist society. The second point concerns the implications of this conclusion for the relationship between the existence of common property

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<sup>40</sup> In 1994, the exchange of labour was also used for the organization of a novel innovation in the Campean farming system, the ensiling of maize.

The exchange of labour is only important on the plateau. In Montes, a village on the southern flank of Campeã, the demography is much more unbalanced than in Aveçãozinho. Here, two-thirds of the population are older than 50, and one-third older than 70; two-thirds are female. In this village, the system of labour exchange does not exist (any more) as its elderly inhabitants are incapable of working. As far as they still cultivate their fields for their own subsistence, they have to rely on hired workers. Apparently, here integration in the wider economy did not result into a 'revival' of apparently 'communalist' practices.

and the prevailing mode of production. Contrary to what MacPherson (1975) and Hespanha (1980) have argued, there is no direct relationship between the legal form of property and the mode of production. The case of Campeã has shown that the existence of common property, *baldios*, was (is) perfectly compatible with and even instrumental to the development of commercial animal husbandry and fanning based upon the hiring of wage labour.

These conclusions have important implications for the way in which one should see the impact of the commons' forestation upon the local society. Some authors (Baptista 1978a, 1993; Estêvão 1983) have claimed that twentieth-century's afforestation of the *baldios* by the *Estado Novo* was a form of primitive accumulation since it meant the separation of the peasantry from their (communal) means of production. This brought about the dissolution of a pre-capitalist mode of production. My analysis of the history of the agrarian structure in Campeã has shown that, at least with respect to the particular case of this parish, this claim should be rejected. Campeã was already fully capitalistic before the arrival of the foresters in the 1950s.

The fact that the afforestation of the commons did not bring capitalism, does not mean that it did not have any important bearing upon the parish and its population. These effects are discussed in the next chapter where I present an overview of the history of the organization of the parish and the administration of its commons.

## Chapter 7

# The Struggle over the Commons in Campeã: Local Autonomy and the State

### Introduction

The previous chapter sketched the development of capitalism in the parish of Campeã. I showed that commercial and wage labour-based agricultural production prevailed until the 1960s, when it deteriorated as a result of massive out-migration of agricultural labourers and was supplanted by simple commodity production. I pointed also to the specific role of the *baldios* in the parish's economic organization. In the past and present, these were not so much a characteristic of a non-capitalist mode of production and an egalitarian corporate community but of sustained commercial farming that reinforced the differences between the wealthier and poorer strata in the parish. In this chapter I will continue with a discussion of the commons, but instead of focusing on their economic role, I will concentrate on their political-administrative aspects. I present the intervention of state agencies such as the Forestry Service in the exploitation of the *baldios* and show that this intervention contributed to the reduction of local autonomy and the development of central State power.

The chapter covers a broad but still limited time range: it tries to shed some light on the very origins of the parish of Campeã in the early-thirteenth century, the period of the ancien régime, and most of the twentieth century. But it stops just before 1974, because from this book's perspective, that year signifies an important rupture in the history of the parish and the management of its commons. Until 1974 there was a clear tendency towards the dismantling of village control over the *baldios*, but in 1974, when the *Estado Novo* was abolished, this tendency was reversed. The April revolution initiated the process leading towards the revision of the *baldios'* legal status through the publication of *Decreto-Lei 39/76* in 1976. The national political context of this revision and the way in which it was taken up by the rural population are the subjects chapters 8 and 9.

This chapter consists of three parts. In the first part, I reconstruct exploitation practices and the related form of local administration as they existed until the nineteenth century state reforms. Elaborating on earlier statements in chapter 2, I describe the role of waste lands (common and private) in the local farming system. I continue with a portrait of the organization of local administration at that time and point to the importance of village communities (*povos*) in comparison with institutions such as the parish, the municipality, the Church, and the Crown. This point is further elaborated for communal land management

in Campeã at the turn of the century. The second part of the chapter describes how during the twentieth century, the parish, the municipality, and two central state agencies, the *Junta da Colonização Interna* and the Forestry Service, encroached upon village autonomy. The chapter closes with a discussion of the impact of these state interventions on the local society, in particular, equity and the capacity to revive the village community's system of local rule after 1976.

## The Commons in the Economy until the Nineteenth Century

As I pointed out in chapter 2, in official language, the commons and the so-called waste lands are conflated in the single term *baldios*. In reality, however, property status and land use are different categories which should not be confused. Areas which are officially denominated *baldios* are communally owned stretches exploited in different ways. Generally, they are not reclaimed for (agricultural) cultivation. Locally, these areas are called *monte* or *monte do povo*. In addition to these *baldios* other uncultivated lands exist, which can be owned by private individuals or by public bodies.

In the past (and also in many places today) the existence of waste land pointed to a specific farming system in which the farming of infields was combined with the exploitation of uncultivated outfields. In such systems, the exact property status of the waste land was of secondary importance: they could be privately or communally owned. The private or communal waste lands and the (private) cultivated parcels were articulated in one system in which the uncultivated outfields had the following functions:

1. the provision of green manure for the fertilization of the cultivated infields;
2. the provision of grazing land for the animal herds;
3. the provision of other resources like fuel wood, building material, etc.;
4. the provision of a reserve which could be reclaimed in the future.

In principle, these four functions applied to all waste lands, regardless of their property status. However, in this book I focus upon those areas which were communally owned.

The first function of the waste lands, (communal and private), was to provide fertilizer for the cultivated fields. Heather and other brushes growing there were collected, and in combination with animal dung, used for the fertilization of the cultivated infields. This system was not unique to the north of Portugal but has been known as a technique elsewhere in Europe (Slicher van Bath 1980:67, 283). It imposed a certain minimal ratio between the farmed and the unfarmed areas. In 1805 it was estimated that in Minho, to cultivate one hectare required at least three hectares of waste lands for the provision of manure. The increasing availability of artificial fertilizer reduced the amount of uncultivated area needed. As a result, in Minho, in 1903, the farmed land:waste land ratio increased from 1:3 to 1:2 (Nunes and Feijó 1990:61-64). In Campeã in 1941 this ratio was 1:4 (JCI 1941, 111:149; see the map in figure 7.1). The farmers

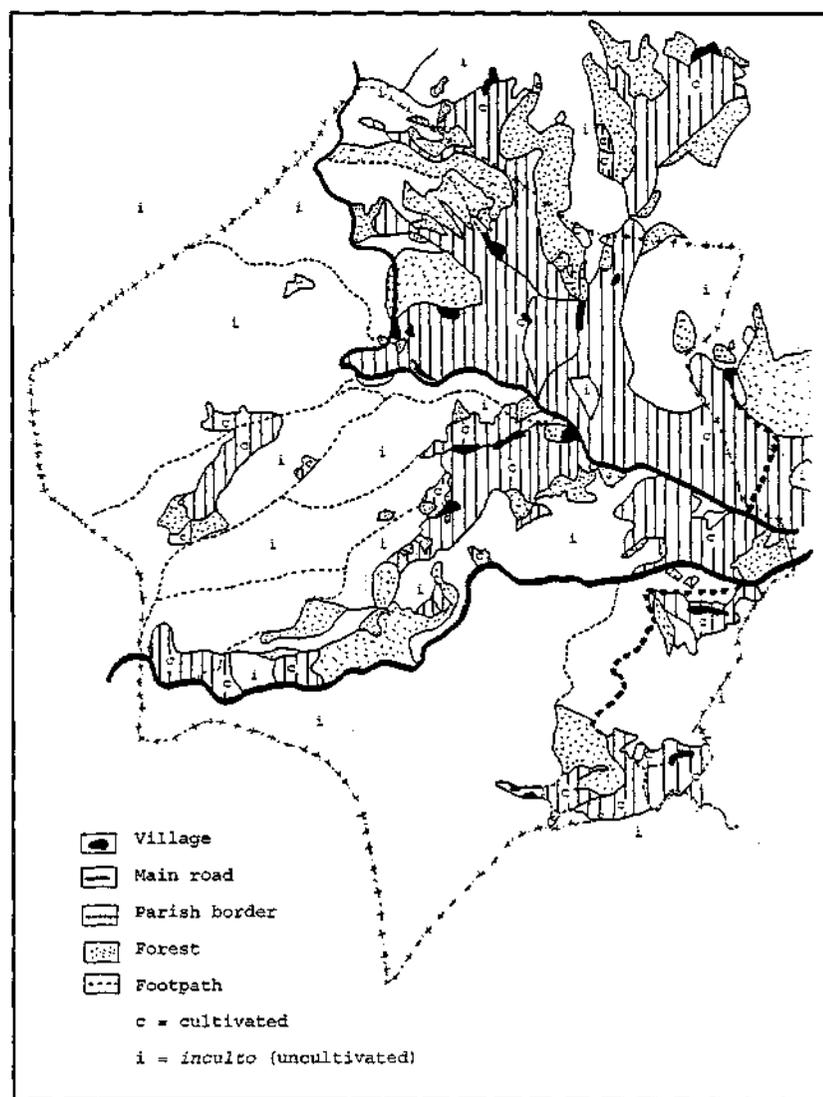


Figure 7.1: Land use in Campeã in 1947 after an areal photograph.

relied on access to brush to the extent that about one-third of the waste land area was their private property.

The second function of the waste lands was to provide pasture for sheep, goats, and bovines. The animals were grazed in individual or in combined herds. At least part if not all of the households in a certain community contributed of animals and shepherds to the combined herds (*vezeiras*) (Peixoto

1974:396-398; Sampaio 1923:32-33; Velozo 1953:10; Dias 1953:13). In Campeã, the village of Cotorinho maintained its last *vezeira* until 1957 or 1958 (int. 1. September 1991, 4 September 1991, 8 June 1993).

Third, the waste lands provided the inhabitants with other kinds of resources; fuel, construction material (stones and timber), and the raw material for the production of commodities (pottery and charcoal) (Nunes and Feijó 1990:61). In Campeã, in addition to timber and slates for construction, lime was excavated to be sold to the vineyards in the Douro area and to urban construction works as plaster. Heather (*torga*) was exploited for charcoal. It was also sold to urban areas (Costa 1959:68, 82, 138; AJF 17 June 1923, 15 July 1923, 17 January 1933).

Finally, the waste lands served as reserve. For example, in the case of communal land, patches could be temporarily cultivated by indigent individuals or used for the construction of a house and a small garden by newcomers who had insufficient private land of their own. During the nineteenth century, the *Câmara Municipal* of Barcelos (Minho, district of Braga), reserved certain communal areas for this purpose in order to allow the settlement of the municipality's poorest inhabitants. This policy was related to the rapid demographic growth and massive out-migration occurring at that time (Nunes and Feijó 1990:61). The recent history of Campeã provides several examples of this kind of use of the *baldios* (e.g., correspondence between the Forestry Service and the Parish Council quoted in chapter 5; appendix 9). Obviously, this function eventually resulted in a reduction of the communal area.

The relative importance of these functions varied according to location and time. An example of such variation in Campeã concerns the use of the communal *baldios* for grazing. Parish Council minutes indicate that in the second decade of the twentieth century, the interest in sheep and goat herding diminished in comparison to other forms of exploitation, such as bovines herding and the collection of brush for fertilizer. Such shifts could be translated into decisions to favour one form of exploitation over another. In 1923, people from two villages in the parish, Vila Nova and Aveçao do Meio, requested that parts of their respective commons be closed to goats and sheep during the summer season; 22 March to 22 November (AJF 18 March 1923). Two months later, the majority of the inhabitants of Montes made a similar request for the period 25 March to 25 November (AJF 5 August 1923). In 1926, the seasonal ban on goats and sheep on the Vila Nova *baldios* was extended to the whole year (AJF 19 September 1926).

As in neighbouring Minho, Campeã's *baldios* served primarily for the provision of fertilizer and the grazing of cattle (compare JCI 1939:461; JCI

1941, 1:8; Costa 1959:78-83; AJF 3 April 1927)<sup>1</sup>. The role of the commons in the local farming system also explains why people in the nineteenth century resented afforestation. They feared that it would hinder brush growth. In response to a 1803 state inquiry concerning the *baldios* in practically all *comarcas* of the Minho province, the *corregedores* (judges appointed by the King) did not complain about a shortage of trees but about their abundance because "the exuberance of certain species prejudiced the cultivated lands as well as the growth of the precious brushes" (Nunes and Feijó 1990:51-2)<sup>2</sup>.

There is no direct causal relation between the use and the property status of the land. The fact that land was used for the collection of manure and for grazing, did not necessarily imply that it was kept in common. The land's property status at a certain point in time was the result of an ongoing struggle between those who tried to privatize and monopolize the resources on it, and those who defended open access for all members of the community. In the case of the *baldios*, some households would strive for privatization in order to guarantee their individual access to brush. In addition to the exclusion of other brush users, the protection of brush against additional forms of exploitation (in particular, grazing) would help to increase the productivity of waste lands in terms of fertilizer. In those cases in which the proponents of privatization were successful, private plots of brush land were created. In Minho these plots were called *boucas* (bushes) (Nunes and Feijó 1990:61-63, 75, 79-80). In Campeã, they were named *tapadas* (from *tapar* or "close") (see also Devy-Vareta 1993a:245). Today, these names are still used to indicate private parcels with a communal past<sup>3</sup>.

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<sup>1</sup> These functions were partly complementary: brush and animal dung are mixed for fertilizer, and if one did not have horned cattle, the sheep grazed on the commons would provide the dung. The complementariness of the two functions appears clear in the argument raised by the Parish Council in 1949 to dissuade the municipality from raising the fees for sheep licences: "some fields do not produce enough to sustain cattle; in those cases, sheep fertilize the land" (AJF 6 February 1949).

<sup>2</sup> They were particularly worried about pines (Devy-Vareta 1993a: 102).

It was also feared that tree planting would reduce the availability of irrigation water. In 1939, the Campeã Parish Council urged the Forestry Service to plant trees sufficiently far away from water sources and currents "so that the roots of the trees planted along their margins will not prejudice the water flow" (AJF 21 May 1939).

<sup>3</sup> Sometimes, privatization was proposed to countervail state intervention. In Campeã, an inhabitant of Vila Nova proposed privatization of a specific *baldio* arguing that otherwise the land would be occupied by the Forestry Service. Instead it was decided that the concerned area - which was used by three villages — would be divided among the communities (AJF 22 October 1927). Five years later, in response to the publication of *Decreto* 10,552 of 14 February 1925 (which was aimed at the total division of the *baldios* among the commoners), the population spoke clearly against privatization, arguing that only the present generation would benefit and that new households would remain excluded (AJF 16 October 1927).

In the Serra da Carramulo in the Vouga area the parishioners divided the commons in the beginning of the twentieth century. The right to brush was individualized, but the collective right of grazing was conserved. In this way the appropriation of the totality of the resources by one or a few

The systematic exploitation of a resource requires a certain management structure. In the case of a common which is exploited for different aims and by different people, an organization is needed that balances the different kinds of exploitation with the given (or produced) carrying capacity of the land. It must also reconcile conflicting demands for fodder and for fertilizer. The organization must also regulate individual appropriation of the common resource. In Portuguese communities such as Campeã, this need for organization materialized in a specific form of local public administration.

### "Public Administration" in Campeã until the Nineteenth Century: The *Juizes de Vintena*

Under the ancien régime, public administration of village communities similar to those in Campeã, was subject to three external agencies: the municipality (*Câmara Municipal*), the Crown, and the Church. These bodies influenced the local population primarily through levies, laws, by-laws, and sermons. But in communities such as the villages in Campeã, their influence was rather limited.

In the thirteenth century, the central State (the Crown) had little power over Campeã. In 1220 King Afonso II ordered an inventory of his possessions and privileges in his realm. According to this survey (the *Inquisitiones*), there were 703 parishes. In approximately half (412), the King owned royal estates (*reguengos*) (Castro 1978-1985 11:150). Campeã, mentioned as Albergaria de Campiaa<sup>4</sup>, was one of the parishes without such *reguengos*. The King neither received rent (*foro*), nor controlled the nomination of the local parson, nor collected a tribute from the local church (*padroado*) (PMH 1928:41, 122, 190).

The inhabitants of Albergaria de Campiaa were totally free of royal levies, but according to a 1660 inventory of the properties of the Crown Prince's Estates (the *Casa do Infantado*), those of Santo André da Campeã were not. This inventory mentions a small *reguengo* near Montes for which the village as a whole had to pay one sheep and 16 *alqueires* of rye every year (ANTdT, Casa do Infantado, Livro 215). This can signify only two things: either the Crown

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wealthy farmers was evaded and the collective access to pasture maintained (int 1 October 1991). Both cases show how the common threat of total exclusion through monopolization by the state could incite a flight towards privatization.

<sup>4</sup> This old name of Campeã suggests that in the past the parish housed a religious community which offered shelter (*albergaria*) to pilgrims crossing the Serra do Marão to Santiago de Compostela. The community probably consisted of Benedictines who were related to the Monastery of Pombeiro west of the Marão, near Felgueiras. According to the *Inquisitiones*, the archbishopric's tenants in Campeã had to pay their rent at this monastery. This interpretation of the parish's early origins is consistent with the fact that Saint Andrew was its original patron saint - he was the Benedictines' favourite - and it also explains why today the parson bears the title of *abade* (abbot). (See Andrade 1900 on the title of *abade* and agrarian monasteries during the *recotujista*.)

had meanwhile acquired new rights in the area, which would imply an expansion, although diminutive, of royal domination; or the *reguengo* already existed in 1220, but was not listed under the heading of Campeã because at that time it was located in another parish. The parish's borders as they exist today, were not the same as in the past. For instance Quintã, now a separate unit, once belonged to Campeã. In both cases one has to conclude that although the Crown did exercise some power over the parish, that power was very limited<sup>5</sup>.

More important than the Crown's possessions were those of the archbishopric of Braga. According to the *Inquisitiones* the archbishop possessed seventeen homesteads in the area. He also controlled the local church and chose its parson. Another homestead belonged to this church, but this probably served as the priest's sustenance (PMH 1928:238). In the sixteenth century, the archbishopric still controlled the church, but its properties in the area had diminished considerably. According to the 1593 inventory kept in the Braga District's Archive, it possessed only an orchard, a garden, three flat fields (*chãos*), a chestnut grove and two houses and a barn in the villages of Vendas (then called Gudim) and Vila Nova. The area of this property was rather small; less than 1 ha (7,772 square *varas*).

The Crown's and Church's control over Campeã's population was fairly limited. The same can be said for the municipal authorities. Formally, the parishioners came under the municipal administration of Vila Real. They had to respect the Municipal Council's administrative rulings and by-laws and local justice was subsidiary to the municipal judge and the royal delegate to the municipality. However, all these bodies and officials resided in town and, given the coeval means of transport and communication, could only influence life in distant communities such as Campeã to a limited extent.

The constraint that distance placed upon the exercise of centralized administration was even ratified by royal legislation. In the *Ordenacoes Filipinos* — a collection and examination of the legislation prior to King Phillip I which was in effect between 1603 and 1867 (Costa 1989:284-289) - it was determined that judges should be appointed who were responsible for the communities' administration in villages that had more than twenty households and were more than one *légua* from the main town. According to the law, each

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<sup>5</sup> The first explanation can be that this *reguengo* was created after the inquiries, perhaps after the Duke of Bragança's accession to the throne in 1640, when his possessions were added to the royal domains. The second explanation is endorsed by reference in the *Inquisitiones* (p.40). According to this reference, "...in villa Campiaens habet Rex aliud casale heremum, et debet populari, et dant inde quartam fructus." (Villa Campiaens belonged to the parish São Miguel da Pena, east of Campeã). It is possible that it alluded to a populated site within the present confines of Campeã, for instance near the actual village of Montes. In 1530, the villages Cotorinho, Montes, and Parada were not mentioned under the heading of Campeã (Freire 1909). This would also match with the popular belief that the original head village of Campeã was not Vila Nova ('New town'), but the site called Crasto. According to this theory the term "crasto" was derived from *castro*, the denomination of pre-historic, Celtic fortresses.

year the *Câmara Municipal* and the *procurador* of the *concelho* were to chose a "homem bom" (best man) among the inhabitants, who "will act as judge [in it] and who will be sworn in at the town hall" (*Ordenações Filipinas* I, Título IX, n° 73). These judges were called either *juiz de vintena* (judge of twenty) or *juiz pedânea* (standing judge). They exercised the law over the inhabitants of the hamlets and villages (Pereira e Souza 1827; Caetano 1991:341). Formally, the standing judge was a municipal or even royal office. But, in practice, the villagers would themselves elect their *juiz de vintena*.

Campeã was located two *léguas* from Vila Real and several communities were larger than 20 households. These communities probably had their own standing judges. Therefore, in practice, the communities would rule themselves and administer justice along their own principles except for the most gravest crimes.

The presence of these standing judges in the parish of Santo André da Campeã is confirmed by records of the religious situation in the parish over the period 1655-1695 kept by the archbishopric (ADB, Visitas e Devassas, Livro 220). Each year priests visited the parish in order to check whether the parson executed his task correctly, whether the church and chapels were properly maintained, and whether the morality of the spiritual communities within the area met the official standards (at that time many clergymen living in a parish were not parsons). According to these reports, the *juizes de vintena* were charged with looking after the necessary repairs of the chapels. They were also responsible for other community affairs. In 1679, the visiting priest reported that the bridge between Veçam de Cabo (today; Aveção do Cabo) and Pereira had fallen into ruin. As the bridge was needed for the administration of the Holy Sacraments, he had "ordered the *vintena* to repair it ... before the Day of [All] Saints under the penalty of 500 *réis*" (ibid, p.26).

The chapters of the visitation report show that the *juizes de vintena* acted as intermediaries between the village communities and higher authorities such as the Church. They also show that the influence of the visiting priest was rather limited. The bridge mentioned in 1679 was still not repaired in 1681. Because the authority of the higher levels of the (Church's) administration was only effective when it was present, the (Church's) central administration's actual control over its subjects was restricted. The visiting priest stayed only a few days, the rest of the time, the parson and his flock were left alone.

The Crown, Church, and *Câmara Municipal* did influence the local judges' action, but because of their absence, their real power was limited. In practice, the village communities ruled themselves as autonomous village republics as discussed in chapter 2. This is confirmed by a statement in the 1751 *Memórias Paroquiais* (ANTdT, *Memórias Paroquiais*, Vol. 8, Mem. 65, pp. 419 ff.) saying that in Campeã, "there is no other jurisdiction but that of the villages". In short, under the ancien régime, Campeã was merely a loose aggregate of independent villages tied together through their parson and central church.

### The Regulation of the Use of the *Baldios*

In general terms, the regulation of the use of the *baldios* consisted of two sets of directives. The first regulated access, and the second exploitation. The first set had two aspects; the definition (in time and space) of the communal resource, and the definition of who those who held usufruct rights, the commoner or *vizinho* (literally: neighbour).

In Campeã today with respect to land, exploitation is no longer regulated by other time mechanisms than the biological (agricultural) cycle. But in the beginning of this century, specific parts of the *baldios* were closed for the grazing of sheep and goats during the summer. Further in the past, time even defined that private property could become subject to communal exploitation. In Campeã, an open field two-folds farming system was maintained which entailed the use of (private) fields for collective grazing during the fallow year (Taborda 1932:119). This system already disappeared by the eighteenth century. A 1780 rental contract mentions explicitly that fields were encircled by walls. Today, in Campeã collective grazing rights on the fallows have vanished completely<sup>6</sup>. The only resource for which limits in time still exist is irrigation water. During the winter season, all irrigation water that does not come from private wells is open to all users (open access). During summer, between Saint John's Day (24 June) and Saint Michael's Day (29 September), the water is distributed among a limited group of entitled commoners on the basis of rotation. Each of the individuals is entitled to use the water during a specific period. When that period is over, another member takes his or her turn, and so forth. In this manner, the water is rotated within the community of water users (see also: O'Neill 1987; Stam 1993).

The limits that divide the common from the private and one *baldio* from another, are still known and practised. Part of them are described in the 1952 parish by-laws (*Posturas* 1952), part are conserved in the memory of the population. The parish is divided into twelve communities. These were the original villages with their own *juiz de vintena* plus some new villages which expanded to such a point that they were separated from their original centres. Each of these communities has its own territory, called *limite*. The *limite* includes both the private and the communal area and coincides with the standing judges' jurisdictions. The limits of these territories in the communal areas are reproduced in figure 7.2, except for those of Pousada, where the *baldio* was too

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<sup>6</sup> This development was encouraged by the municipal authorities, for instance, by the prohibition of grazing on private lands without being able to show a written approval by the owners (ACM 23 September 1927; compare *Decreto* 13,658 of 23 May 1927). The Parish Council resisted these measures. When in 1964 the *Câmara* repeated the ban, the Parish Council responded that individual contracts between landowners and sheep and goat herders were far too complicated. Instead it proposed that a list would be drawn up of landowners who did not object to the use of their land by herders (AJF 5 May 1964). The municipality accepted this proposal (AJF 7 June 1964).

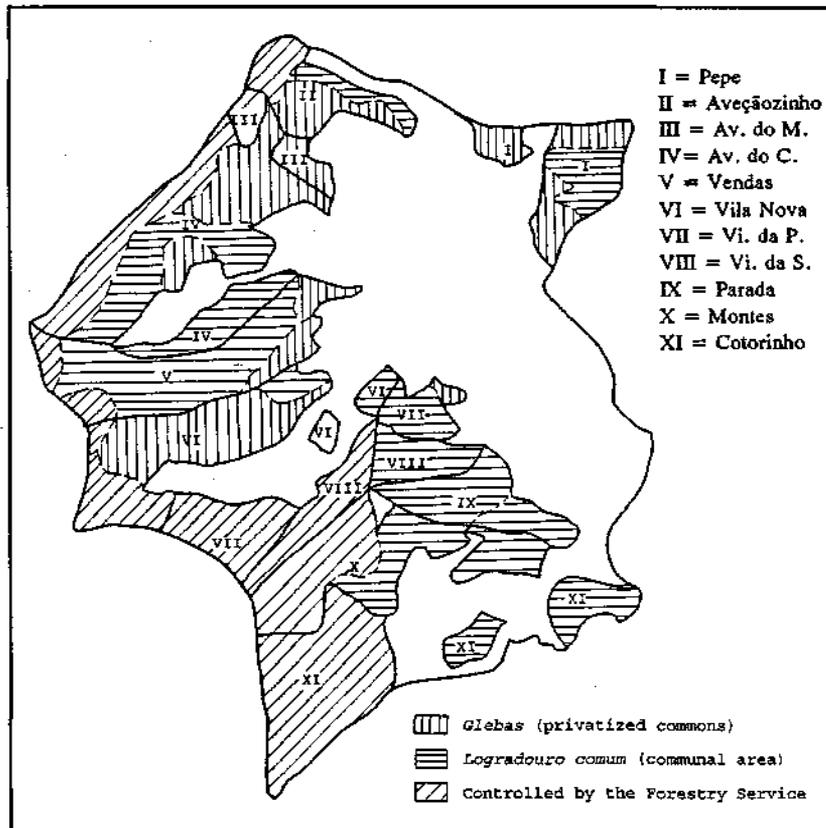


Figure 7.2: Map of the borders of the village territories or *limites* in the (former) communal areas. (Source: parish archives and parish council president.)

small (see table 7.1).

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The concept of *vizinho* was circumscribed both at the State and the local level. In the *Titulo LVI* of the *Ordenacoes Filipinas*, (the seventeenth-century book of royal ordenances), *vizinhos* are defined as "residents, their adopted children, a man married to a woman of the area as long as he lives there, ... and people having moved into the area with their family and majority of their goods more than four years ago" (Nunes and Feijó 1990:65). The definitions formulated at that time for Campeã are unknown, but the Parish Council's minutes show that people who owned or rented a field within a certain administrative territory (*limite*) could also use the brush land in that territory to fertilize that field (AJF 21 March 1923, 19 December 1926). Hence, even without being a *vizinho* in the strict sense as defined in the *Ordenacoes Filipinas*, people could acquire certain rights within a community. Finally, village communities could define their own standards. In Aveçãozinho, for example,

people living more than a half a year in the village were considered *vizinho* and entitled to the use of the village commons.

The second set of regulations concerned the intensity of use and the distribution of the common wealth among the individual *vizinhos*. The intensity of exploitation could be regulated by prohibiting certain forms of exploitation. The most general instrument was the *coutada*. It was to close (*coutar*) or to prohibit (*vedar*) grazing or brush collection in certain areas during a particular period. This was a joint decision of the users for the purpose of collective convenience (see Peixoto 1974:391-392 on the Barroso). These prohibitions could also have a more specific character. In Campeã, certain areas were closed to goat and sheep grazing, but open for horned cattle (AJF 18 March 1923, 5 August 1923). Finally, regulations could concern the distribution of profits made from the commons among the commoners. Such regulations could consist of restricting the number of cattle a household was allowed to graze on the common or of setting certain limits to the quantity of brush or the amount of fuel wood one may collect<sup>7</sup>.

The way in which the individual appropriation of brush was regulated in the area of Campeã, the *partilha*, was described for the first time by Rocha Peixoto in his 1908 study of communalist traditions in northern Portugal:

On the Transmontanian side of the Serra do Marão certain village communities meet in so-called *chamadas*, which are the local assemblies, in which they discuss the plots [*leiras*] to be chosen in the common for that season's collection of the *tojo* needed for fertilizer<sup>8</sup>. First it is discussed whether the area has little *tojo*, or whether these are still very young. But when the majority arrives at an agreement about the preferred zone, a day is set for dividing it. For the division, in some hamlets the parts are proportional to the properties of the farmer, as he who owns more also needs more fertilizer for his fields; in other [villages] equal parts are demarcated.

On a previously fixed day, all men of the hamlet go the *monte* where they measure by means of a cord the chosen polygon. When the area is delimited, for example a rectangle, on one of the sides the representatives of the different households line up with their hoes in their hands; on the opposite site, another man, esteemed and experienced, verifies if the inhabitants are well spaced, ordering them to move away or come nearer if that is necessary for an equal distribution. When he, judging that the positions are correct, calls loudly 'Well it is' - all, one by one, give a stroke with their hoes. The result is a figure consisting of a dotted line with each dot being

<sup>7</sup> I did not find an example of this kind of regulation in Campeã.

<sup>8</sup> Tojo is *Ulex spp.*. Other important brushes found on the commons of Campeã are *genista* (*Sarothamnus spp.*) and *torga* or *torgeira* (*Erica spp.*).

the landmark of a plot. The subsequent attribution of the lots is done by writing down all names on slips of papers, which afterwards are successively drawn by a child. The first name drawn receives the first *leira*, and so forth, with the collective respect for what fortune has given. (Peixoto 1974:394-395, footnote added)

Although Peixoto did not explicitly mention Campeã, observations in the 1930s and 1950s have confirmed that this lottery system was practised in most of the parish's hamlets (JCI 1939:37, 1941, 111:150; Costa 1959:77). Only in Pepe was a different system used. Here the *leiras* were attributed to a household (head) for more than one season (JCI 1941, 111:150) and upon his or her death they could even be passed on to the child that took over the household (int 25 August 1991). Nowadays, the inhabitants of Aveçãozinho still use the lottery system for apportioning fuel wood.

### The Villages and the Parish in the Nineteenth Century

Earlier in this chapter I said that the parish of Campeã already existed in 1220. This is true, but one should realize that a parish in 1220 cannot be compared with a parish in 1800 or in 1995. First, the present parish does not have the same geographic boundaries as its predecessor. Second, its boundaries in terms of social significance and political power, have also changed. As I mentioned already in chapter 2, until the nineteenth century parishes did not have a civil, secular status. They acquired such a secular status for the first time in 1830 when they became civil administrative entities within and beneath the municipality. Until then, the *concelho* had been the lowest level in the organization of the State.

The creation of the parish as a secular entity, also had consequences for the legal status of the commons. Until the mid-nineteenth century, the commons belonged either to the *povos* (the village communities), or to the *concelho* (JCI 1939:1; Nunes and Feijó 1990:65; Gralheiro 1990:26; Rodrigues 1987:18-20). Since the law of 26 July 1850, the *baldios* were considered to appertain either to municipalities (*baldios municipais*) or to parishes (*baldios parochiais*) (JCI 1939:8; Rodrigues 1987:18-42; Nunes and Feijó 1990:73; Gralheiro 1990:52). Generally speaking, this law did not alter the legal and administrative position of the municipal commons. But in *concelhos* like Vila Real, where the *baldios* had belonged to the *povos*, the administration and ownership of the commons were transferred to the Parish Councils (Sousa 1983:63-68; JCI 1939:460-463)<sup>9</sup>.

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<sup>9</sup> The institution of the parish as a civil administrative entity, did not follow a unilinear trajectory: the parish received civil administrative responsibilities for the first time in 1830, but these were withdrawn in 1832. In 1835 they were restored, only to be removed in 1842. With the administrative code of 1878 the parish became definitively part of the state apparatus (Caetano

In 1850 the villages officially lost their commons to the parishes. But, in reality, the *povos* continued to manage them independently. As Rocha Peixoto noted in 1908:

A large part of the ... commons are submitted to *general administration* by the Parish Councils. But in reality, everything related to their usufruct and mode of exploitation is not deliberated by the Councils, nor by any other institution higher in the hierarchy, but through the ballots in [village] assemblies of all the interested. (Peixoto 1974:391-392; author's emph.)

Even in the early-twentieth century the Parish Council was barely involved in the organization of the commoners' usufruct rights. This does not mean that the Parish Council did not play any role in the exploitation of the *baldios*. It only signifies that this role was rather small.

The earliest existing minutes of the Campeã Parish Council reveal how unimportant the role of the parish was in matters of communal land management. These minutes date between the last decade of the nineteenth century and the first few years of the twentieth. They contain only three references to Council involvement in communal land affairs. All show that the Council merely ratified decisions made by the villages.

The first reference is dated from 1890. In the Parish Council's minutes of 7 December 1890 one can read that a majority of the inhabitants of Vila Nova presented a petition to the Council which requested regulation of the use of the village's commons. The Council's answer is quite illuminating. It gives insight as to how it perceived its role at that time. The Council decided to honour the request by, "authorizing them to formulate a code which after being finished will be presented to the Parish Council so that the latter can sanction it" (AJP 7 December 1890). This decision demonstrates clearly that not the Council but the parishioners took the initiative. They asked the Parish Council to make a

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1991:352-354; Gralheiro 1990:32-35). This means that, strictly speaking, between 1850 and 1872, there were *baldios parochiais* without *paróchias*.

Until 1911, the parish administered both Church and civil affairs. The role of the parish priest in the state administration is still unclear. Serrão & Oliveira Marques (1991) argue on page 315 that the parson was an authentic civil servant, paid by the state treasury. But on page 486 they state that "the clerus at the level of the parish was not paid by the state but by the citizens" through gifts (*pê-de-altar*) and the annual church taxation (*côngrua*). In addition to the gifts and taxes, the priest received money for extra services and masses (baptisms, marriages, funerals, etc.). The charges for these services could be quite considerable (Johnson 1983:189).

Campean parish records suggests that the parson was not necessarily part of the local government. The minutes show that here he was councillor or president only between 1893 and 1904.

regulatory code<sup>10</sup>. The Council returned the request to the inhabitants by asking them to elaborate on it. The Council's own role was limited to officially certifying what the villagers had already determined.

The other times when the Parish Council got involved in communal land matters, concerned the appointment of *zeladores* (overseers or caretakers). Twelve villages or clusters of villages in the parish had their own caretaker who, among other things, also looked after the commons within the village territory (*limite*)<sup>11</sup>. The *zelador* was not a typical Campeã office but has existed in many other places under the same name (Dias 1948:83, 86-94 on Vilarinho da Furna; Monteiro 1985 on Serpins; the *Posturas* of Cerva, Torgueda and Lamas d'Olo) or under different names (*vedor*, *couteiro* in Cotorinho and Montes (int 8 June 1993), *mordomo* in Rio de Onor (Dias 1953:83; see also chapter 2). Probably, like in Vilarinho da Furna, in Campeã these *zeladores* succeeded the *juizes de vintena*<sup>12</sup>.

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<sup>10</sup> The minutes mention a "Book of Customs", possibly the 1890 or even earlier regulations of the commons' use in the parish priest's custody (AJP 30-03-1899). However, it is also possible that, like the Santa Maria de Alverenga's 1719 *Usos e Costumes* (Johnson 1983 passim), it listed the mutual obligations of the priest and the parishioners and their lay corporations. Unfortunately, in Campeã, there are no customs or by-laws determined before the 1950s in the Parish Council's office. These must be presumed lost.

<sup>11</sup> The earliest by-laws in the region that I have been able to consult are those of Torgueda, which date back to 1886. In these by-laws, the overseer's tasks were circumscribed as follows:

"It is incumbent upon the *zeladores* to:

1. look carefully after the observance of the parish by-laws in the areas that have been put under their charge;
2. report to the parish council secretary the trespassing of these customs within five days after the offence being effected;
3. accuse [transgressors] in front of the appropriate judge within ten days after reporting [the crime] if the transgressor has not voluntarily paid his penalty and take the action until the final .... [illegible].
4. Serve and fulfil the orders of the parish council" (*Posturas* 1886).

In the 1926 by-laws of Cerva in the *concelho* of Ribeira da Pena it was only written that the parish caretakers and the GNR superintend the observance of these by-laws and regulations in harmony with the dispositions of *Lei* n° 300 of 1913.

The Lamas d' Olo 1901 by-laws were approved by the districts government, the *Comissão Districtal* and the *Governador Civil*, and not by the municipality. This suggests a strong autonomy of the parish over their internal affairs in relation to the *concelho*. The Torgueda by-laws were proposed by the *Câmara Municipal* and approved by the District Governor. Torgueda apparently had a much weaker position towards the *Câmara* (see also fn. 16).

<sup>12</sup> A correct understanding of the evolution of local administration during the nineteenth century is hampered by the fact that many offices existed with sometimes only slightly different names and with unclear responsibilities. The *Livro de Visitas e Devessas* for Campeã mentions: *mordomos*, *juizes da igreja*, and *juizes da vintena*.

In the *Livro das Obrigações* *juizes* are mentioned who were responsible for the fabrication of olive oil for the Holy Sacrament (ADB, *Livros de Obrigação* 1660, 1670). What type of judges these were is not clear. Johnson (1983:183-184) mentions that in Santa Maria de Alvarenga in Minho the judge played an important role at marriages, baptisms, processions, etc. Again it is not

The exact responsibilities of the *zeladores* are not clear. It seems that they no longer played a role in the judicial system. This role was probably taken from them by the judge of the parish and the peace judge. The *zeladores*, however, remained important to the commons' administration. From the parish minutes, e.g., those of 4 April 1926, it appears that it was very uncommon that brush would be divided without the overseer being present. Hence, it is likely that the "esteemed and experienced" man mentioned in Peixoto's description of the partitioning of *leiras* as the one responsible for the proper spacing of the commoners, was in reality the community's *zelador*.

The nomination of village caretakers was principally arranged by the villagers. When in 1891 the Parish Council president saw it necessary to appoint new incumbents, the Council decided,

to wait until the village communities have made their proposals so that the Council will nominate according to their desires. Then the *Câmara Municipal* will be asked afterwards to confirm them in their offices and pass them the respective credentials (AJP 4 January 1891).

As in the previous case, the role of the Parish Council was limited to ratifying the population's decisions. The same procedure was repeated seven years later, in 1896 (AJP 9 February 1896)<sup>13</sup>.

## The Parish and the Commons in the Twentieth Century

The Parish Council's minutes between 1904 and 1922 have been lost. (This absence already has been documented in 1945: AJF 1 January 1945.) It is unfortunate that there are no existing chronicles because, during these years, one of the major changes in the Portuguese state organization took place: the republic was established. As a consequence of the republicans' strong anti-clerical ideology, in April 1911 State and Church were separated and the Church's properties nationalized. In Campeã, the Church received back only what it needed for the execution of its religious functions. These objects were: the main church, eleven chapels, the altars, statues of saints, vases for the holy communion, and other utensils (*Arrolamento* 1912). In 1913, *Lei* 621 extended the secularization to the Parish Council's denomination. The *Juntas de Paroquia*

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clear what type of judge he is referring to.

In the nineteenth century, the parish was administered by a parish council, a *juiz da freguesia*, and a *juiz de paz*. Although I am inclined to follow Dias and see the *zeladores* as the successors of the *juizes de vintena*, I want to stress that this succession should not be seen in isolation from the emergence of other offices and institutions. Unfortunately, information about this process is still lacking.

<sup>13</sup> The municipality's role suggests that like the *juiz de vintena* the *zelador* was a municipal office and hence confirms the hypothesis that the latter emanated from the former.

were renamed *Juntas de Freguesia*<sup>14</sup>. Church administration was left to a separate body, the *comissão fabriqueira*; whereas the Parish Council was only responsible for secular affairs. Separated from the Church and without a private office, it no longer met in the sacristy, but at the home of its president or other private individuals or in schools<sup>15</sup>. Possibly as another consequence of this reorganization and secularization, the Council's responsibilities with respect to the commons also changed. The minutes from 1922 onward show that now the *Junta de Freguesia* interfered more frequently in communal land affairs.

The increased influence of the parish on communal land management, appears in different ways. First, the Council acquired a stronger role in the nomination of village caretakers compared to the population and the municipality. In 1923 the inhabitants of Montes demanded the replacement of their caretaker. The new incumbent was ordered to present himself to the Council within thirty days to receive the respective credentials (AJF 15 April 1923). Apparently, the parish no longer depended upon the municipality for the installation of *zeladores*, but could do that itself<sup>16</sup>. Successive events show that the Council also obtained more power over the villages. In 1926, two weeks after his installation, the new parish president demanded the replacement of the village overseers with "people he could trust" (AJF 17 January 1926). One month later, five new caretakers were appointed (AJF 21 February 1926). This event suggests that although the villagers still elected their overseer, the Parish Council was able to replace him with one of its own supporters in order to enforce its own power base. In this manner, the Parish Council could also promote its power over the administration of the village's commons (the *montes do povo*).

The increase in Council influence over the appointment of *zeladores* was not the only change in that direction. Another was that the Council became directly involved in the resolution of conflicts over the *baldios*, particularly those between overseers and people accused of breaking the parish by-laws. The overseer would accuse trespassers in front of the Parish Council which would then give the accused an opportunity to prove his or her innocence. The minutes between 1922 and 1928 contain seventeen references to this type of Council

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<sup>14</sup> Unlike Portuguese (*paróquia* and *freguesia*) and Dutch (*parochie* and *kerstpel*), English does not have two different terms to distinguish the religious from the secular parish. Therefore, I will continue to use the denominations parish and parish council for the civil bodies that emanated from the ecclesiastical entities.

The secularization meant that properties unnecessary for the Church's religious functioning such as the estates mentioned in the 1593 inventory and the 1780 rental contract were transferred to the state. In the case of the domains mentioned in these contracts, I have found no information that might tell us what happened with farms and farm land.

<sup>15</sup> See, for instance, AJF 7 January 1923. The Parish Council's office was constructed only in 1962.

<sup>16</sup> A large variation existed in the powers of the municipality and the parish. In 1921, the Parish Council of Torquedia still requested the municipality to nominate a caretaker (ACM 18 June 1921).

interference (appendix 8), while those covering the 1890-1904 period contain no such reference at all<sup>17</sup>.

A third, and perhaps more important modification was that the village commons became a source of income for the Parish Council. The Council received the fines collected from trespassers. One half of the fine was returned to the *zelador* as compensation for his services<sup>18</sup>. The other half was put in the Council's treasury. Furthermore, the Council received money from the alienation of communal property, from sales or lease contracts (see appendices 9 and 10). Finally the villages had to pay a certain fee for the use of their communal areas. In 1923 the Council needed more money and decided to raise the duties (AJF 27 January 1923). The money raised in this way, 124\$00, was a substantial contribution to the Parish Council's finances. At that time, these payments constituted about one-third of the Council's income (370\$00, AJF 31 December 1923; appendix 10). In 1942, it resolved to double the duties for the same reason (AJF 6 December 1942) (table 7.1).

Table 7.1 The money paid by the villages for the use of their communal areas as fixed by the Parish Council in 1923 and 1942, and the sizes of the respective commons according to the 1939 inquiry (AJF 27 December 1923, 16 December 1942; JCI 1939:460-461).

Village	1923	1942	Area	Village	1923	1942	Area
Aveção do Meio	10\$00	20\$00	100	Pepe	14\$00	28\$00	100
Aveção do Cabo	20\$00	40\$00	60	Pousada <sup>a</sup>	0\$00	0\$00	10
Aveçãozinho	12\$00	24\$00	50	Vendas <sup>b</sup>	14\$00	38\$00	100
Cotorinho	10\$00	20\$00	140	Viariz da Poça	10\$00	20\$00	160
Montes	10\$00	20\$00	150	Viariz da Santa	10\$00	20\$00	170
Parada	8\$00	16\$00	80	Vila Nova	20\$00	40\$00	200

<sup>a</sup> Pousada did not have to pay anything "as it has only the *balديو* Tráz-do-Val, which because of its small size only gives a *leira* for each inhabitant in one out of four years" (AJF 6 December 1942).

<sup>b</sup> Vendas is not mentioned in 1923. But in 1927 its caretaker paid 14\$00 for the common (AJF 19 June 1927).

<sup>17</sup> The level at which conflicts were solved at that time is unclear. It is possible that the affairs were entirely dealt with by the village community itself (see, for instance, Dias 1948:92-94). But it is also possible that the offence was presented to the appropriate judge — possibly the *juiz de paz*, or the *juiz da freguesia*, as is the case in Torgueda — (see also fn. 11).

<sup>18</sup> Similar practices can be noticed in Cerva, Torgueda, and Lamas d'Olo (*Posturas* 1886, 1901, 1926). See also chapter 4 on the payment of fines to forest guards and the *Posturas* of Adoufe for the payment of village policemen (*guardas campestres*) (*Posturas* 1951).

The origin of this duty is unclear. The duty is not mentioned in the parish records previous to 1904, but it is possible that, at that time, it was levied by another institution or by the villagers themselves. Today the commoners of Aveçãozinho still use their *monte do povo* in such a way. Each year one lot of fuel wood is auctioned. The money raised is used for the maintenance of the local chapel. In any case, the Parish Council of Campeã was relatively late in exploiting the *baldios* as a source of income. According to the administrative code, it could have done so since 1878 (JCI 1939:10). In the neighbouring parish of Torgueda, the Council received money for the use of one of the five parish commons, at the latest from 1886 onward (*Posturas* 1886). Torgueda and Campeã maintained different ways of collecting the duty. In Torgueda, a duty of 50 réis was applied over each cart-load of brush taken from the concerned *baldio*, in Campeã, a lump sum was paid by the entire village. Within the village individual contributions could be set according to each household's use. In Vendas for example, each time a household participated in a partitioning of *leiras*, it had to pay some money (int 28 August 1991)<sup>19</sup>.

The Council's increased authority over the villages was openly contested only once. In 1926 a conflict arose between the population of Aveção do Cabo and the Parish Council. The village's leaders attempted to prove that the inhabitants had the right to administer their commons independently from the Council and its caretaker. The leaders challenged the Council's authority by executing the allotting of brushes without informing the *zelador* or having him present. The Council renounced these claims. It argued that these rebellious villagers were reluctant or unable to present the documents which could confirm their assertion. Even if these documents existed, the old decrees that validated them had been revoked by more recent laws. According to the Council, the only valid regulation of the administration of the parish and its commons was the Council's own *Código de Posturas* (Book of By-laws) and the single governing body was itself. Hence, it demanded obedience to its rulings from all the village communities. In order to assure itself of police assistance in case certain communities persisted with their rebellion, the Council sent a copy of its Book of By-laws to the GNR (*Guarda Nacional da Republica*, the military police) commander in Vila Real (AJF 18 April 1926, 2 May 1926).

Although the conflict concerned the Parish Council's authority, it can only be understood fully in connection with an affair of a quite different character. The man heading the rebellion had been a member of the previous Council. The new

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<sup>19</sup> This hypothesis is sustained by three facts: (a) the chapels are located within the villages with communal land and caretakers; (b) as the commons are not mentioned in the 1593 property register, they, therefore, did not belong to the Church; and (c) the chapels constituted separate units with independent (financial) administrations and treasuries (confirm ADB, *Visitas e Devessas*, Livro 767, fl. 71; AJP 6 September 1896).

Even today the chapels are independent units within the ecclesiastical parish (their official proprietor according to the 1912 *Arrolamento*). The villagers have to pay the priest separately for his masses in their chapels and they are also responsible for chapel maintenance.

Council accused its predecessor of embezzling several hundreds of escudos which were missing from the previous Council's account. It is possible that the man turned the people of Aveção do Cabo against the Parish Council not because of a conflict about the village's autonomy in relation to the parish, but in order to strengthen his own position in the embezzlement affair. This seems even more plausible since apparently the rebellion calmed down in June, when the former treasurer handed over last year's balance (132\$50) (AJF 20 June 1926). After this date, the minutes do not mention the revolt again<sup>20</sup>.

## The Municipality

While the Parish Council increased its authority in relation to the villages, it was itself threatened by forces of the municipality and the central State.

All historical inquiries into the legal status of the commons in the municipality agree that they belonged to the communities and later to the parish. Nevertheless, the *Câmara Municipal* did influence the management of the *baldios* through its own municipal by-laws. The first available information covers only a part of these by-laws. In 1912, the municipality revised the chapter on animal husbandry. This revision affected the use of the commons in the municipality as goat and sheep holders were obliged to buy a licence for their animals. With such a licence, one could graze the animals "in all public spaces as far as these are not closed by laws, by-laws or by ancient uses and customs established and observed by the inhabitants of one or more villages in the municipality" (ACM 4 January 1912). Trespassing was punished by a fine of 0\$250 (one-quarter of an escudo).

The first full version of the municipal by-laws that I was able to consult dates from 1927. This version contains a specific chapter (chapter 4) on the municipality's commons with various dispositions concerning their use and usufruct. These regulations seem to have had a double objective: to protect the soil and vegetation against abusive exploitation, and to prevent illegal appropriation of communal land by individuals<sup>21</sup>. In protected areas

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<sup>20</sup> The date of repayment suggests that there also existed a connection with national politics. In May 1926, a military coup brought down the government and a dictatorship was installed. In August, the ruling Parish Council was replaced with an Administrative Commission (AJF 22 August 1926; *supra*, chapter 6).

<sup>21</sup> The by-laws prohibited setting fire to the common, tearing brushes, cutting fuel wood or brushes if one did not live in the parish, village, or group of villages to which the *baldio* belonged, opening tubes, channels, or wells, or constructing porches (*alpendres*), balconies (*balcões*) and arbours or bowers (*ramadas*) which would hinder transit without a licence of the *Câmara*. Moreover, it was illegal to: tear stones out of the earth or open pits in order to take stones, enclose a portion of the common with a wall or by any other means with the aim to appropriate it, or do anything that would lead to the same end. Along brooks (*riachos*) and on moors (*torgueirinhos*) it was prohibited to tear out heather or cut brushes except by means of a sickle. The *Câmara* could concede licences

(*coutadas*), cutting brushes was only permitted during the autumn (August to December). Violating any of the regulations was punishable by a penalty of 30\$00. At that time, the fine was a considerable amount of money. For example, it equalled 8% of the Campeã Parish Council's total budget in 1923 (AJF 23 December 1927). The municipal authorities seem to have realized this. Later, it was decided that the fines not regulated by law, would be halved. The reason for this change was not made explicit (ACM 4 January 1929).

The *baldios* within the municipality belonged to the parishes. However, the 1927 by-laws suggest that at that time the municipal authorities did, nevertheless, exercise some control over the commons. They also indicate that this control was not equal in all parishes in the municipality. Chapter 2 of the *Código de Posturas* dealt with the licensing systems for goats and sheep grazing outside private areas previously mentioned in the 1912 by-laws. This system was only applied in part of the municipality. Sixteen parishes, including Campeã, were not mentioned; thus, they were apparently exempted from this rule<sup>22</sup>. It is likely that in these parishes, local control was stronger than in the fourteen parish included in the by-laws.

The application of certain measures in specific parishes and groups of villages as well as the tacit exclusion of other communities suggests two things. First, it implicitly confirms the historical authority of the *povo* over the commons. In that sense, it repeats the statement made in 1912, which defined "laws, by-laws and ancient uses and customs" as normative structures pertaining to the village level rather than to that of the parish. Second, it demonstrates that the *Câmara* could exercise control over some of the *{baldios* in the) parishes while over other parishes, its powers were more limited. In Adoufe for example, the *Câmara* was even able to sell communal land (ACM 21 December 1928). This

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to open tubes, channels, or wells upon the payment of 25\$00 along with the other costs needed according to the law for the concession of a licence, in agreement with the instructions of 25 September 1901 (ACM 23 December 1927).

<sup>22</sup> Article 11, n°3, section 1 of chapter 2 mentioned the following sites where a licence was required for the pasturing of goats and sheep: "the parishes of Andraes, Arroyos, Constantim, Folhadela, Lordelo, Matheus, Parada de Cunhos, S. Diniz and S. Pedro of Vila Real; in the villages of Craveloz and Vila Seca of Favelos in the parish of Adoufe; the villages Borbela, Flôres, S. Mamede, Nispera of the parish of Borbela; in the villages Abobeleria, Bouço, Lage, Ponte Nojaes of the parish of Mouços; in the villages Pena and Povia of the parish of S. Miguel da Pena; in the villages Aruadelo and Pouzadelhos in the parish of Sangueda; in the villages Azarês, Ermidela and Vila Marim of the parish of Vila Marim; and in the villages of Bijalhaes and Mondroes of the parish of Mondroes". The parishes Abaças, Campeã, Ermida, Guiaês, Justes, Lamares, Lamas d'Olo, Nogueira, Quinta, S. Tomé de Castelo, Vale de Nogueira, Vila Cova, and Vilarinho de Samarda were not mentioned. The 1912 modification cited above did not include any restrictions with respect to the part of the *concelho* affected by the regulations.

This difference between parishes and parts of parishes within the municipality, leads to at least two questions: To what extent was the designation *paroquiais* applied by the JCI in 1939 correct, and what was its exact significance. The fact that villages were sometimes mentioned separately, underscores the argument that the role of the parishes in *baldios* management was only secondary.

is something that never happened in Campeã. In Campeã its involvement seems to have been restricted to granting licences for wells, etc. It is my belief that these differences are related to the evolution of the *concelho* of Vila Real as an administrative entity. Abaças, Guiães, São Tomé do Castelo, and Justus were raised to *concelho* in the first decades of the thirteenth century (Reis 1991:222-241) and, during the administrative reforms of 1836 and 1853 were added to Vila Real. Campeã, Vila Cova, Quinta, and Lamas d'Olo had previously belonged to the *concelho* of Ermelo (extinct by a decree of 31 December 1853) (Costa 1934, VI:231-232; Barrata 1988; Sousa 1983:18). Apparently, the Municipal Council had fewer powers in the newly acquired areas than in the original municipality. This hypothesis is confirmed by the cases of Serpins in the *concelho* of Lousã (Monteiro 1985; chapter 5) and of Cerva in Ribeira da Pena. Cerva was an independent municipality until 1853. When this parish formulated its by-laws in 1926, it apparently did not need the municipality's consent. In fact, a considerable part of its *posturas* was dedicated to the demarcation of Cerva's *parish* commons from Ribeira da Pena's *municipal* ones (*Posturas* 1926).

The autonomy of the parish in relation to the municipality was the temporary outcome of an ongoing struggle. In October 1941, the municipality tried to impose the licensing of sheep and goats on Campeã as well. It also intended to prohibit grazing without the presence of a shepherd (AJF 19 October 1941). The Parish Council reacted by admitting that the law permitted the "highly esteemed *Camara*" to charge goats and sheep. But it pointed out that the commons of Campeã were parochial and had always been owned by the Council. It also pleaded with the municipality to take into account the poverty of the parishioners. People could not afford to have a shepherd accompany their individual herds<sup>23</sup>. It seems that the Council's plea was successful. The licences were not introduced in Campeã until 1946. Even then, the Parish Council was able to use them to its own benefit, as it received the *Camara's* consent to add the licences' revenues to its own treasure (AJF 13 January 1946)<sup>24</sup>.

The Parish Council eventually lost the struggle over the imposition of a licensing system for herding, but it was able to convert it into something for its own benefaction. However, at the same time, other developments undermined its tax base and financial autonomy. From the mid-fifties onward, the Parish Council was forced to pay 25 % of its income from fines to the municipality and the district (*contribuicao industrial* and *albergaria districtal*, created by *Decreto* 30,389 of 20 April 1940) for funds destined for industrial development and

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<sup>23</sup> I do not know whether these modifications were really introduced in the other parishes of the *concelho*. The minutes of the *Câmara* from this period are lost. The only reference I do have, is derived from the minutes of the Campeã Parish Council and therefore only accounts for the situation in this parish.

<sup>24</sup> In 1949 it resisted increases in the licence prices (AJF 6 February 1949, 6 March 1949).

housing for tramps and beggars. These payments were mentioned for the first time in the 1955 grazing regulations (*Regulamento* 1955). The payment of these duties meant that the municipality and the district were able to expand their tax base at the cost of the parish. In order to resolve the problem, the Council stopped compensating the *zeladores*, who had until that time received half of the income from the fines (int 15 April 1992). In this manner, the growing power of the municipality started to undermine the powers and autonomy of both the Parish Council, the *povos* and their overseers.

### Junta da Colonizacao Interna

Two central state institutions, the Forestry Service and the *Junta da Colonizacao Interna* (JCI) started to interfere with Campeã as part of the national policy directed towards the reclamation of communal waste lands. The JCI was created in 1936 as a division of the Ministry of Agriculture, with the special purpose of improving the exploitation of the commons (*Decreto-Lei* 27,207 of 16 November 1936). It was to stimulate reclamation of waste lands for the settlement of new farmers (art. 173, § 2, n°4 of the decree). In 1939 the JCI published its first report in which it identified 407,544 ha of *baldios* all over the country that had not been submitted to the forestry regime by the Forestry Service. These *baldios* were concentrated in the north: more than half of their total area was located within the borders of the Vila Real, Viseu, and Viana de Castelo districts. Vila Real had the largest share with more than a quarter of the total area. The JCI proposed the development of the waste lands in two ways: reclamation for agriculture (18% of the total area), and reclamation for forestry (82%). In 1937 and 1938 it provisionally reserved 79,951 ha (16,507 ha in the Vila Real district) for these purposes. In Campeã, the JCI found 1,322 ha of communal land of which 1,027 ha was to be reclaimed for agricultural aims. The remainder (295 ha) was to be for forestry. In September 1937, it reserved the commons of the villages Vendas, Vila Nova, Viariz da Poça, Viariz da Santa, Pousada, Parada, Montes, and Cotorinho, which totaled approximately 1,010 ha (*Declaracao de Reserva, Diario do Governo* of 11 September 1937)<sup>25</sup>.

The 1939 proposals were vague and sprawling. In the next two years, the JCI made detailed studies of the local social and economic conditions in the areas for which it had intervention plans, and formulated more elaborate projects (JCI 1941). According to this more profound inquiry, the total area of the parish of Campeã amounted 2,615 ha, of which 1,273 ha (49%) were private property

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<sup>25</sup> In the *concelho* of Vila Real, the JCI found 5,212 ha of communal waste land (14.5% of the municipality's total area). Of this area, 3,284 ha (63%) was considered suitable for forestry. In 1941 the reserve was expanded over the total communal area (*Diario do Governo* 107, II Serie, 10 May 1941).

and 1,342 ha (51%) were communal property. Only a small amount (20%) was actually cultivated (see figure 7.3). The report also dealt with the question of social differentiation, showing that land and cattle were unevenly distributed among the households. The larger landholders controlled much more cattle than the small holders, who owned only a sheep or goats (table 6.5). In order to rectify the unbalanced social conditions, the JCI proposed that more than one third of the communal area (40%) be turned into privately owned plots (*glebas*) and be divided among the 507 commoners in the parish. These plots were to be reclaimed for agricultural aims. In this way the JCI hoped to increase the average farm size by 1.1 ha (table 7.3). The idea was to improve the viability of the small enterprises. The remaining areas with poor soil quality or steep inclination, were to be afforested<sup>26</sup>. The settlement of colonists and the creation of new hamlets were excluded since, according to the JCI, the parish was already densely populated.

The JCI realized that the division of the commons would seriously affect the Parish Council's budget. Under the existing conditions the parish annually received the duties paid by the villages for the use of the commons. The division and the attribution of the commons to the individual commoners would inevitably put an end to this source of income. Therefore, the JCI proposed not to hand over the administration of the total area to be afforested to the Forestry Service, but to maintain a tract of 181 ha under the direct administration of the Parish Council as a compensation (see figure 7.3).

The first time the Parish Council's minutes refer to the JCI's interference in Campeã is in November 1947, when the parish received a letter in which the JCI declared that alienation of the parish commons was submitted to stringent limitations as a result of the provisional reservation by the decree of 11 September 1937: "no concessions can be granted longer than one agricultural year and that the concession cannot have a final character" (AJF 3 November 1947). During the following three years nothing happened, but in July 1950, the Parish Council received a second letter which stated that Campeã would be visited by a brigade "in order to execute the division of the baldios as defined in *Lei* 36,054 of 20 December 1946" (AJF 6 August 1950). This letter was dated on the 17th of July. Three days later, on the twentieth, the brigade arrived in the parish and "asked for the *baldios*". The Parish Council handed over the *baldios* and arranged for people to accompany the brigade and to help with the work (ibid).

The Parish Council did not try to resist the JCI. It worried only about the financing of the work needed for the apportionment such as demarcating the plots and placing landmarks. The Council did not have the money to finance the work. This problem was solved by the municipality's offer to lend the money

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<sup>26</sup> The JCI distinguished two types of agriculture: intensive and extensive. The first concerned the production of maize and potatoes, the second concerned rye and wood. 85% of the area for so-called agricultural *glebas* was, in fact, destined for afforestation by the individual landowners!

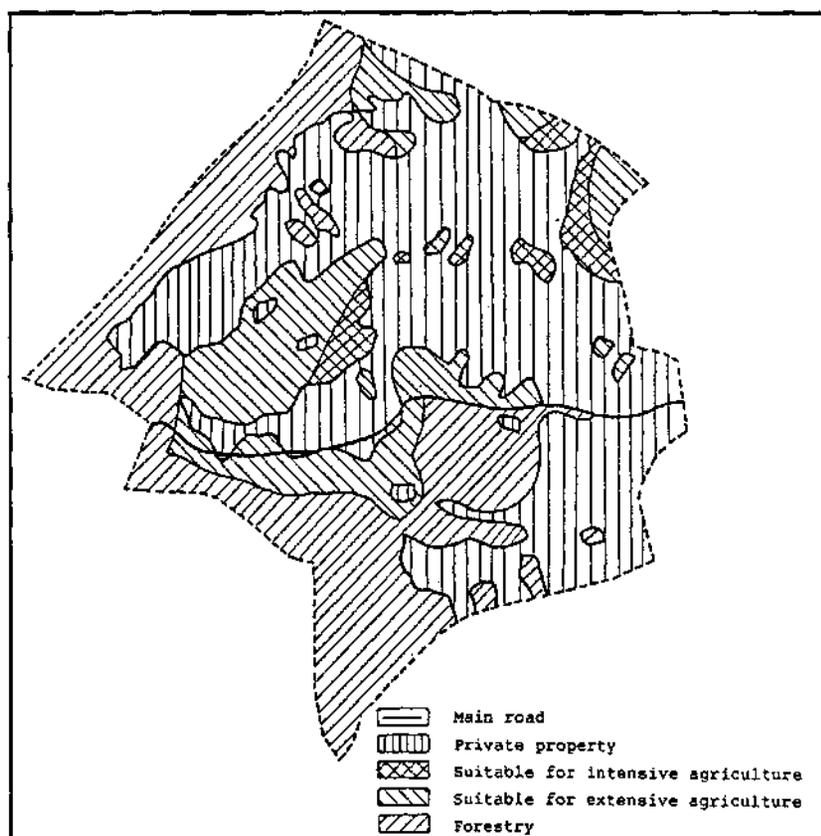


Figure 7.3: Property status and proposed use of the commons according to JCI (JCI 1941).

needed for the execution of the division of the commons in the first village. The municipality explained that the division of the *baldios* not only cost money, but also created revenues. The commoners had to pay for the *glebas* they received. The revenues of the first village could be used to cover the expenditures in the second, and so on. The money of the last village would then be returned to the *Camara* to pay back the loan. When the Parish Council saw that the financial obstacles were removed, it made no further objections to the division (AJF 6 August 1950) and it let the project proceed. Throughout the rest of the year, eight villages underwent the division scheme. From these villages, the Parish Council received a total of 6,245\$00. The division's total expenditures, 4,830\$00 (AJF 5 November 1950), were more than recovered in the sums paid by the villagers for their portions. The partitioning left a net revenue of 1,415\$00 to the Council.

According to the JCI's original plans, the *baldios* would be divided into areas reserved for afforestation and cultivation (table 7.3). The area for afforestation would be submitted to the forestry regime and managed by the Forestry Service, while the area for cultivation would be divided. During the implementation of this project, some inhabitants of the parish started to speak out against it. They argued that there was no land left for communal use. This would be especially detrimental to the newly established households because they would not have access to brushes for manuring their fields nor access to pastures for their cattle. Another argument was that people would take their cattle to their *gleba* and, on the way, destroy what would be growing on the *glebas* of their neighbours (int 28 August 1991). Some influential people (mentioned were Alberto Barria Maio and Fernando Cerejeira Seixo) took their concerns to the engineer who was in charge and they made him review the project<sup>27</sup>. Consequently, besides to the areas destined for forestry and cultivation, a third area was demarcated. This area would remain communal. The parish's forest area was cancelled. Instead, it was decided that the Council would receive some parcels of communal land in full property. These parcels were taken from the parish's public domain and became part of the Council's private property.

In order to free some land for communal use, the number of plots was reduced, so that only about 170 of the 507 farming households in the parish would receive a *gleba* instead of every household as was the original plan. The recipients of a *gleba* forfeited their right to the brush on the remaining communal area. This was reserved for those who did not receive a plot (art. 17 of the *Posturas* of 1952). The new model was implemented in seven villages. Different systems were implemented in other villages: In Aveção do Meio all inhabitants of the *limite* received a *gleba*, while in Cotorinho, Montes, and Parada no *glebas* were designated (table 7.2).

By August 1951, the apportionment was completed and the JCI lifted the reservation on the areas which had not been divided, or designated for communal use (*logradouro comum*), or attributed to the Forestry Service. These areas were handed over to the Parish Council in order to be sold to the highest

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<sup>27</sup> The engineer, who on behalf of the JCI made an inventory of the *baldios* of Campeã, confirmed that he had had close contacts with both men. These contacts were rather enduring. In the 1980s, after his return from Mozambique, he helped Barria Maio with a request for a subsidy for a new stable. Contact, however, was not so close that he knew that Barria Maio had died a few years later (int 21 April 1992). The engineer denied any involvement in the project's later stage. Instead, he indicated a colleague who was responsible for the revision. But when I contacted that person, he also denied any involvement in the division of the *baldios* in Campeã. Furthermore, he refused to be interviewed. Because of this evasive behaviour, it has been impossible to refute allegations with respect to favouritism. (Costa 1959:93; Baptista 1978a:185; int 28 August 1991; correspondence between the Parish Council and the Forestry Service quoted in chapter 5).

bidders (AJF 5 August 1951). They were privatized in the 1960s and 1970s<sup>28</sup>. At the same time popular resentment against the division process reached such a peak that some prominent farmers formed a committee and sent a petition to the local and national authorities (the *Camara Municipal*, *Governo Civil*, JCI and the prime minister's cabinet) in which they requested the investigation of the division process<sup>29</sup>. The leading forces behind this movement were the parish priest, his brother, and the Parish Council's secretary (*O Vilarealense*, 8 November 1951). The JCI reacted through a letter to the Parish Council, in which it declared that the division was legal only if there was a declaration of consent signed by the majority of the villagers. "If there was no consent between the people about the division, the JCI would hand over the *baldio* in its totality to the Forestry Service" (AJF 23 October 1951). This letter was discussed by the Parish Council on 23 October 1951. The Council argued that transferring the *baldios* to the Forestry Service would imply a serious prejudice

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<sup>28</sup> These areas were Tráz-do-Val in Pousada ( $\pm$  4.4 ha), Lagoa de Pepe ( $\pm$  7 ha), Carquejedo and Chão Velho in Aveçaozinho (2.16 ha), and Carvalheira de Baixo in Aveçao de Cabo. These areas were gradually privatized in accordance with art. 399 and 400 of the Administrative Code:

The larger part of Tráz do Val (2.3 ha) was destined for the mining company of Vila Cova for the construction of a neighbourhood for its workers, about 1.2 ha for the building of a school, while the remainder was to be sold in small lots for housing for the poor (AJF 1 May 1960). The mining company bought its share in 1961 (AJF 5 February 1961). The construction of the workers' quarters started some years later but was never completed. The remainder was sold for housing during the following decades.

Carquejedo and Chão Velho in Aveçaozinho were sold in 1963 to three *proprietários* for cultivation. Alberto Barria Maio (of the *Comissão Política*) and Joaquim Jorge Alexandre (of the Parish Council) acquired 0.78 and 0.345 ha respectively (AJF 7 June 1963). The third *proprietário's* name was not mentioned, but interviews with villagers indicated that this area was purchased by Joaquim's brother.

The Lagoa de Pepe (reservation lifted on 10 October 1951, *Declaração de levantamento*) was privatized in two steps. On 7 April 1957 part of the 9,675.65 m<sup>2</sup> was divided into 16 lots, varying in size between 2,539.60 and 92.20 m<sup>2</sup>. The buyers of 14 lots are known. These lots were bought by 12 landowners, 11 from Pepe and one from Chao Grande. This sale produced a total of 33,489\$90 (about 3\$46 per m<sup>2</sup>). The rest of the area (circa 6.1 ha), was leased to the highest bidder for six years. Although I did not find any minutes from the meeting in which the rent was adjudicated, I suppose it went to Manuel Chaves of Mineiros E.T. L<sup>da</sup> in Vila Real, who offered 30,500\$00 or 5,083\$00 annually. Alberto Barria Maio was one of the bidders who did not get the lease. Six year later, on 17 February 1963, the land was rented again. This time, Alberto Barria Maio obtained the lease by paying a rent of 5,267\$00 per year. Three years later, in 1966, he bought the area for 360,150\$00 (5\$90 per m<sup>2</sup>).

Carvalheira de Baixo in Aveçao do Cabo was used from 1976 onwards for the housing of people returning from the colonies after independence (JDF 7 March 1976).

The most important beneficiary of the privatization process incited by the JCI was Alberto Barria Maio, who was able to get 6.9 ha out from the aftermath of the JCI's intervention in addition to a *gleba* of 2.2 ha.

<sup>29</sup> My attempts to find a copy of the petition failed. Neither the Parish Council, nor the *Governo Civil*, nor the Prime Minister's Cabinet seem to have kept their copy. In the *Camara's* book of correspondence, the petition is mentioned, but the band in which it should have been conserved was empty.

to the parish. Thus, in its response to the JCI, the Council declared that the Parish Council the opponents of division were not the legitimate representatives of the parish and that handing over of the area to the Forestry Service would be a blow to the region's well-being and that the reclamations sent to the JCI came from persons who by no means can claim to have the right to be the legitimate representatives of the parish, and even less to be considered the defenders of its interests. (AJF 23 October 1951)

Table 7.2: Division of the commons in 1951 supervised by of the JCI (Source: *Posturas* 1952, parish records, DGSFA 1956a).

Hamlet	#hh.	Divided (ha)	Glebas		Commons left (ha)	
			N	Average (ha)	Total	area/hh
			1	2	3	2:3
Aveção de Cabo	57	22.41	25	0.90	25.70	0.80
Aveção de Meio <sup>a</sup>	34	20.71	34	0.61	0.00	0.00
Aveçãozinho	58	13.62	20	0.68	20.06	0.53
Pepe	91	35.71	25	1.43	29.73	0.45
Vendas	93	30.76	27	1.14	48.94	0.74
Viariz <sup>b</sup>	84	12.34	13	0.95	88.88	0.83
Vila Nova	66	62.98	25	2.52	32.78	0.80
Subtotal <sup>c</sup>	483	198.53	169	1.17	246.9	0.78
Cot., Montes, Parada	73	0.00	0	0.00	39.0	0.53
Total parish	556	198.53	169	1.17	285.09	0.76

<sup>a</sup> Seventeen households lived in Aveção do Meio itself. The number of households entitled to the commons was greater since inhabitants of Pereiro, Pereira and Seixo belonged to this *limite*, as well.

<sup>b</sup> Viariz da Poça and Viariz da Santa are taken together. In the *Posturas* of 1958, their communal area is estimated in only 59 ha. Assuming that the remaining commons were indeed 59 ha instead of 88.88 ha, the average household in the Viarizes held 0.56 ha and in the totality of the seven villages participating in the division 0.69 ha. of communal land (*Posturas* 1958)

<sup>c</sup> Not including Cotorinho, Montes and Parada. These hamlets did not participate in the partitioning. Their communal area is estimated at 39 ha (DGSFA 1956a).

An interesting component of the Parish Council's deliberations is the explicit fear of the Forestry Service. The Council was afraid that handing over the *baldios* for afforestation would imply the loss of pastures and fertilizer "without which the parish, given its climatological conditions, would be unable to survive" (AJF 23 October 1951). The Council decided to ask the *Governador Civil* and the president of the *Câmara Municipal* to intervene in order to stop

the transfer of the commons from the authority of the JCI to the Forestry Service. The Council also mobilized support from the parish's *regedor* and the *Comissao Politico*, the local level of the *Uniao Nacional*<sup>30</sup>.

The Parish Council's reaction was successful and the petition remained ineffective. There was no investigation was started and the division was never undone. The petition's only visible consequence was that the list of people entitled to a *gleba* was adapted. According to the parish priest, those who in 1951 had signed the appeal, were excluded from the *glebas*. He himself had provisionally received a very nice plot with some trees in the area of Vila Nova. He told me that he had obtained the area because of the presence of some water sources which served the village of Vila Nova. People believed that these important resources were safer in his hands. They trusted that their parson would not be inclined to cut-off the water source. But after the priest became involved in the petitionary movement, he lost his provisional title, and the plot was given to someone else (int. 10 October 1991).

In 1955 a new Council was installed, which called upon the Forestry Service to reverse the process. As I have shown in chapter 5, this attempt was futile and the division of the commons was never unmade.

The new division scheme was cheaper than the previous one. In Aveção de Cabo and Aveção do Meio, it cost 102\$00 for labour and 120\$00 for transport. A 1.1 ha *gleba* cost 700\$00 making the price per hectare around 635\$00 (int 28 August 1991). Therefore, in both villages, the division of about 23 ha produced an approximate gross revenue of 14,600\$00, and the net revenue in these two villages alone was already 14,475\$00. The money the Parish Council could raise by the entire division would amount to 127,000\$00. Apparently, this second partitioning was even more profitable to the Parish Council than the first one. However, the money did not enter the parish treasury all at once; people receiving a plot were allowed to pay in small instalments of 20\$00 (AJF 4 November 1951).

Cotorinho, Montes, and Parada refused to participate. In these hamlets on the parish's steep and mountainous southern fringe, people predominantly practised sheep and goat herding. 43% of all of the goats in the parish and 59% of the sheep were kept in these three villages but only 8% of the cows (JCI 1941). The *baldios* in these communities continued to be exploited communally until the submission of the area to the forestry regime in 1956. However, the Parish Council initiated various measures to make sheep and goat ownership less attractive. In 1946 a licensing system was established which demanded the payment of 0\$50 for each goat and 0\$30 for each sheep. In 1951 the grazing of sheep and goats was prohibited in all communal areas except for those of Cotorinho, Montes, and Parada. In 1955 these villages were submitted to a

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<sup>30</sup> This is the only reference to this institution made in the Parish Council's minutes. Its members can be found in chapter 6. See also chapter 9 on its role in the 1972 elections.

special, JCI-inspired, regulation (*Regulamento* 1955). This regulation limited the space where these animals could graze:

Within the communal areas distributed to each of the hamlets designated in art 1. [Cotorinho, Montes and Parada], the Parish Council can close [*coutar*] particular lots in which it is prohibited to graze goats and sheep, if it judges necessary, because of reforestation, the growth of fuel wood for a better provision of the inhabitants to whom the communal areas belong, or the possible improvement of the parish economy. (*Regulamento* 1955, art. 5)

Elsewhere in the parish it became prohibited to graze bovines, horses, donkeys and mules in the *montes* Tráz-do-Val (of Pousada), Roço e Carvalheira de Baixo (of Aveção de Cabo) and Lagoa (of Pepe and Balsa) without special licences. These licences (for the Lagoa of Pepe created on 3 August 1952) were a new source of income for the Council. In August 1952 it received 121 \$50 from two licence holders of the Lagoa de Pepe alone (AJF 3 August 1952). In 1954, it received 142\$00 from the same area.

The JCI's interference was not limited to the execution of the land divisions. The board also tried to regulate the use of the remaining communal areas; both in 1951 and 1958 it formulated new by-laws for the parish (AJF 13 December 1951, 2 December 1958)<sup>31</sup>

## The Forestry Service

The second central state institution intervening in Campeã was the Forestry Service. This service had unofficially published its plan for the afforestation of the waste lands in 1935 (*Memória sobre o Reconhecimento dos Baldios ao Norte do Rio Tejo*, later officially published in Min de Agr 1940). In this plan, the Serra do Marão was included in a larger area (block H), covering 29,025 ha of *baldio* land in the Porto and Vila Real districts. Before 1936 16,535 ha had been already placed under the partial forestry regime, 6,535 ha in the *concelho* of Amarante in the district of Porto, and 10,000 ha in Mondim de Basto in Vila Real. The Forestry Service defended the afforestation of the area by arguing for the production of quality and pine timbers, and for the hydrological adjustment of the basins of the Rivers Tâmega and the Corgo and some smaller tributaries of the Douro. It proposed planting 18,000 ha with, among others, *Pinus sylvestris*, *Quercus rubra*, *Pseudotsuga douglasii*, and *Chamaecyparis lawsonia* (Min de Agr 1940:64).

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<sup>31</sup> Contrary to the 1951 by-laws (*Posturas* 1952), the 1958 proposals were never printed. They seem to have had little impact on the parish. The main differences with the previous version concern the duties on the commons (absent in 1952 and present in 1958) and the licensing system for grazing.

Between 1935 and 1955, there were no major developments in the Campeã area (see also pp.99-104 *supra*). In April 1955 the Forestry Service informed the municipality of Vila Real of their intentions to afforest the commons in the area. Consequently, the *Camara* announced a meeting in the city hall at which the traditional usufruct practices and rights would be identified:

The *Câmara Municipal* of Vila Real announces that on the next first of May in the city hall the inquiry will be held referred to by art. 14° of the Decree of 24 December 1903 that approved the regulation of the execution of the Forestry Regime, with respect to the *perimetro* of the Serras do Marão (Vila Real) e Ordem.... This inquiry is intended to identify the uses of the *povos* related to transit, water, pastures and exploitation of forestry and mineral products in the areas included in the Forestry Regime, and of the inconveniences which may rise from the application of that regime. (CMVR 1 May 1955).

At the meeting the representatives of the ten parishes affected by the project expressed their great concern about the afforestation projects. They made it clear that they would protest when the exact limits of the areas to be afforested became public. They further demanded sufficient land around the villages for pastures, and they expected the Forestry Service to respect the existing rights regarding water, passage, and the zones "closed" by the Parish Councils (the *coutadas*). They also asked the Forestry Service to execute the planting "by plots, leaving not yet reforested areas free for grazing and the collection of brush and firewood" (*Inquiry* 1 May 1955).

In June, the Technical Forestry Council advised that the process to submit the area to the forestry regime be continued, although they conceded that the announced intervention of the Forestry Service has caused some alarm in some rural circles. Given the very peculiar characteristics of the agricultural exploitation in a geographic unity in which the baldios have a special meaning for the mountain economy, [the council recommended that] submission [should] not imply integral afforestation, exactly because one recognizes the imperative necessity of save-guarding the legitimate interests of local agriculture.... [T]he reforestation should not have the objective to create extensive and endless woods, but first and foremost the constitution of woodlands that not only have to resolve the notorious lack of woody material, but have the primary function of improving and defending the pastoral conditions. (CTFA 22 June 1955)

In February 1956, the forestry perimeter of the Serras do Marão e Ordem was created with an area of 8,250 ha (*Decreto* 40,524 of 4 February 1956). As I already mentioned in section 5.4, in Campeã an area of 625 ha was placed under the forestry regime. Later that year, an afforestation plan for the perimeter was drawn up, which assigned 620 ha in Campeã to would be afforested, with the remaining 5 ha reserved for communal use (DGSFA 1956a). The Forestry Service tried to take into account the herders' need for

grazing grounds. When it started the work, the Service prohibited grazing in the areas where trees had been planted. After a few years, when the trees had grown sufficiently, grazing was again permitted, but by then the animal stock in the parish had decreased so dramatically that there was almost no interest in the pastures.

The exact pattern of the afforestation cannot be reconstructed because I did not have access to the Vila Real Forestry Administration's archives. It seems, however, that by the end of the 1970s or at the beginning of the 1980s, the areas that had been designated for afforestation had been covered by trees. Unfortunately, the forest burned a few years later, so presently, most of the area administered by the Service is void of trees again.

### The Impact of the Interventions

The interventions by the JCI and the Forestry Service had a serious impact on the parish population. The first effect was to increase the social and economic inequality. In the parish, 169 households benefited from the division by receiving 198.53 ha<sup>32</sup>. The average size of the *glebas* varied among the villages from 0.61 ha in Aveção do Meio to 2.52 ha in Vila Nova (table 7.2)<sup>33</sup>. Tables 7.2 and 7.3 show that the households that received a plot were better off than those who did not. The average communal area available to the latter was only 0.76 ha per household, while the owners of a *gleba*, on the average, had access to 1.17 ha. Assuming that productivity of brush in all the areas was more or less equal, the owners of a *gleba* could collect 1.5 times the amount of brush than those who did not obtain a plot (table 7.3). At the level of the village, this factor varied between 3.2 in Pepe and 1.1 in Aveção do Cabo (table 7.2). This was exacerbated by the fact that, although the *gleba* holders forfeited the right to brush in the remaining communal area, they were still allowed to graze their cattle there. Moreover, the burden of demographic growth was fully placed upon the remaining communal areas. Heirs to persons either with or without *glebas* were (and are) still entitled to full use of the commons, so that the number of households exploiting it tended to grow. Consequently the individual shares tended to decrease. Those who were able to obtain a *gleba*, already belonged to the wealthier strata in the parish. Therefore, the JCI's intervention increased the existing inequality.

A second effect of the JCI's intervention was that the attribution of the commons to only a part of the parishioners created a new social distinction

<sup>32</sup> The households received the *glebas* as provisional property. Final property title was only acknowledged some years later by an *alvara de propriedade definitiva*.

<sup>33</sup> Within the villages, the sizes of the plots varied as well. In Aveçãozinho, for example, the smallest plots were 0.5 ha, and the largest 0.96 ha.

between those "who had a *gleba*", and "those who did not". The former lost access to brush growing on the commons and were also excluded from the village assembly. This new distinction accentuated the existing difference between the wealthy and the poor.

Table 7.3: Comparison of the impact of the different projects (JCI 1939, 1941; DGSFA 1956a; *Posturas* 1952).

Communal area to	JCI 1939	JCI 1941	JCI 1951 DGSFA 1956a
be divided	1,027	574	199
be afforested	295	768	625
remain communal	0	0	285
total <i>baldio</i> area*	1,322	1,342	1,109
average area of <i>glebas</i>	2.03	1.13	1.17
communal area per household	0.00	0.00	0.76

\* Total area differences are caused by inaccuracies. In 1992, according to the land register, Campeã had 1,226 ha of communal land.

A third effect was the undermining of the autonomy of the parish and the social institutions at the village level that had been in charge of the management of the commons. Of the original 1,342 ha of communal land only 285 ha continued to be communally used. Almost 200 ha was divided and 625 ha allocated to the Forestry Service. As a result, the commons no longer constituted a source of income for the Parish Council. The last payment of annual taxes by the villages mentioned in the Parish Council's records was in 1953. The *zelador* of Cotorinho paid 103\$00 outstanding taxes (AJF 1 June 1953). As the caretaker no longer acted as a tax collector, the office became less important, and it lost even more attractiveness when it was decided that the *zeladores* would no longer receive half of the fines charged for trespassing. (The office disappeared in 1976, when the new law concerning the commons was implemented.) Finally, the by-laws which had played such an important role in the management of the commons until 1976 lost their relevance to the majority of the parish population. Today, most of the inhabitants hardly remember that they ever existed. In almost all villages grazing and the collection of brush is done without any regulation. The *baldios* have lost their meaning, as a focus of local, autonomous administration since control over the area was transferred to the municipality and to central state agencies.

The *zeladores'* policing tasks were gradually taken over by the *Guarda Nacional da Republica* (GNR). This military police force had, among other things, the specific task of patrolling the countryside. In Campeã, until the

1950s, its intervention was only seldom called for. Originally, the GNR was summoned for problems that transcended the abilities of the *zeladores* or the Parish Council, or when people from outside the parish were involved. An example is its intervention in 1924 when conflicts arose between people from Campeã and people from Ansiães, a parish in the municipality of Amarante. The latter had invaded the *baldios* of three villages and tore out the heather for the manufacture of charcoal. One of the measures which the parish took to countervail this invasion was asking the GNR to patrol the area (AJF 4 May 1924).

The second case in which the help of the GNR was required was when the parishioners got out of control of the Parish Council. In 1947 the GNR collected the licence fees for sheep and goats (AJF 1 April 1947). Additionally, the GNR helped to collect fines in 1949, 1954, 1958, and 1959 (AJF 1 May 1949, 5 December 1954, 3 August 1958, 1 February 1959). In 1954 the Council asked the GNR to patrol the commons of Vila Nova. The Parish Council had just issued a regulation prohibiting sheep and goat herding in all of the commons, except for those of Cotorinho, Montes, and Parada. Apparently, some people did not accept this restriction (AJF 6 June 1954). In 1965 the Council turned to the GNR to intervene because of a wood theft from the common of Aveçãozinho (AJF 2 May 1965), and again in 1966 because of a conflict over pines in Pepe. Inhabitants of this village started to cut the pines that had spontaneously grown in their *leiras*. The Parish Council objected saying that usufruct rights in *leiras* only extended to the brush, but not to the trees. It asked the GNR to catch the thieves (AJF 7 August 1966, 4 September 1966). The increased intensity of police interventions in the parish resulted in the GNR establishing a station in the parish between 1955 and 1958. Today his station no longer exists.

These examples indicate that the interventions by the municipality, the JCI, and the Forestry Service created new problems which exceeded the Parish Council's powers and which could not be handled by the traditional authorities. It is quite likely that this was because these interventions had weakened the traditional structures of communal rule and communal land management.

The increased inequality among parishioners, the reduction in the size of the *baldios*, the decrease in the number of commoners, and the dismantlement of traditional management institutions at the village level, have caused the weakening of the local society's capacity to sustain institutions that regulated the exploitation of the commons. The elite, according to Wade (1988:190), essential for the continuing communal management of resources, lost interest in the remaining communal area because its members had been able to monopolize the brush land they needed. The Parish Council lost interest in the commons too because they were no longer a source of income apart from that obtained by selling them. The only people who remained interested in the commons were the economically and politically disenfranchised. These households still depended upon the *baldios* for their fertilizer and pasture land. However, this

stratum's already feeble ability to sustain the social institutions that had managed the commons during the previous centuries, was rapidly reduced by mass emigration. In short, the JCI's division of a part of the *baldios* and the Forestry Service's afforestation of most of the remainder led to an undermining of the local society's capacity to sustain the local institutions related to the management of the commons.

In comparison to the alternatives proposed earlier, the 1951 and 1956 interventions by the JCI and the Forestry Service, was clearly the worst in terms of its effects upon social equity. However with respect to the commons (as a social institution) it ultimately proved the best. The original projects of 1939 and 1941 would have left no communal area at all, while only relatively small areas would have been placed under the forestry regime (table 7.3). The 1951 and 1956 interventions involved the submission of a large area to the Forestry Service's administration. As a result, in 1976, when the commons were restored and village rule was revived, a large area could be returned to the population. In addition, parts of the original commons were maintained as such. These remaining commons could sustain the social institutions which until the 1950s had administered the *baldios* as happened for example in Aveçãozinho. If the 1939 and 1941 plans would have been implemented, the commons and the related institutions would have disappeared entirely.

## Conclusion

For centuries local affairs in Campeã had been administered by the *povos*. The Crown, Church, and the *Câmara Municipal* had minimal influence on day-to-day life. The commons were one of the central points of community rule and, although the Parish Council acquired the formal authority to administer these areas, at the beginning of the twentieth century the villages still remained largely autonomous with respect to the management of their commons. At that time, the parish resembled an agglomerate of independent village states that defined their own rules and appointed their own overseers (Elias 1974:22; Bennema 1976, 1978).

Between 1904 and 1922 this started to change. The Parish Council placed a duty on the use of the commons and acquired more control over the appointment of overseers. It also received half of the fines applied by these overseers. At that time, the Council more or less successfully resisted encroachment on its powers by higher levels in the state apparatus: the municipality and central state services. But in 1946, the municipality was able to impose licensing upon sheep and goat holding, a practice which had been established twenty years earlier in fourteen other parishes. From the mid 1950s on, the Parish Council had to give a share of its profits from the fines to the municipality and the district in order to cover the *contribuição industrial* and the *albergaria districtal*. The final blow to local control over the commons came

from the interventions by the JCI and the Forestry Service. The division of a part of the commons by the *Junta da Colonizacao Interna* in 1951 and the afforestation of most of the remaining land from 1956 on, put an end to the commons as a source of income for the Parish Council. Thereafter, it relied on subsidies from the State. The only way in which the commons still contributed to the parish budget was through sales.

The encroachment, upon the villages' autonomy and communal resources by the JCI and the Forestry Service was facilitated by the social contradictions within the parish. People without sheep or goat herds were not interested in communal pastures, but preferred privatized access to brush. Therefore, in all of the villages except Cotorinho, Montes, and Parada, the commons were partitioned. Furthermore, the wealthy were keener to divide the land than the poor were, since it would enable the wealthy to obtain rights to a larger quantity of brush. But they did not opt for a total division as that would place them on an equal footing with the poorer families. After the partitioning, the elite lost interest in the commons as they had their own brush. Sustaining the institutions which had traditionally managed the *baldios* was left to those who did not participate in the division. The community as a whole lost interest. The abolishment of duties decreased the importance of the village *zeladores*, and the decision to stop paying them for their service made the office unattractive.

It is in this context of diminished social capacity to sustain the institutions for communal land management that the 1976 legislator tried to restore "traditional" self-government. In the next chapters I will go into the reason for such a desire and discuss the extent to which it was successful. It is in the context of disintegrating traditional management structures that the 1974 revolution took place and community control over the *baldios* could be reestablished. The new rulers felt that the JCI's and the Forestry Service's interventions had disproportionately hurt the commoners and so they tried to develop a legal framework that would reinstall village rule at least over these commons that had previously been transferred to the Forestry Service's authority.

In the following chapter, I describe the events that caused the demise of the *Estado Novo* regime and I discuss how this led to a new legal framework for the management of the commons. Furthermore, I delineate how this framework was shaped by a conflict in the capital between politicians and forestry officials. In chapter 9, I return to the countryside and to Campeã. In this chapter, I portray how the 1974 takeover was received by the rural population, and how in Campeã the new law on the commons was implemented.

## Chapter 8

# The Commons and the Revolution

### Introduction

The present administration of the commons in Campeã has been profoundly influenced by the implementation of the 1976 law on the *baldios*. In 1990 three villages, Aveçãozinho, Cotorinho, and Montes, had active communal land management commissions of the modality b (with state representation), whereas those of Pepe, (also modality b) and Aveção do Cabo, (modality a; without state representation) had ceased to function. These commissions were the result of a two-sided process. On the one side was the process of law-making. On the other side was the way the 1974 law was used by the officials in charge of its implementation as well as how the law was absorbed by the various communities in Campeã. In this chapter, I will discuss the first side, law making. I will show that the 1976 law should be seen as an attempt to reconcile two contradictory aims: the protection and continuation of the afforestation project that started in 1938, and the strengthening of local communities in order to promote popular democracy and socialism. These were the aspirations of several different social groups: commoners, foresters from the Forestry Service, and politicians related in particular to the Portuguese Communist Party (PCP).

I approach the legislative process that took place between 1974 and 1976 from its context; the background of the military takeover and the ensuing struggle for power between radical and moderate military and civil forces. This struggle, which emerged shortly after the coup, was reflected in the debate over communal land. Three different groups were involved in this debate: parishioners, forest engineers, and politicians. Each of these groups published its own proposal for the future of the commons according to its perspective on and interest in the matter. The result was a compromise. Although it was formulated by the communists, in the end, it was more beneficial to the Forestry Service's bureaucrats than to revolutionary politicians.

There are two reasons for writing this chapter. First, examining the context in which laws are made and analyzing the interests of the groups involved, shows the political nature of the 1976 law. Second, all of the previous studies on the Portuguese revolution have neglected the question of the commons. It has always remained subordinate to more general issues such as the euphoria and deception of the Left, decolonization, and land reform. Even publications on (radical) grass roots movements such as Hammond's (1988) *Building Popular Power* or Barradas' (1994) *O Futuro Era Agora*, do not refer to the struggle for the *baldios*. Thus, this

chapter is an attempt to reintegrate this struggle into the history of the 1974 revolution.

### The Revolution: Its Political Background

The coup of 25 April 1974 was a *military* coup. It was carried out by a group of discontented low-ranking officers ("The Captains of April 25") who were united in an informal military organization called the *Movimento das Forças Armadas* (Armed Forces Movement, MFA). This organization had been created six months earlier in reaction to decrees that had reorganized the army's career structure. These low-ranking officials saw the decrees as a threat to their own position in relation to conscripts (Insight Team 1975:33-34; Fernandes 1976:73-76).

In the beginning, the movement did not have a clear political signature. As Vitor Alves, one of its leaders, declared:

We all had very varied political ideas ... some were Marxists, some were conservatives. At first we had simply come together because we were friends; then we brought others into the group ... The criterion was simple: who was ready to protest about the decrees ~ and stand up and be counted on if it came to direct confrontation with the government. (Quoted by Insight Team 1975:34)

But during the next six months the MFA evolved into a politically left-wing organization. The servicemen began to approach their professional problems from a broader perspective and connected them to fundamental characteristics of the *Estado Novo* regime and its colonial policies (see Gonçalves 1985 and the interview with Melo Antunes in Avillez 1994).

Since 1961 the regime had been engaged in several costly wars in its African territories which had claimed thousands of lives. Things were not going well for the Portuguese. By the beginning of 1974, some 150,000 Portuguese troops had lost a war in Guinea-Bissau and were losing in Mozambique. Only in the war in Angola was their position not entirely hopeless (Insight Team 1975:125; Maxwell 1975:30). The colonial wars had enormous costs. Between 1961 and 1974, 7,674 Portuguese soldiers were killed and 27,919 seriously wounded (Blackburn 1974:6; Robinson 1979:184). During the 1960s, approximately half a million Portuguese (almost 3% of the population) served in the armed forces. During the same era, only three countries surpassed this number: North Vietnam, South Vietnam, and Israel. In the end, the conflict absorbed almost half of the government's budget and 10% of the Gross National Product (Barreto 1987:31-32, fn. 19). For Portugal, warfare was particularly burdensome because of the condition of the country's economy: in 1960, the Gross National Product (GNP) per capita was lower than in any other country in southern Europe (Robinson 1979:140, 144).

Fear of being enlisted in the colonial army intensified emigration. The need for additional finances forced the government to abandon its traditional isolationist

policy and to open the economy to foreign investors (Blackburn 1974:7-8; Robinson 1979:141; Bruneau 1984:20)<sup>1</sup>.

The MFA did not formulate political demands until February 1974. This step was catalyzed by the publication of a book, *Portugal and the Future*, by General António de Spínola (Gonçalves 1985:56). Spínola had been commander of the colonial army in Guinea-Bissau, but resigned in 1973 after a difference of opinion with the government. In his book he defended the idea of a Portuguese federation including its overseas territories as a way to end the colonial war while protecting the interests of Portugal and white settlers in Africa. It caused (also commercially) a sensation. Within a fortnight it was republished three times<sup>2</sup>.

The coup took place in the early morning of 25 April 1974 and met no significant resistance. Only some battalions of the GNR and the headquarters of the PIDE (*Policia Internacional e de Defesa do Estado*, secret service and political police) in the centre of Lisbon tried to withstand the rebellious units. The shooting that took place claimed five lives — the coup's only victims. When the PIDE troops saw that they had no chance to win, they surrendered<sup>3</sup>.

Marcello Caetano, then leader of the *Estado Novo* regime, fled to the GNR barracks at the Largo de Carmo, also in the centre of the city. The barracks were rapidly surrounded by rebellious troops and civilians. He remained there until the early morning of 26 April, when he surrendered to General António de Spínola. The general had been called in by the MFA especially for this occasion, because Caetano refused to capitulate to a low-ranking official<sup>4</sup>. After Caetano's arrest, the

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<sup>1</sup> The isolationist policy ("autarchy") of the *Estado Novo* can be illustrated by the following examples. Until 1948 the country refused to accept the United States Marshall relief plan; Portugal only entered the United Nations only in 1955 and the IMF and World Bank in 1960 (Serrão and De Oliveira Martins 1990:64, 82, 329). Until 1965 its frontiers were closed to foreign investors (Medeiros 1984:192). Between 1961 and 1968 the amount of capital entering the country increased from 1.1 million to 5.8 million *contos* (Castro 1984:198). The inflow of foreign investments was criticized as a selling out to foreign multinationals, thus possibly contributing to the nationalist emotions that undoubtedly contributed to the coup's success, particularly in its initial phase.

<sup>2</sup> The book was published by a subsidiary of the country's largest industry, the CUF, that also had strong colonial interests. CUF's role as a publisher was not as surprising as it may seem at first. Like many senior officers, Spínola had combined his military career with a business career. He was director of a number of companies, including the large Champalimaud Corporation. For nine years he was also chief administrator of the Portuguese steel concern, Siderurgia Nacional (Insight Team 1975:43).

<sup>3</sup> For a brief analysis of the PIDE's role under Salazar see Tom Gallagher (1979). For detailed descriptions and analyses of the 1974-1976 events and their background and aftermath see Figueiredo (1975), Insight Team (1975), Robinson (1979), Ferreira (1983), Gallagher (1983), and Bruneau (1984). Most material in this section is taken from Insight Team (1975) and Robinson (1979).

<sup>4</sup> See a summary of a confidential report by the commander of the troops on the Largo do Carmo, Salgueiro Maia, published in *O Jornal* of 24 April 1992. Spínola's exact role is surrounded by mystery. Caetano (1976:24-25) declared that, trapped in the GNR barracks, he had a private talk with Spínola, who assured him that he had not participated in the conspiracy. But when Caetano asked Maia who was

MFA handed power over to the *Junta da Salvação Nacional* (Junta of National Salvation) composed of six generals. Two, General Spínola and General Francisco da Costa Gomes, would become the exponents of the political tenets that fought for power in the country during the next two years<sup>5</sup>.

The rapid and almost bloodless takeover was named the "Carnations Revolution" (*Revolução dos Cravos*). It derived its name from the flowers that the victorious troops had sticking out of the barrels of their guns. The carnations had been given to them by the city's celebrating population. Thus, the red carnation became the sign of democracy and socialism which the takeover brought out into the open. It was the symbol of revolution. Civilian participation was central to the coup's success (see Gonçalves 1985:58-59). Caetano (1976:19) himself believed that popular support for the coup demoralized loyal troops. It also impeded the defense of the government buildings on the Terreiro do Paço Square on the bank of the Tejo River. The commander of a battleship refused to open fire because he did not want to hurt the mass of civilians gathered in the square.

Although the administration of the commons became an important issue after April 1974 and the law on the commons was the last piece of revolutionary legislation to resist subsequent political developments (it remained unchanged until September 1993), the communal land question can in no way be considered a cause of the revolution. The direct cause for the *coup de état* was the colonial war. Its underlying origin was the bankruptcy of the political and economic model which that war sought to defend; metropolitan stagnation sustained by colonial exploitation.

In the metropole, the *Estado Novo's* economic policies had always favoured the landed, industrial, and financial elites, shielding them from external competition. As a result, the poor got poorer whilst a small group of about forty families

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in charge, Maia immediately pointed to the general and said, "Spinola". Contrary to Caetano, most authors attribute only a minor part to Spinola in the conspiracy.

<sup>5</sup> Francisco da Costa Gomes had been Commander in Chief until March 1974. He and António de Spínola were sacked a few days before the coup because they refused to attend a ceremony organized by Caetano to assure himself of support within the military for his colonial policy. In 1961 Costa Gomes, then sub-secretary of the army, had been involved in a conspiracy led by Júlio Botelho Moniz, Salazar's defense minister. Moniz's plot was a reaction to the first armed attacks (4 February and 15 March) by the Angolan independence movement and a response to United States pressure on Salazar to abandon the colonies. The conspirators believed that Portugal was in no shape to maintain the status quo with respect to its overseas provinces. About Moniz's conspiracy, see Ferreira (1992:255-73), Praça (1991), and a short reference by Robinson (1979:77). The year of 1961 was a difficult time for the *Estado Novo*: On 31 December 1961 there was an abortive coup in Béja (Caires 1991b; Ferreira 1992:283-284).

hoarded exorbitant wealth<sup>6</sup>. This deep social and economic gap between a small prosperous elite and the destitute masses was also reflected in the agrarian structure. A host of smallholders' *minifundia* existed beside a small number of vast estates. In 1952-54 88% of the farms were smaller than five ha. These farms controlled only 22.6% of the agrarian area. On the other hand, 44.6% of the area was controlled by the 0.4% of the farms larger than one hundred ha (De Freitas, De Almeida and Cabral 1976:76-77). Four persons (Possér de Andrade, Santos Jorge, and the dukes of Cadaval and Palmela) owned over 95,000 ha (Robinson 1979:147).

The large estates were concentrated in the south of the country. For example, in the district of Évora the average farm size in 1952-54 was more than sixty-six ha. In the north, farms were smaller; for example, in the Vila Real district the average size was two ha (De Freitas, De Almeida and Cabral 1976:84). But as I have shown in the case of Campeã, land holding was skewed as well: about two-thirds of the rural population possessed such tiny holdings that they had to make their living through agrarian wage labour on the larger employer-farms in their neighbourhood. At the district level, these larger farms amounted to 16.4% of the total number of farms (De Freitas, De Almeida and Cabral 1976:103). In the 1960s, this agrarian structure entered into a crisis: attracted (or driven) by the differences in wages and pushed by the fear of conscription a large number of people emigrated. Notwithstanding the government's attempts to curb this emigration, between 1960 and 1970 the country's total population diminished by almost 4% (from 8,999,000 to 8,668,000) (INE 1960, 1970).

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<sup>6</sup> The seven financial conglomerates which "owned" the country (CUF, Espírito Santo, Champalimaud, Banco Português e Atlântico, Borges & Irmão, Nacional Ultramarino, and Fonseca & Burnay) were dominated by two forty-four families. These families were tied together in two groups (Santos 1977). The most important magnates were Jorge de Mello, Champalimaud, and Espírito Santo.

Jorge de Mello was director of the CUF (Companhia União Fabril), the country's biggest conglomerate, controlling one-tenth of Portugal's industry. The CUF had a virtual monopoly of the tobacco market and large shares in the market in soap, chemicals, textiles, and insurance (Insight Team 1976:59). Its most important activity was the production of artificial fertilizer. It was created in 1898 by de Mello's father-in-law, Alfredo da Silva, who is reputed to have owned the sixth largest personal fortune in the world when he died in 1942. Alfredo da Silva was a supporter of the regime and member of the *Câmara Corporativa* (Robinson 1979:145; Mónica 1990). De Mello was married to a member of the Champalimaud family (*Expresso* 2 May 1993).

The Espírito Santo family owned the largest bank in the country at the time. Through the bank it controlled a web of companies with interests in insurance, oil, steel, paper, cement, beer, car tires and plantations in Mozambique and Angola (Insight Team 1975:216; Robinson 1979:146). After 1974, the bank financed the right-wing CDS and PPD parties (Insight Team 1975:217).

These conglomerates also controlled a large part of the wood processing paper pulp industry: Espírito Santo and Champalimaud owned part of the CPC (Companhia Portuguesa de Celulose) in Cacia, and De Mello's CUF was a partner in a joint venture with Swedish Billerud in Celbi. The seven conglomerates together controlled four-fifths of the capital in this branch.

For an extensive review of the capital groups and their interrelations before 1974, see Martins (1973).

The protectionist policies shielded the country's agriculture and industry against foreign competition. In the short run, this was beneficial to the small number of enterprises that dominated the national economy such as the CUF and a few financial conglomerates. In the long run, however, it meant that these companies were unable to compete on the European and the world markets. The ongoing protectionism and the limitations put upon foreign investments locked up capital in the country's national and colonial territories and made it difficult to attract new investments and technologies. In this manner, it foiled further accumulation. Furthermore, within the country, enterprises that did not dominate their sectors were throttled by the constraints the regime placed upon them through the *condicionamento industrial*. This industrial policy primarily favoured the large conglomerates. The result was that, in addition to the tensions between the elite and the masses, there were also different and conflicting interests within the bourgeoisie itself. These oppositions were the basic reasons for the regime's downfall. The regime fell victim to the contradictory claims of the bourgeoisie with respect to the country's economic development. Its guidance on behalf of merchant capital and a few oligopolies was seen as a threat to other sections of the bourgeoisie (Poulantzas 1977:42,44,48; Santos 1990:21-22).

### The Commons in the Revolutionary Arena

The dispute over the *baldios* was not one of the main causes of the revolution. Apparently, the *baldios* issue did not gain such a political weight that it made people rebel against the government. Yet, in certain localities the division of the *baldios* into *glebas* by the JCI and their afforestation by the Forestry Service created such resentment that the population revolted. In the district of Vila Real in 1958, the population in some parishes went so far as to vote against the regime because of the JCI's and the Forestry Service's actions (see chapter 5). The population of São Tomé do Castelo, also in Vila Real, even engaged in an overt rebellion that had to be suppressed with help from the police (int 4 September 1991). Popular resistance to afforestation in Serras de Lousã near Coimbra, de Montesinho and da Nogueira near Bragança, and in Serra de Leomil near Viseu inspired Aquilino Ribeiro, one of the country's most famous litterateurs, to write his romance *Onde os Lobos Uivam* (Where the Wolves Howl). The title of this book encapsulates the author's attitude towards the Service's actions in the Serra de Leomil, Ribeiro's home area. The wolves in the title referred not only to the wild animals that roamed the *baldios*, but also to the foresters and the other state officials. The regime did not like his criticism. In March 1959 the book was forbidden and its author persecuted (Caldeira and Andringa 1994). Since then, this work has become emblematic of the movement for the recuperation of the commons (see Rodrigues 1987:18, 58; Secretariado dos Baldios do Distrito de Viseu 1992).

Likewise in Beira, in a region more to the west near the Vouga River, the oppressive behaviour of forest guards, the systematic intrusion of the public service in private land, and the planting of extensive fire-prone pine stands near inhabited areas incited popular resistance. In 1970, several parish councils in this area tried to sue the State for the damage caused to their population through afforestation. Their struggle was extensively documented in local and national journals. Many people participated. A petition in which the *baldios* were claimed by the population was signed by 760 persons (António Bica in letter of 23 November 1987 to Manuel Rodrigues). The document contained a long list of complaints against the Forestry Service, and demanded also that responsibilities of the forest guards and other staff members be "refined", "not in order to punish them, criminally or disciplinary, as we [the signatories, RB] consider their attitudes to be the result of deformed professional training rather than an antisocial personality" (Silva 1973:75-88, quotation from page 88). In 1973, Silva joined his newspaper articles and the documents drawn up by the parishioners together into the book *Occupação sem Limites* (Occupation without Limits)<sup>7</sup>.

These examples show that during the dictatorship there was resistance to the State's afforestation policy. After the revolution, claims regarding the commons could be made overtly, and a specific arena emerged around the communal land issue. In this arena, the movement in the Vouga area, the Forestry Service, and the Communist Party all played major roles.

For the people in the Vouga area, the downfall of the *Estado Novo* regime helped their struggle for the commons. Immediately after the revolution, inhabitants created commissions charged with regulating forest management and claiming the *baldios* back from the Forestry Service. Moreover, they tried to find support for their movement within the new government. During a meeting in Sever da Vouga on 18 August 1974, they drew up a petition in which they summarized their complaints against the Forestry Service (Anonymous 1974). The petition was sent to three cabinet members: Vasco Gonçalves, Vítor Alves, and Álvaro Cunhal. The first was prime minister and the second secretary of state of agriculture. Álvaro Cunhal was a minister without a portfolio and hence did not have specific official responsibilities in the fields of forestry or communal land management. He was most likely sent a copy of the petition copy because he was also the secretary-general of the Communist Party.

The Forestry Service developed its own strategy. After the coup, a new director-general was appointed. He created a working group within the Service charged with preparing a proposal for a new legal base for managing the commons. The original group consisted of five forestry engineers: Mendonça, author of the 1961 review of the implementation of the *Piano de Povoamento Florestal* (Mendonça 1961a), Cabral, who would later become deputy director-general, Oliveira, a

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<sup>7</sup> Pereira da Silva worked for the Lisbon newspaper *O Didrio*. The movement was also discussed in *A Terra* (an underground newspaper) and the *Comércio do Porto* (Bica in letter of 23 March 1987 to Manuel Rodrigues).

forestry administrator in the nature reserve of Gerêz, known for his knowledge of traditional communal land management practices in that region, José Joaquim Moreira da Silva, the deputy director of the forestry circumscription in Porto, and Lucílio Martins, a forestry engineer working in the Service's central office in Lisbon. In political terms, the group covered the entire spectrum of different ideologies present in the country. Mendonça was said to have been a supporter of the previous regime, whereas Moreira da Silva and Lucílio Martins were claimed to be sympathetic to the Left. The group presented its final report to the secretary of state of agriculture in November 1974. This report was submitted to a referendum in December of that year (int 2 April 1991, 22 March 1993; see chapter 9).

The third actor in the communal land issue was the Communist Party. The PCP had been involved in the communal land struggle since 1969. One of its members, António Bica, acted as a lawyer for the rebellious parishes in the Vouga area. In 1969 he was visited by a group from the parish of Talhadas in the municipality of Sever do Vouga<sup>8</sup>. The parishioners came to ask him whether it would be possible to claim their *baldios* back from the Forestry Service. When I interviewed Bica, he recalled:

I saw that they were really determined to get their land back from the Forestry Service. I heard all the injuries they suffered during the occupation of the commons by the Service, and told them: 'Well, from the legal point of view, there is no chance that you can win. It is not sensible to start a case in court, because you certainly will lose. But, as it is a serious problem, and if you all, without any exception, remain united, and if you want to start a social movement in the parish in order to recuperate your *baldios*, I think we can be successful. But I want one hundred per cent of the people involved, and no one staying out'. I told them that this was a social-political movement and therefore it was necessary to be sure that all would be united. They turned to me and responded: 'Yes Sir, we want to do this'. Then I made a report based on the information they gave me, sent this to the government, and asked for the restitution of the commons. The press started to write about it, and the movement rapidly expanded to the other parishes in the region. From Talhadas it went on to Prestimo, Cedrim, Albergaria das Cabras,

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<sup>8</sup> He had acquired a certain trust among local farmers because of his role in the management of the local agrarian cooperative. He had also helped them when the *Junta Nacional de Vinho* (National Wine Board) came to collect additional duties by organizing mass tax evasion in the region by convincing postmen to warn farmers that they were going to receive an assessment, thus giving them the opportunity to refuse it (int 1 October 1991). His interest in agrarian questions and land reform are reflected in a brochure he wrote during his directorship of the Vouzela cooperative. In the twenty-six-page booklet, he defended the modernization of agriculture and proposes the creation of production cooperatives through the merging of individual smallholders. Individual incomes were to consist of a fixed sum which equalled the rent of the farmers' properties by the cooperative and a variable sum to compensate the farmers' labour (Bica 1966).

Cabreiros, Campia, Marcoselo das Maias, thus it spread over all the villages in that neighbourhood.

In the face of this development, the government tried to open negotiations through the Aveiro District's Governor. It gave in rapidly. That is, it issued a decree by which the population which up to then never had received anything, was granted a fixed share of 25% of the revenues of the *haldios*. But the population was not satisfied, and demanded the total restitution of their commons. Especially the people of Talhadas wanted to go on. We occupied three hundred ha. of land and arrived at an agreement for the devolution of a large part of the common to this parish. (Int 1 October 1991)

Of course Bica's involvement was professional; he was the parishioners' lawyer. But it was also political. Bica explicitly told the parishioners that their struggle was a political movement. He tried to use the *baldios* issue as a vehicle for the parishioners' political organization. Therefore, the role of Bica in the Vouga movement has to be approached as part of the strategy of Bica's party<sup>9</sup>.

The PCP also tried to influence the Forestry Service. It used at least two channels. First, it participated in the working group that the Forestry Service formed for the reformulation of the legal base for managing the commons through the person of Lucilio Martins<sup>10</sup>. Second, in May 1974, Bica and another party member, Tengarrinha, contacted the commission and expressed their stand on the issue.

Notwithstanding Martins's presence in the working group, the influence of the PCP delegation was rather limited. Its members were seen as outsiders without any real knowledge of the problem of the commons. According to one of the working group's members, the PCP delegation initially even proposed dividing the commons. In this way, the envoys proved their naivety in the matter: "Tengarrinha came from Algarve and Bica from Beira. These people could never understand the reality of the commons." The party envoys only revised their position and agreed to conserve the *baldios*' communal property status in June or July after internal discussions (int 2 April 1991)<sup>11</sup>. The way in which this person, who was one of

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<sup>9</sup> His party's involvement is confirmed by the mentioning of the Vouga movement in the (clandestine) *Avante!* of March 1974, and also in the PCP's Direction of the Northern Regional Organization's *Balance of the Demands and Political Struggles of the North in 1973* (DORN 1974).

<sup>10</sup> During our interview, Lucilio Martins was very vague about the reasons for becoming involved in the issue. He told me that only that he had been selected because people thought him trustworthy. He did not explain by whom and why (int 22 March 1991).

<sup>11</sup> Bica denied this allegation: "No, the Party never wanted division of the commons. That is the old idea of the liberals. The idea was always collective exploitation by the population" (int 1 November 1991). Perhaps the allegation is connected to the Vouga petition: the people from the Vouga area proposed, that, in case the commoners would decide not to continue communal exploitation, they should be allowed to divide their commons.

the foresters of the working group, described the negotiations with Bica and Tengarrinha tells a lot about this person's own position. The disqualification of in particular Bica's competence seems inaccurate, as Bica had acquired considerable knowledge of the communal land issue as the Vouga movement's lawyer. Seemingly, the speaker tried to downgrade the PCP's experience in communal land matters in order to raise the impression that the Forestry Service was only one capable of formulating an appropriate legal formula.

I will return to the substance of the dispute between foresters and communist party members later. The point I want to make here is that in the first year after the revolution, three groups fought in the battle over the commons: the parishes from the Vouga area, the Forestry Service, and the PCP. Until 1975 the Forestry Service was able to dominate the field. This changed only when, due to political changes at a more general level, the PCP gained power and was able to dominate the country's political scene.

### The Revolutionary Period: 1974-1976

In April 1974, the MFA still was a moderate political movement. It was primarily bent on resolving the colonial question. Because General Spínola had published a book on the matter, the MFA thought that he would be the most appropriate person to lead the country. Consequently, General Spínola was inaugurated as president three weeks after the takeover (Insight Team 1975:114). Spínola installed a provisional government headed by Palma Carlos, like Caetano, a law professor from the University of Lisbon.

It rapidly became clear, however, that Spínola and his supporters held different opinions from the MFA on how to stop the colonial wars. After a conflict over this question, Palma Carlos and his government had to step down in July. They were replaced by a second provisional government, which was more closely connected to the MFA. The new prime minister, Vasco Gonçalves, was a member of the MFA. He was also the only colonel on the movement's coordinating committee and the MFA's highest ranking officer (Insight Team 1975:148-149). During the following months, the conflicts between the MFA and the general intensified. By the end of September 1974, it came to a final power test which was won by the MFA. General Spínola resigned and was replaced by General Da Costa Gomes. The second provisional government was replaced by a third, again under Gonçalves's leadership (Insight Team 1975:166-178).

The results of these shifts were immediately reflected in the country's politics. Decolonization was stepped up. Independence was quickly granted to Cape Verde and São Tomé e Príncipe, and the incorporation of Portuguese territories into India

was formally recognized (Robinson 1979:221)<sup>12</sup>. Furthermore, the population, dissatisfied with the slow reform of the country's socio-economic structure, became agitated. Revolutionary fever ran through the country. Popular movements seized the land belonging to large estate holders in the south, and occupied plants and created workers' management committees in the cities.

The radicalization of the political process caused great concern to Spínola and his supporters. In order to stem the rising of the "red tide" they attempted a second coup on 11 March 1975. But they failed because the key brigades remained faithful to the government and the people of Lisbon erected barricades and encircled one of the mutinous barracks. Spínola and his party fled to Spain (Insight Team 1975:219-227).

The result of Spínola's strategy was exactly the opposite of what he had intended. The *Junta da Salvagao Nacional* was dissolved and replaced with the MFA-dominated *Concelho da Revolucao* (Revolutionary Council). Revolutionary fever intensified. Banks and large industries were nationalized (Insight Team 1975:229)<sup>13</sup>. On 26 March 1975, the fourth provisional government was installed, once again headed by Vasco Gonçalves. The secretary of state of agriculture was replaced by a minister, Fernando Oliveira Baptista, an agricultural economist.

The changes at the Department of Agriculture point to two important developments. First, they signified the importance which the new government attributed to agrarian questions. The new incumbent was a full minister who could attend the cabinet meetings. Second, Baptista's appointment implied a political radicalization. The new minister wanted a drastic reform of the country's agrarian structure. He created a legal framework for the spontaneous land seizures in the south (*Decreto-Lei 203-C/75*). In the so-called ZIRA (*Zona de Intervencao da Reforma Agraria*, Agrarian Reform Intervention Zone), land was confiscated from large estate holders and united into production cooperatives. In addition, he took measures that concerned the entire country; for instance, *Decreto-Lei 201/75*, which introduced protection of tenants and regulated rents, and *Decreto-Lei 195-A/75*, which abolished the last remaining feudal rent payments (*foros*). Finally, he drew up proposals for laws that would regulate the restoration of the commons. In January 1976 these were published in a slightly modified version as *Decreto-Lei*

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<sup>12</sup> Goa, Damião, and Diu had already been occupied by Indian troops in December 1961. Their defense resulted in twenty-five deaths and more than three thousand prisoners. Salazar and Caetano had always refused to recognize the absorption of these territories by the Indian Federation. Salazar had even declined to let the prisoners return believing that they should have fought until the last man (Ferreira 1992:271; Caires 1991a).

<sup>13</sup> The shares of the large capital groups in the paper pulp sector were confiscated, too. CPC in Cacia, Celnorte, Socel, and Celtejo were nationalized on 9 May 1975 (*Decreto-Lei 221-A/75*). Since then these four plants have remained united in a state-owned, public enterprise, Portucel. Between 27 May 1975 and 14 July 1976 this company was administered by the workers under *Decreto-Lei 554-A/76* (Portucel 1978). CUF's 22% interest in Celbi was also nationalized, but Billerad's 78% remained unchanged, as all other foreign capital.

39/76 and 40/76 (Estrela 1978:239, 250-252; Hoebink 1981; Barreto 1987:216; Hammond 1988:178-187)<sup>14</sup>.

For the implementation of his reform policy in the north of the country, Baptista created a new state organism, the *Servigo de Apoio e Desenvolvimento Agrario* (Agrarian Support and Development Service, SADA). The main reason for this step was that the class nature of the state machinery made it unsuitable for the support and development of the peasantry. The central level of the old agrarian services had been occupied by citydwellers, and the regional level was populated by caciques and other members of the rural elite (Baptista 1978a: 135-139).

The fourth provisional government was in control until 10 July 1975. When the Socialist Party (PS) and the Social Democrats (PPD/PSD) withdrew their ministers, Vasco Gonçalves formed a new cabinet (the fifth provisional government) consisting of ministers from the MDP (an umbrella of progressive oppositional movements created for the 1973 elections), the PCP, and several independent ministers. In September Gonçalves was replaced by Admiral Pinheiro de Azevedo (the sixth provisional government). Although Baptista lost his position as minister to the socialist António Lopes Cardoso, the PCP continued to be present in the ministry through António Bica, who became secretary of state for agrarian reform.

On 25 November 1975, the radical left attempted a coup, which like Spínola's eight months earlier, failed. The sixth provisional government remained in charge. However, the PCP (rightly or wrongly seen as responsible for the insurrection) lost most of its political influence (Insight Team 1975:245-265; Robinson 1979:194-251). After parliamentary elections in April 1976, Pinheiro's cabinet was succeeded by the first constitutional government under Mário Soares, the leader of the Socialist Party. Cardoso continued as minister of agriculture until September 1977, when he resigned after a conflict with Soares concerning the future of agrarian reform. He was replaced by António Barreto, whose opinions were less radical (Robinson 1979:252-268; Hoebink 1981:41; int 28 May 1993).

This brief review of the turbulent years following the Carnations Revolution, shows that after a relatively moderate beginning in April 1974, the political process radicalized. Due to drastic shifts in the power balance resulting from pressures within the army trying to stop the colonial war and from social unrest in the south and the industrial areas, the PCP was able to dominate the political scene for a period of six months. It was exactly during this period that the fundamental decisions were taken concerning the legal status of the commons. Baptista's proposals, after being accepted by the council of ministers, were never promulgated by the president<sup>1</sup> of the republic due to the premature end of the fifth government. Yet, his ideas would define the legal status of the commons during the next twenty years. His successor copied Baptista's proposals without substantial

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<sup>14</sup> For a review of the agrarian reform legislation see Mouro and Mouro (1976).

modifications<sup>15</sup>. After promulgation by the president, the decrees were published in January 1976.

### The Actors and Their Proposals

The 1976 legislation was the outcome and materialization of a social struggle between three groups: the parishioners from the Vouga area, the Forestry Service, and the PCP. Each of these groups proposed certain measures aimed at the reorganization of communal land management. And through each of these proposals shines the particular perspective and interests of the group which promoted it.

#### The Parishes from the Vouga Area

In their petition sent to the second provisional government in August 1974, the people from the Vouga area did not limit themselves to complaining about the past, but also sought to influence the future of communal land management. They concluded their document by making eight demands which can be seen as the first attempt to formulate a framework for a new legal regulation of the status of the *baldios*. These demands essentially called for:

- a. The restoration of those commons occupied by the Forestry Service to the administration of the parish councils of the parishes in which they were located.
- b. The restoration to the administration of the Parish Councils of all *baldios* larger than 5 ha that had been acquired by individuals within the last fifty years, or since 28 May 1926 (the date of the military takeover that put an end to the First Republic) if the alienation had occurred in such a way that the majority of the population never had a chance of acquiring parts of the *baldio*. In case the present proprietors paid for the land, they were to receive their money back.
- c. The legalization of usurpations of *baldio* land by parishioners if these usurpations were in harmony with the principles of justice and equity.
- d. The creation of basic legislation for forest management (cuttings, replantings, etc.).
- e. The development of a national forestry plan for private and collective property.

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<sup>15</sup> Klein and Stok (1986:134) claim that Cardoso removed measures included by Baptista to countervail social differentiation. Baptista (1978a:94) suggests the same when he mentions the *decalcar* (copying) of his proposals by his successor. I have not been able to verify these assertions as I have never had the opportunity to read Baptista's bill.

- f. The reorganization of the Forestry Service including a purge antisocial civil servants from its ranks, and a rearrangements of the Service's into an investigative and planning-oriented body.
- g. The creation of a national forest fire-brigade and;
- h. The conversion of the corps of forest guards into a group of personnel keeping watch over the mountain regions and waste lands (Anonymous 1974; *Avante!* 1974a, 1974b; Bica 1989).

Among these points, three elements merit special attention: the ousting of the Forestry Service, the transfer of the administration of the commons to the parish council, and the acceptance of (limited) privatization of communal land.

As to the first element, the ousting of the Forestry Service, the petition's phrasing suggests that the local population had lost all confidence in and respect for the Service. The authors of the petition demanded the limitation of the Forestry Service's role to the provision of technical advice and assistance. The corps of forest guards, the means through which the Service exercised direct control over the *baldios*, had to be separated from the Forestry Service and the Service had to be transformed into a body with wider "ecological watchdog" functions (demand h of the petition). This did not mean that the petitioners objected to afforestation. On the contrary, they were well aware of the value of the forests on the *baldios*. In document it was stated that "today wood production is the best form of economic exploitation of the mountain *baldios*..." (Anonymous 1974, section 10). Four out of the eight demands concerned forest management. The petitioners demanded legislation that would regulate the exploitation of the commons by the parish councils and prohibit certain practices such as early felling. They also demanded a national forestry plan, improvement of the fire combat organization, and general vigilance over the wild vegetation.

The second element that merits special attention is the transfer of the commons' administration to the parish councils. The petitioners argued that in the past in which allegedly the parish councils played a major role in the management of the commons. However, in Campeã the commons were clearly the communities' traditional domain. Of course it is possible that the situation was different in the Vouga area and that there the parish councils had played a more dominant role than in Trás-os-Montes. In any case, the petitioners claim fitted neatly within the interests of the parish councils, which constituted the movement's leadership.

The third element concerns the privatization of the commons. The petitioners did not object to the alienation of communal land. They demanded only reversion of the privatization of a piece of *baldio* if that had been done against what they called "the principles of justice and equity". This point should also be approached from the perspective of the interests of the movement's leadership. In many parishes privatizations had taken place with the consent of the local Council on behalf of the local elite.

## The Forestry Service.

The petitioners from the Vouga area proposed strengthening the position of parish councils, in communal land matters and ousting the Forestry Service. The working group created by the Service itself, suggested the opposite. Its proposition was accepted by the state secretary of agriculture but did not become law because of the intervention by Spinola. When the general attempted his coup on 11 March, the cabinet meeting that was to discuss and approve the Service's proposal was adjourned. Although the coup itself failed, a new government was installed which developed its own ideas about the commons. The exact contents of the Forestry Service's proposal can be found in appendix 11. Here, I limit myself to discussing the political implications of their enactment.

The foresters of the working group did not agree with the idea that the afforestation of the commons had been disastrous to the local communities:

...in an impartial balance one will have to recognize that the material prejudices were not as high as has been claimed. But nobody will dare to deny that there have been sometimes really dramatic psychological traumas. (Preamble 1974 enactment)

They accepted that things had gone wrong and that, in the past, the commoners had been insufficiently compensated for the loss of their *baldios*. They attributed these imperfections not so much to the afforestation project itself, but to poor administration and lack of sound legal regulations.

As a way to correct the imbalances of the earlier forestry intervention the working group proposed that the population would participate in forest management and receive a larger share of the revenues from the tree stands:

It has been tried to make the new text take into consideration the aspirations of the village communities participating in the administration of the *baldios* and defending in a concrete and dynamic way their legitimate interests. (Preamble 1974 enactment).

Therefore, the group proposed a new framework for the management of the *baldios* which would allow more involvement by the local population. It would also guarantee them fair compensation for the exploitation of their land.

This new framework involved three elements: a (re-)definition of the property status of the commons, the (re-)formulation of the distributive code which regulated the division of forest revenues among the commoners and the State, and the development of an organizational format which would reconcile popular participation in the administration of the commons with technically and economically sound management of the forests.

The working group started defending the position that the ownership of the commons should not be determined by means of the administrative order of the State, but by the existing usufruct rights. It argued that traditionally the *baldios* belonged to neither the parishes nor the municipalities, but to users' communities (*povos*) which were smaller than the parish and consisted generally of one or more villages. Consequently, the border of a *baldio* would not necessarily coincide with

an administrative division. A parish area would be divided into various commons and as a community could have usufruct rights in areas from other parishes or municipalities. A common could also encompass areas across these administrative boundaries.

The group also developed a new distributive code to determine the compensation that the commoners would receive for the loss of their pastures to forestry. Formally, according to the 1901 and 1938 legislation, the parish councils or municipalities received part of the revenues from the forests that had been planted on their *baldios* according to their share in the investments, i.e., the land contributed to afforestation. The remainder went to the State. In the case of Campeã, the project proposal's total investments amounted to 18.5 million escudos. As the land was valued at 250 escudos per ha, this implied that the parish would receive about 10% of the gross revenues. This regulation was changed in 1962, when it was determined that the parishes would obtain a fixed 10% share of the timber and fuel wood. In 1972 this portion was raised to 25% (*Avante!* 1974a). In reality, the parish councils seldom received anything. Payments, if any, entered into the treasury of the municipal authorities, and frequently their actual amount depended upon the relationship between the *Camara* and the forestry officials (Anonymous 1973; int 22 March 1991, 2 April 1991, 4 September 1991). The working group reversed this distributive code. It proposed that the share received by the Forestry Service be calculated according to its investment and that the proprietors would receive the remainder. It estimated that with this approach the users' communities would receive at least 60% of the gross timber revenues.

In addition, the working group proposed three variations for the management structure of the commons: (a) management by the population, (b) management in cooperation with the State, and (c) management solely by the State. The first two modalities guaranteed participation of the commoners in the management of the *baldios*. The final modality was designed for those cases in which the population would not be interested in any of the other options for management, or when the commons concerned were classified as nature reserves.

These three elements again point in one direction: the institutional self-interest of the Forestry Service. This can be supported by the following three arguments.

First, attribution of the administration of the commons to small social units preserved the Service's strength in relation to local communities. Compared to the villagers, parish administrators were generally more experienced and thus capable of causing more "complications". Municipalities even had an administrative staff. Hence, the Service's move to delegate ownership rights to village communities rather than local administrative bodies was not only inspired by a certain concept of traditional ownership rights, but also by strategic considerations. As the former Secretary of State Antônio Bica put it:

...the Forestry Service's technocrats in a progressive disguise "surpassed" the popular movement, as is the mark of all pseudo-revolutionaries, and tried to subdivide the *baldios* into small areas (smaller than the parishes), with independent administrations, and in many cases without organizational

power or capacities, in order to allow the Forestry Service to maintain the *baldios* under its tutelage. (Bica, letter to Manuel Rodrigues, 23 November 1987, p.5)

Second, the proposal included the option that the State could manage the commons by itself.

And, if it is decided to maintain state intervention in a certain case, this is done because of imperatives of a geographical nature. The majority of the *baldios* is located in areas that are extremely sensitive to destructive activities by erosive agencies. (Preamble 1974 enactment)

In this manner the third modality offered something like a safety valve. If many communities threatened to break with the Service, the latter could always resort to technocratic arguments such as the necessity of its presence in an area to look after erosion or to protect a specific ecosystem.

Third, in the first version of its proposal, the working group had not included the first modality which permitted administration of the commons without state participation. This modality was only added after the secretary of state of agriculture had refused to endorse the enactment unless the commoners were given the freedom to choose their own relationship with the State. Thus, in the enactment's original version, the power of the Service was even stronger than in its final version.

Table 8.1 Summary of the ownership and management situation of Portuguese forests in 1972 (sources: DGSFA 1972; Mendonca 1961a; IFF 1988).

Owner	Regime	Manager	Area 1972	Manager	Regime
State	total	other entity	2,841	2,841	51,523
	total	Forestry Service	48,682	549,021	
Community ( <i>baldios</i> )	partial	Forestry Service	500,339		960,294
	partial	owner	2,540		
Private	partial	owner	83,991	960,294	873,763
	simple	owner	873,763		
Total under forestry regime (ha)			1,512,156	1,512,156	1,512,156
Total forest area (ha) 1959, 1988)				2,900,000	3,065,000
Not submitted to any forestry regime (1959,1988)"				1,400,000	1,600,000

<sup>a</sup> Estimations on the basis of the total forest areas in 1959 and 1988; the actual forest area controlled by the State was smaller than the area submitted to the partial forestry regime.

For these three reasons, the working group's enactment was clearly directed at the continuation of the Service's presence in the commons. The importance of that continuation becomes directly obvious if one realizes that the commons formed the *raison d'être* for the Service. The Forestry Service was involved in the surveillance of about half (1.5 million ha) of the total forest area and managed only one-fifth (550,000 ha). Moreover, only a relatively small part of the area managed by the Service was the property of the State (52,000 ha.). The majority (90%), was *baldio* land owned by local communities (table 8.1). Hence, control over the *baldios* was vital to the Service. If that were to be taken away, the Service would lose most of its material basis, and risk being reduced to a loosely tied network of forest guards executing the simple forestry regime in the privately owned *montados* in the south. It would also lose its privileged position as one of the very few state organisms that generated its own income. Loss or division of the commons would lead to reduction of the area under control, as well as the body of officers, administrators and other civil servants staffing the organization.

### **The Communist Party**

The replacement of the third provisional government by the fourth meant the end of the proposal drawn up by the Forestry Service. Instead, left-wing politicians such as Baptista who envisaged a radical reform of the country's agrarian structure took it upon themselves to reformulate the legal framework for the administration of the *baldios*. The PCP's interests in the matter were evident in their bill. Basically, these interests were the promotion of revolutionary social transformation and the creation of a popular support base among the peasantry of the north. The law's integral text is included in appendix 12.

The law's main objective was to integrate local commoners into democratic forms of organization. It was not directed at the administration of forests. Contrary to the 1974 draft, it no longer protected the Forestry Service's exclusive interests. The Forestry Service was not even mentioned. The Service's position was further weakened by the fact that of the three modalities for managing the commons proposed in the 1974 draft the third modality was dropped. The working group had proposed to give the commoners the option to choose between management by commoners alone, by representatives of the population and the State together, or by the State alone. Because the law did not include this last option, it guaranteed the commoners' involvement in the management of the *baldios*. Management of the *baldios* could no longer become an exclusive task of the Forestry Service. Furthermore, all typical forestry-related stipulations such as the creation of intervention zones, were dropped. Instead, the 1976 law contained all kinds of regulations concerning the election of members to the management commissions, convocation of assemblies, etc. All these regulations were absent in the 1974 Forestry Service's proposal.

The legislature's attitude towards the afforestation project appears clearly from first sentence of the preamble of the 1976 law:

The handing over of the *baldios* to the communities which were robbed of them by the fascist state corresponds to an old and constant demand of the *povos* and will concretize intentions which have been repeatedly announced by the various Governments that have come after 25 April 1974. (Preamble *Decreto-Lei* 39/76)

The intervention in the commons by the fascist state through the parcelling of land by the JCI and afforestation by the Forestry Service, were presented as acts of robbery. Whereas the Service's working group still defended the afforestation project itself and was only willing to accept that its implementation had been unfair or badly organized, the 1976 legislature assumed that the entire project had been unjust.

The text of the preamble also shows that the law was meant to have a more general goal. In addition to regulating the ownership and use of the *baldios*, it was geared to a general transformation of society in order to stimulate,

local and direct forms of expression and democratic organization which permit the rural workers to increase their control over the productive process and natural resources.... In this way one has tried to associate concretely the institutionalization of local democratic organisation to the restitution of the *baldios*. (Ibid)

In short, the law supported a retreat of the State in favour of a particular form of popular democratic participation. Echoing Hammond (1988), one might say that it was building popular power.

The 1976 law and the 1974 proposal differed in their perception of the afforestation project, the position of the Forestry Service in relation to the village communities and to other public bodies, and the general political aim they embodied. Despite these differences, they had three features in common: the exclusion of the parish councils from communal land management, the distributive code that regulated the division of forest revenues between the commoners and the State, and the prohibition to privatize the commons. In the 1976 law, this prohibition was even stricter than in the 1974 proposal.

The phrasing of the law reflects the different strategic options which the PCP formulated during 1974-1976. These options are discussed in the next section.

## The PCP as a Revolutionary Movement

From the April revolution until the end of 1975, the PCP was one of the central civil political organizations in the country. The main reason for this was that, at that time, it was "the only political organization worthy of the name" (Santos 1982:264-265). The PCP was the sole opposition movement that had survived the *Estado Novo's* political repression. It was founded in 1921 and had its first congress in 1923. The party was then banned in 1927, soon after the overthrow of

the republican regime and before Salazar's rise to power. But contrary to the socialists, republicans, liberals, and other opposition parties, the PCP was able to maintain its organizational structure during the dictatorship. It went underground, where it continued to publish its party newspaper, *Avante!* (Forward!) and even organized clandestine party congresses. During this period, the party gained considerable popular support among the working class in the industrial centres of Setúbal and Lisbon (Barreiro), and among the rural proletariat in the Alentejo. This was due to the party's work in the labour movement (both in industry and agriculture)<sup>16</sup>. Outliving all other opposition groups, it was for years the main driving force that kept anti-Fascist resistance alive (De Figueiredo 1975:238-239). As Mário Soares, the socialist leader and current president of the Republic recalled: "The truth is that [at that time, RB] we all were communists" (Lopes 1992).

#### Shifts in the Party's Strategy

The party's long-term strategy was geared to the introduction of socialism. As the programme of the sixth congress of 1965 stated, the party's "supreme objective ... [was] the victory of the proletarian revolution and the construction of socialism and communism in Portugal" (quoted by Robinson 1979:202). But in the short-term, the party could endorse other policies first, such as the installation of bourgeois parliamentary rule.

During the revolutionary period, the party's strategy passed through several phases. Initially, the fall of the Salazarist regime was seen as "the realisation of the national and democratic revolution", an essential step on the journey to socialism which could not be omitted (PCP's Congress October 1974, quoted by Robinson 1979:202). Therefore, the party supported appeals for order, national unity, economic reconstruction, wage restraint, and the need for dedicated hard work. For example, in June 1974 the party's regional leadership in Lisbon attacked strikers of the postal service, stating:

The objective [of those who instigated the strike, RB] is this: to oppose the workers to the Provisional Government and to bring an atmosphere of discontent and revolt that benefits fascism and reaction. (Quoted by Insight Team 1975:124).

In August 1974, the party endorsed a government decree banning political stoppages and strikes in sympathy with other workers, as well as introducing a thirty-seven-day pre-strike period which, if violated by workers, made a lock-out legal (Robinson 1979:202). In October 1974, at the brief seventh party-congress,

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<sup>16</sup> Pereira (1987) believes that the present concentration of its electorate in these regions still reflects the 1940s proletarianization process. This would indicate that the party still capitalizes on past social processes and has been unable to adapt itself to subsequent developments.

the PCP even dropped the demand for Portugal to immediately leave NATO as well as the concept of a dictatorship of the proletariat (Robinson 1979:229).

The abortive coup of 11 March 1975 marked a new phase in the party's strategy. Political life and the PCP's attitude radicalized. Prime Minister Vasco Gonçalves, allegedly a party member, believed that Portugal was a country on the road to socialism. His vision was endorsed by spontaneous popular movements in the country: occupation of land by the Alentejano rural proletariat demanding land reform, house squatting, workers' committees taking over enterprises, etc. When this social movement overtook the party's positions, the PCP reformulated its ideas about the process of social transformation taking place in the country. It no longer perceived democracy as a necessity for achieving socialism. In June 1975, two months after the elections for the Constitutional Assembly which showed that the party would not be able to rule on a parliamentary basis, the party's general secretary, Álvaro Cunhal, told Oriana Fallaci:

We are effecting a revolution with the armed forces.... We communists do not accept the game of elections. Elections have nothing or very little to do with revolutionary dynamics.... There are two options here: either a monopoly with a strong reactionary government or the end of monopoly with a strong communist democracy.... We do not wait for the results of elections to change things and destroy the past.... (From: *Interviews with History*, quoted by Robinson 1979:236)

Although Robinson (1979) takes a clear anti-PCP stand, accusing it of anti-democratic and stalinist attitudes, he also suggests that after Spínola's unsuccessful seizure of power, the party had strategic as well as ideological reasons to review its position and to make more radical demands. The PCP became engaged in a three-front war: against the far left, which accused the party of revisionism because of its participation in a bourgeois government, against the moderate left (the Socialist Party), and against the Right. The occupation of estates in the Alentejo and of industrial enterprises elsewhere in the country were not initiated by the party itself but by the ultra-left, by local party members, and also by socialists. Fearing alienation from its popular base, the party attempted to absorb these movements and make them its own. In 1974 the party started to lose popular support because it did not back the strikes (Blackburn 1974:30). This tendency to make itself an ally of (radical) social movements became even stronger when at the 1975 elections for the Constitutional Assembly, the party ended up behind the socialists and the moderate social democrats. The party had no other choice for staying in power but to cling to its ideological kin within the MFA.

The PCP's efforts to formulate a new law for the commons can be interpreted as the outcome of its awkward and contradictory relationship with social movements. The law then becomes an attempt "to make these movements its own" as Robinson (1979:237) would put it, and it is an attempt to avoid further alienation from the party's popular base. In other words, one might say that there was a populist strategy behind the PCP's stand towards the commons. By backing a law which satisfied protracted demands of rural communities, the party could

promote itself as a defender of the northern peasantry. In this manner, the law can also be seen as an attempt to acquire support among this specific social class which, until then, had provided only scant support to the party (compare Baptista 1978a: 155).

Next to this more or less opportunistic interpretation, other readings of the PCP's law on the commons are possible. These are connected more to the party's fundamental interpretation of the nature of the commons and the revolutionary potential of their administration by the local communities. These readings can be summarized by the labels "primitive communism" and "dual powers".

The way in which the PCP approached communal land management was heavily influenced by the work of nineteenth and twentieth century social scientists on Portuguese rural communities. Authors like Oliveira Martins, a late nineteenth-century politician and scientist (Silbert 1981:238-242; Silva 1978:46-47), and anthropologists such as Jorge Dias (1948,1953) and Rocha Peixoto (1975), applied the ideas of primitive communism developed by Friedrich Engels (1980) to Portuguese rural communities. Since then, this romantic perception of rural communities has profoundly influenced intellectual discussions both on the Right and the Left (see for instance chapter 10 for the arguments formulated by the left-wing politicians in parliament in defense of the 1976 law). Baptista agreed that the commons should be seen as a remnant of a pre-capitalist social formation, but he also followed Lenin's argument that these communities' direct transition to communism was impossible (Baptista 1978a: 166-167). In addition, he criticized the image of rural societies as internally equal and pointed to the importance of social differentiation.

In the course of this process [the penetration of capitalism, RB] the (formally) maintained [communitarian] tradition — for instance: those having animals have access to the commons — acquired a new content. It served above all strata the farmers with access to pastures that could support their herds during the part of the year the communal area could not be used (Baptista 1978a:94).

Consequently, he argued that it would be necessary to protect smaller farmers against the large cattle holders who would perceive the maintenance of communal pastures as an improvement in their own position. Therefore, Baptista included several measures to counter the monopolization of the commons by the local elite.

Baptista acknowledged that communitarian traditions could exacerbate social differentiation within a community of commoners, but he apparently believed that this was a perversion of that tradition. Social differentiation was externally caused. It was the result of the penetration of capitalism, rather than something inherent to the community itself. Baptista did not really free himself of the romanticism that characterized Portuguese thinking about the commons.

When Cardoso adopted Baptista's proposals, he skipped the measures which were aimed at counteracting the impact of social differentiation on communal land use (Klein and Stok 1986:134). Hence, the law as it was published in 1976, totally reiterated the romantic ideas about rural communities that had been developed in

the previous century and brought into Portuguese anthropology by such people as Oliveira Martins, Peixoto, and Dias. The law's attempt to administer the commons through a commoners' assembly and elected officials was clearly built upon the anthropological experience that pointed to the traditional role of village councils and elected *zeladores* and *mordomos*.

The 1976 law points also to Lenin's ideas about social revolutions. Lenin proposed power dualism as a revolutionary strategy aimed at undermining the regime and establishing an alternative State by creating an alternative source of legitimacy. In doing so, one not merely breaks the State's legislative monopoly and, consequently, dismantles the State's legitimizing capacity, but one also poses an alternative source of legitimacy and law (Poulantzas 1978:76). This situation of dual powers characterized at least two revolutionary situations; the Paris Commune and the Russian revolution (Santos 1979:153, 1982:252). In Portugal, the concept of dual powers applies to the initiatives taken by the masses in a (pre-)revolutionary crisis versus the official administration of justice (Santos 1979, 1982, 1990). People created their own tribunals in which individuals were judged according to criteria set by the revolutionary context. Santos (1979:156-160, 1982:256-262) gives the examples of a woman who illegally occupied a house, and a man who killed his patron. Both people were acquitted because of the revolutionary character of their acts. The woman was part of a squatters movement aimed at rectifying unjust rental conditions, and the man was judged to have acted out of self-defense and in reaction to what his patron had made him suffer before the revolution. The provisional governments tried to embody this kind of legitimation into the State's legal system by producing a legislation with a revolutionary content, such as agrarian reform, and the new rental law (Santos 1990:32-33).

Baptista's proposal and the 1976 law fitted into this revolutionary legislation. It created at least a potential situation for dual powers and legalities. On the one hand, the commoners' commissions derived their legitimacy from customary rights with respect to communal land use. This traditional legitimacy existed independently from the State. When the new law restored the commons, this ancient legitimacy was reinforced by a revolutionary legitimacy. On the other hand, the parish councils were legitimized by their traditional connection to the Church, and by their position within the state apparatus (secularization of the state was implemented only in 1912). So while the parish councils derived their authority from the top, the commoners' assemblies and management commissions derived their authority and legitimacy from the bottom, from the community's interior. In this manner, the commoners' commissions posed an alternative to the ruling State.

#### Why the PCP Failed

Careful examination of these three elements in the PCP's analysis (transition to communism, dual powers, and populism) shows that they are internally and mutually contradictory.

First, despite defending the commons and commoners' communities as examples of primitive communism, the party believed that a direct transition to communism was impossible. The commoners' communities had to pass through a phase of capitalism and social differentiation. Nevertheless, the PCP promoted a law which would at least slow that transition down. In addition, the idea of non-capitalist communities itself was erroneous. As I have shown for Campeã, these communities were already characterized by a capitalist organization in their economy and a strong integration in the wider economic environment.

Second, as Poulantzas (1977, 1978) argues, the PCP's strategy was geared towards the creation of popular power outside the State (power dualism) and, at the same time, occupation of key positions within the state apparatus itself. The first strategy failed because the PCP was unable to combine the different foci of popular power such as popular courts of justice, squatter movements, agrarian cooperatives, and neighbourhood committees into one cohesive movement. Even the attempts to unite the communal land management commissions into regional secretariats never had this effect. In practice, these secretariats hardly challenged the State's legitimacy, and merely acted as service organizations to commoners who wanted to create management commissions. (I return to this issue in chapter 10.) The second strategy failed for two reasons: the underlying instrumentalist conception of the State and the tenacity of the bureaucrats who were able to bide their time. The party assumed that the State could be controlled and wielded freely by those who mastered it. In this manner, the PCP failed to see that the State is a theatre of war. This war concerns not only classes and interest groups trying to gain control over the State, but also the bureaucrats who compose its apparatuses. As Poulantzas (1977:128) and Santos (1990:33-35) argue, the latter simply waited until the revolutionary tide ebbed away. The most original characteristic of the Portuguese State was its capacity to remain intact amidst profound social struggles through a relatively long-lasting, widespread administrative paralysis.

These general observations also apply to the case of the law for the commons. First, the PCP was unable to unite different management commissions under one system capable of posing as an alternative to the State. Second, attributing official legality to the local management commissions by definition rooted them in the State. Thus, the idea that these commissions represented an oppositional power and alternative legality dissipated. Finally, the party was unable to break through the vested interest of the Forestry Service in the commons, and the technological rationale by which it legitimated its privileged position in discussions over the future status of the commons.

The third strategic error concerns the support that the party expected to raise by endorsing the restitution of the commons. The PCP misinterpreted the power relations between the different classes and the extent to which the people would endorse a socialist experiment (Poulantzas, 1977:134). The same holds true for the peasants targeted by the law for the commons. The party's policy towards the commons was never able to break existing political loyalties. Although control over

the commons played an important role in local politics, it never did so unequivocally in favour of the communists.

### Conclusion: The Forestry Service's Victory

After the revolution, three groups struggled over the *baldios*: parishioners from the Vouga area, foresters, and the PCP. Although the parishioners were the first to enter the arena, they were the least influential. Their proposal, which entailed the strengthening of the parish councils to the detriment of the Forestry Service, hardly influenced the final outcome. Marginalized, they had to accept that the final legal text was a compromise between the foresters and the communists. At first, it seemed that the PCP and other radicals were the victorious party. The 1976 law on the commons fitted within the general framework of agrarian reform. It allowed for popular democratic control over the means of production, contributed to the socialization of the means of production, and hence to the transition to socialism. However, a closer inspection of the 1976 law shows that it also contained some elements that had been defended by the bureaucrats and technicians of the Forestry Service. These elements were the protection of common property against privatization, and the elimination of the municipal and parish councils from communal land management.

The PCP was unable to use the law as an instrument for acquiring political support among the rural population. The commons never became a source of an alternative legality which could challenge the bourgeois state and open the road for popular democratic rule as the party had hoped. The result was that the Forestry Service, not the PCP, benefited from the law. The law did not oust the Service from the commons. It created an opportunity for the continuation of the forestry project and the Service's presence in the area. Just as the Forestry Service itself had proposed in 1974, the management of the *baldios* was attributed to the villages and not to the parishes or the municipalities, and an administration modality was created which permitted for the Service's representation on the commoners' management commissions. In this manner, the law offered ample opportunities for the Service to retain its control over the commons. In next chapter, I will discuss the reception of the 1974 revolution and 1976 by the people of Campea and discuss whether the Forestry Service really grabbed the opportunity.

## Chapter 9

# Carnations and the Commons in Campeã

### Introduction

In chapter 8 I explained that the 1976 law on the *baldios* was the outcome of a struggle between foresters and communists. In the capital, Lisbon, the communists were victorious, but the new law offered ample opportunity for the continuation and development of the Forestry Service's forestry project and control over the commons. It laid the foundations for the Service's victory in the countryside. The question is, whether the Service really exploited this chance. Did it maintain its dominion over the *baldios*? Did it take advantage of the law to develop a new and more stable relationship with the local population and involve them in afforestation and forest management? Or did it hide behind the borders of the areas subjected to the forestry regime and continue in the same manner as under *the Estado Novo*? These queries are the main topics of this chapter.

The relation between the commoners' communities and the Forestry Service can only be understood by looking at the broader context. The 1976 law on the *baldios* was part and parcel of a revolutionary movement. Therefore, in the first sections of this chapter I will discuss how the revolution itself was received in Campeã and how the law was implemented in the parish. I go on to uncover what this says about the nature of both the parish society and the State at that time. The chapter concludes with a portrait of how the Forestry Service and the commoners' communities of Campeã related to each other after 1974.

### Vila Real and Campeã: Change but no Rupture

Military takeovers in Portugal were typically metropolitan, taking place in Lisbon, or in Porto, "the capital of the North". *Coups d'état* did not really touch upon social and political life in the countryside. When the Municipal Council of Vila Real heard of a coup in Lisbon, it sent its congratulations to the victorious party and expressed its loyalty to the new authorities. Thus, on 29 April 1974, it cabled to the President of the *Junta da Salvacao Nacional*, His Excellency Antonio de Spínola, to express its "unanimous hearty and respectful salutations and entire fidelity" (ACM 29 April 1974). When the first provisional government was installed in May, the *Camara Municipal* sent its best wishes to the new prime minister.

The phrasing of these salutations differed slightly. The municipal authorities complemented their new superiors, but also tried to protect their own positions. To

the usual greeting, they added a phrase saying that they had always acted in "absolute respect of the principles of administrative legality and municipal rights" (ACM 20 May 1974). The message was more than a congratulation. It was a defense of their own past.

The explicit claim to correct governance suggests that the members of the *Câmara* worried about the repercussions of their past actions in participating in and supporting the previous regime and executing its policies in the *concelho*. By referring to their correct administrative behaviour, they hoped that the new regime would not be too harsh with them. Their concern was not without reason, for in October the Municipal Council was replaced by an Administrative Commission, which would govern the municipality until the elections in 1976 (ACM 28 October 1974).

The replacement of the *Câmara* was a change but not a rupture in political life in the municipality. It did not mean that revolutionary fever started to run through the city streets. The most revolutionary remark I could find in the Commission's records over the entire revolutionary period (1974-1976) concerned the lifting of car parking prohibitions. The commissioners agreed that "the innumerable signs prohibiting car parking represent[ed] an abusive limitation of the public right in benefit of the commodity of a few" and were "the image of the former regime's prepotency" (ACM 2 November 1974).

Together with the *Câmara*, most parish councils were also replaced by administrative commissions. Only in Campeã did the Parish Council, elected two years earlier, remain in charge. The reason for this anomaly was its president, João Lebre. Even prior to his election, Lebre was known as a "communist", although he never was a "comrade". After 1974 he joined the Socialist Party (PS). The denomination "communist" told perhaps more about the regime than about Lebre's actual political outlooks or affinities (compare Soares's remark on p. 199, *supra*). The oppression of political freedom during the *Estado Novo* meant that anybody who deviated from official standards was labelled in such a manner. Lebre differed from these standards in that he was literate and had the habit of reading a critical newspaper, *A Republica*, to small groups of fellow parishioners who themselves were unable to read. Because gatherings of more than three persons were considered suspicious during the *Estado Novo*, he was regarded as a subversive element and a troublemaker. The *Comissao Politica*, in charge of dealing with that kind of rabble-rousers, took away his right to vote. Not that this mattered a lot: of the six hundred heads of households, only roughly two hundred still had voting rights (compare Cruz 1988:200).

Lebre's political career began by accident. Once, when he visited Vila Real together with a friend, he met the president of the *Câmara Municipal*. At the time, the lists of candidates for parish presidents and councillors had to be composed, and the president of the Parish Council of Campeã, Eduardo Antunes Cerejeira, was too old to serve another term. His friend told the president of the *Câmara* that this was the man he should choose for to replace Cerejeira. The president turned to Lebre and asked him whether he was interested. Lebre responded that his

communist reputation made him an unlikely candidate for any political office. Nonetheless, the president decided to nominate him and asked him to choose people to put on his list of candidates for the Council.

The sitting Council, which was then dominated by Salazar's party *União Nacional*, objected against Lebre's nomination and went to Vila Real to tell the president of the municipality that the intended candidate belonged to the opposition. But the president was not impressed. Lebre had predicted that this would happen. The Council then tried to present an alternative list of nominees. It failed because the nomination period expired before the list was completed. Then it tried to sabotage the election itself by refusing to hand over the key to the Council's seat. As a result, the voting had to take place in a school. The election itself was a mockery. There was only one list of candidates and not more than fifty people actually went to the ballot box. After the "election", the outgoing Council tried to obstruct their successor's functioning by withholding the Parish Council's official seal for some time (int 25 August 1991).

By April 1974, the difficulties that had characterized the start of Lebre's presidency had become irrelevant and the new Council was fully in function. Lebre had been invited for a meeting at the *Camara's* seat in Vila Real on 25 April 1974. The Minister of Public Works was also to attend. But during the night before Lebre heard on the radio about the coup in Lisbon. He rightfully guessed that the minister would not come and so he stayed at home. A few days later, when he had to go to town for some other business of his own, he visited the president of the Municipal Council. The man told Lebre that he expected that he and his colleagues would have to resign. Lebre answered that he himself did not mind: "I entered office as a communist, now I will have to resign as a fascist, but I am not going to worry about it" (int 25 August 1991).

During the following months, nothing happened. But then a man known for his monarchist sympathies came by. He told Lebre that "they" (the newly appointed Administrative Commission of Vila Real) intended to replace the Campeã Parish Council, but that they wanted him to stay on. Lebre refused this offer. He did not want to abandon the people he himself had chosen. A few days later, he went to Vila Real to see the Commission that had taken over administration in the municipality and he told them that, to his knowledge, democracy demanded different procedures. The Commission discussed the issue and agreed that it would be undemocratic to change the Council without consulting the population. Therefore, they suggested that Lebre ask the parish priest to call a meeting of the parish population in order to decide about the Council's resignation or continuation. Lebre recalled:

About two hundred people came to that meeting.... I was with my back to the people so I could not see them voting. But afterwards I was told that only two persons had raised their hand in objection. So we could stay on, knowing that the great majority of the population was with us. (Int 25 August 1991)

Thus, the Parish Council was able to continue as the parish's Administrative Commission.

### The Revolution: Rear and Front?

The 1974 events in Vila Real and Campeã show that the revolution did not cause dramatic changes in the way in which the municipal and parish authorities acted. The revolution happened far away in the capital and only interfered modestly with local (political) agendas. The little importance attributed to the Lisbon events is clear from the Parish Council's minutes: the coup, as that of May 1926, was not even mentioned. However, such a bucolic image of the north of Portugal does no justice to the fierceness with which the political conflict was fought in this region. In the summer of 1975, communist meetings were disturbed and communists were attacked. In Vila Nova de Famalicão, near Porto, the PCP party building was destroyed after violent clashes over the reinstatement of managers who had been purged from the administration of a textile factory. Two demonstrators were killed (Insight Team 1975:258-259). According to Gallagher (1977:64), by September 1975 almost one hundred Communist Party buildings were damaged or demolished. Even near Vila Real, political killings took place. The case of the bombing of a priest, Father Max, and his companion on the road between Regua and Vila Real, was still pending in court in 1993<sup>1</sup>.

The northerners' resistance to the dominance of left-wing political movements after the revolution has been understood in two manners. First, it has been seen as the expression of their ("the rear's") difficulty to keep up with the rapid political changes in and around the capital ("the vanguard"). Second, it has been interpreted as the logical consequence of the dominance of the peasantry in this area.

The first interpretation was summarized by President Da Costa Gomes during a speech in July 1975:

The march of the revolution has accelerated faster than the people have the capacity to absorb it.... We have in Lisbon an area capable of absorbing revolutionary advance but it stretches through an industrial belt of only twenty miles. The rest of the country runs the risk of losing connection with the front of the column (*The Guardian* 26 July 1975, quoted by Insight Team 1975:260 and Gallagher 1977:64).

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<sup>1</sup> Father Max was murdered on 2 April 1976. The killers were probably members of the right-wing *Movimento Democrático de Libertação de Portugal* (Democratic Movement for the Liberation of Portugal, MDLP). The MDLP was led by exiled Spínola (Robinson 1979:241). The MDLP regional leadership's social position barely corroborates the peasant conservatism thesis. The persons involved were a canon of the Braga cathedral, a lieutenant-colonel (at the time member of the *Conselho da Revolução*), and two important entrepreneurs from the region (*O Jornal* 25 April 1991, *Expresso* 12 June 1993).

The fact that in 1972 Campeã had already installed a Parish Council which was connected with the political opposition, shows that such an interpretation is at least debatable. One might claim that, at that time, Campeã rather than the capital represented the front.

The second interpretation has been developed by Gallagher (1977). He explains northern hostility to the revolutionary process by the concept of peasant conservatism. Gallagher argues that the 1974 coup received support from the intellectuals, the industrial and urban based proletariat, but not from the peasantry living in rural communities north of the Tejo River. There, *minifundias* were the dominant form of landownership and extremes in wealth and poverty were absent. Emigration acted as a safety valve and dissipated social tensions, while returning emigrants did not alter the pre-existing social order. Finally, peasant identification with the Catholic Church quelled any dispute over traditional authorities. These characteristics made the population conservative and suspicious of leftist ideologies and political projects (Gallagher 1977:60).

I reject this type of argument for three reasons. The first reason concerns the nature of the northern society. Contrary to Gallagher's assertion, the northern rural "peasant" society was not at all free of extreme differences in wealth. In chapter 6, I showed that in Campeã a small elite controlled most of the resources while the mass of the population lived in poverty. Lima Basto and Barros (1935) and O'Neill (1987) give similar accounts for other communities in the north. Furthermore, it is incorrect to identify the north with peasantry and smallholders. Proletarianization was quite advanced in rural areas such as Campeã and the Douro region. The anti-communist disturbances Gallagher was referring to, such as that in Vila Nova de Famalicão, took place in urban centres with considerable industrial development. Hence, it is incorrect to equate conservatism with peasantry, and to exclude other social categories.

I also object to Gallagher's assumption that one's economic (class) position explains one's political opinions. Compared to its southern counterpart, the northern (rural) proletariat held relatively conservative political opinions, for instance in terms of party preferences at elections. However, its living conditions were at least as poor as those in the south where the workers voted predominantly communist. The lack of political radicalization of the agrarian workers in the Douro could be related to the strong presence of the Church in the area: contrary to its southern counterpart, the northern elite remained faithful to the Catholic Church and as such disarmed anti-clerical political movements like syndicates and the Communist Party. Workers and the elite were united by the Church. Hence, faith could quell dispute over traditional authorities (Bennema 1992:176-204).

Seemingly, in this part of Portugal, religion can be understood as a hegemonic ideology<sup>2</sup>.

The third argument against the "peasant conservatism" thesis is that the north did not always support conservative politicians. Throughout the twentieth century it took a progressive stand. For example, in February 1927, less than one year after the military takeover that heralded the installation of the *Estado Novo*, a republican uprising challenged the military dictatorship. The rebellion was based in Lisbon and Porto but received relatively strong support in the north. There, almost all major garrisons revolted. Only those of Bragança, Chaves, Braga, and Viana de Castelo stayed in their barracks. In the south, the troops continued to support the military dictatorship and actively suppressed a strike in support of the rebellion (Bandeira 1987:33-42). Later, during the *Estado Novo*, the district and town of Vila Real were still seen as oppositional. In 1934, the district's *Governador Civil* claimed that Vila Real was "one of the most difficult districts to govern," and "one of the strongest bulwarks of an old [republican] party" (quoted by Ramos 1986:115). In 1958 Salazar's correspondent in the Vila Real district pointed out that at presidential elections many parishes had voted against the regime and in favour of the oppositional candidate, General Delgado, because of their discontent with the regime's agrarian policies (*supra*, chapter 5). Finally, in Campea, two years before the revolution, a council was elected that was associated with the moderate opposition. This also indicates that the population was not simply conservative.

This discussion shows that one can use neither the dichotomy of rear and front nor the concept of peasant conservatism to explain why between 1974 and 1976 the northern population opposed the revolutionary process and at subsequent elections voted predominantly in right-wing parties. Bennema (1992) concludes that one should look at the role of religion to explain the northern people's attitude towards the revolution. I suggest that one should look also at the structure of the State.

The Portuguese State was highly centralized. While the central bureaucracy was created relatively early, there was only a weak representation of the central authorities present in the interior. Much of Portugal remained a *hinterland* with state structures such as the Forestry Service geared to its exploitation instead of to its development. The general economic policy aimed at colonial exploitation and the development of the coastal areas (Graham 1985:906). In light of this concentration of state power, it is quite understandable that in rural towns and villages, the dispute over state power was less intense than in the capital. Taking over the State required control over the army barracks around Lisbon, the GNR headquarters at the Largo do Carmo, and the government offices on the Terreiro do Paço, but *not* the dominance over some transmontanian village square.

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<sup>2</sup> This does not mean that traditional authority was never challenged. According to Rosas (1990:406-412), peasants attacked wealthy *proprietários* who hoarded large stocks of maize and other essential commodities. These landowners tried to avoid the forceful government food requisitions between 1941 and 1945 in order to sell their produce on the black market.

The Carnations Revolution, like its 1926 predecessor, was primarily a military takeover. The ensuing revolutionary process (*Processo Revolucionário Em Caminho*, PREC) was a state campaign, the enterprise of politicians and military men. For the northern rural population, it was a metropolitan programme, top-down in nature, and exogenous to their own society<sup>3</sup>. In light of what I said earlier about the structure of the Portuguese State it is hardly surprising that people did not support it. They had never had any reason to believe that Lisbon would be doing something for their benefit.

### The Commons of Campeã and the Revolution

The centralized nature of the Portuguese revolution also characterized the struggle over the future of the *baldios*. This struggle was primarily fought in Lisbon, in the capital, although the outcome affected the inhabitants of the countryside. In the previous chapter I said that the communal land question was debated by three actor groups: the parishioners from the Vouga area, the Forestry Service and the Communist Party. This is true, but my description of the law-making process in the same chapter shows that the agents based outside the capital played a very subordinate role. The people from the Vouga area were incapable of influencing their opponents, the Forestry Service. They were not even capable of influencing the position taken by their closest ally, the Communist Party. The play was staged in Lisbon and the parishioners from the Vouga area were only marginal actors. Based outside the theatre, the countrymen, even when organized like the parishioners from the Vouga area, could hardly influence the process: they were its objects, rather than its subjects.

The revolutionary struggle's metropolitan character also appears from the records of the Campeã Parish Council. The discussions within the Forestry Service and the Communist Party and between them about the future status of the *baldios* could be carried on without being noticed by the people and the administrators of Campeã, a parish to which the outcome was highly relevant, as it had a vast *baldio* under the Forestry Service's control. The April coup was not mentioned and the dispute in Lisbon over the commons continued unnoticed by the Parish Council. It was not until December 1974 that the *baldio* issue affected the rural population. Then, the Parish Council received a letter from the Forestry Service's director-general, in which he asked the Council to organize a discussion of the proposal which was prepared by the working group within the Service. This proposal would entail a new legal status for the commons and a new relationship between local authorities and the Service:

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<sup>3</sup> Baptism (1985:633-634) concluded that "given local social and ideological conditions", the fascist state had been able to effectively repress leftist movements in the north, so that the Left never gained a solid foothold prior to 1974. After April 25, the left-wing militants remained outsiders who "did not move easily in the area nor did they find it easy to relate to the local population."

As the country at this moment is passing through a period of democratization, and in the spirit of the *Movimento das Forças Armadas* decisions should not be taken without popular participation, the secretary of state of agriculture would like to see that the present proposal is made known to the population and discussed in public by the communities which have the strongest interests in the problems of the commons. (DGSFA to JDF 15 December 1974)

That same month, the Parish Council organized two meetings in which parishioners could discuss the proposition. These meetings were not recorded, but according to its president, few objections were raised at that time. This is the only time during the law-making process when the commoners, the objects of the struggle over the *baldios*, became subjects, participants.

Back in the capital, the working group's proposal got stuck in the political battles following General Spínola's unsuccessful seizure of power. In March 1975 Baptista entered into office and started to draw up a new bill. In September he was replaced by Lopes Cardoso. In Campeã the matter received no further attention until February 1976. One month after the law's publication, the Parish Council received a second letter from the Forestry Service, this time not from the director-general himself, but from the *Administrador Florestal* of Vila Real. The forestry administrator included copies of the two decrees 39/76 and 40/76 and informed the Parish Council that "according to number 2 of Article 18 the Parish Council has to organize a provisional census of all users of each *baldio* before the twenty-fourth of March.... [I]n the case Your Excellencies have any difficulties with the interpretation of the referred decrees and need whatever clarification" he would place himself at their disposal (AFVR to JDF, 13 February 1976).

The Parish Council immediately called a meeting (for 7 March 1976) and organized a census. After the completion of the census, a new reunion was summoned on 30 May. At this meeting the Council hoped to create users' commissions.

In harmony with the determinations of section a) of n° 4 of the *portaria* n° 117/76 of the first of March, I convoke a commoners' assembly of the communal lands of this parish ... with the following objectives:

- Election of the presidium of the assembly;
- Resolving doubts and objections concerning the inscription or omission of any commoner in the provisional census;
- Choosing an entity: *baldio* of the parish, or *baldio* of hamlets, or *baldio* per hamlet;
- Choosing the form of administration of the commons in the parish;
- Election of an administrative board.... [T]he choice of a form of administration and the election of an administrative commission will only be valid when at the meeting at least 50% of all registered commoners are present. (*Convocatória* 20 May 1976)

The gathering did not have the desired results. Of the 533 inscribed commoners, only 133 (25%) came, and the assembly had to be dissolved because the 50%

quorum demanded by the law had not been met. The Parish Council issued a second summons only seven months later, in November, after having received a letter from the *Administrador Florestal* of Vila Real saying that the period for creating committees had once again been extended (AFVR to JDF 8 September 1976). This meeting on 6 November 1976 also ended without result. It was attended by only 80 people (16.8% of all commoners). Three months later, in March 1977, after the election of a new Parish Council, a third meeting was called. This time 101 commoners were present. Again the quorum was not met. But because the law determined that the third meeting did not require a quorum, this one was able to proceed as a legal assembly of the commoners of Campeã. The assembly decided to choose as its administration form "*baldios per village*" and not "*baldios for the entire parish*". The villages of Cotorinho, Montes, Pepe, Aveçãozinho and Pereiro, and Vila Nova elected a commission according to modality (b), whereas Aveção de Cabo preferred modality (a). The other hamlets decided to have their commons administered by the Parish Council who would act as their representative (Minutes *Baldios* 1976)<sup>4</sup>.

The difficulties to create local management commissions might suggest that in Campeã, the villagers had lost interest in the commons. An inquiry in 1991 showed that this was not the case: 59% of the households visited still used the commons while 83% objected to their dissolution (Brouwer and Kwakkenbos 1993). Therefore, I believe that these difficulties were related to the parishioners' inability to sustain the management organisations required by law.

The 1976 law was based upon the legislature's confidence in the historical or traditional capacity of local communities for self-governance. The assemblies and management commission copied, institutionalized, or formalized traditional forms of community organization for communal resource management. In chapter 7 I showed that the communities in Campeã did have a history of local governance. For centuries they elected *juizes de vintena*, *juizes da freguesi*, and *mordomos*. For generations they appointed *zeladores* to administer of their commons and other community affairs, and judges for their parish and region (The *juiz da freguesia* or *juiz eleito*, and the *juiz depaz*). However, by 1976 these institutions had weakened. In 1928, the position of the *juiz de paz* (peace judge) was turned from an elected office into an appointed one. This position was automatically given to the male teacher of the primary school in the parish's main village (*Decreto-Lei* 15,344 of 12 April 1928; Silva 1987). The result was the disappearance of the office altogether although, officially, the *juiz de paz* still exists (*Lei* 539/79 of 31 December 1979). In some villages such as Aveçãozinho, the *zeladores* survived, though the office lost much of its former interest because of the division of part of the commons by the JCI and the subjection of most of the remainder to administration by the Forestry Service. These operations reduced the number of

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<sup>4</sup> This delegation was not foreseen by *Decreto-Lei* 39/76 and therefore illegal. Nevertheless it was a widely spread practice. The minutes of these meetings are kept in the Parish Council's office in a separate book.

villagers interested in sustaining communal land management arrangements and stripped the *zelador* of most of his responsibilities and income.

Finally, the law itself contained conditions that made its implementation more difficult. It demanded that a commoners' community elect four commissioners for the communal land management commissions of modality (b) or five for commissions of modality (a) (art. 9), and three members to the presidium of the general commoners' assembly (art 7). In the case of Campeã, this meant that a village of forty or fifty households, many of its members barely literate, had to elect seven or eight persons for an institution that in the past had required only one. In short, whereas the community's capacity to sustain local government institutions had diminished, the new law demanded an even larger commitment from the commoners. Hence, it is almost a miracle that these commissions were even elected at all (see also chapter 10, fn. 16).

### The Implementation of the 1976 Law

In 1977, six villages created their commission. In 1990, only three of these commissions were really functioning. The rest had fallen apart as a result of conflicts over spending as was the case in Pepe and Vila Nova. In other cases, the commission had simply not been re-elected as in Aveção do Cabo. Only in Cotorinho, Montes, and Aveçãozinho, did the commissions continue to function.

In each of these villages, the commissions played a different role. These differences were related to the specific developments in the hamlets. Cotorinho and Montes suffered severely from mass emigration. In Montes the number of inhabitants decreased sharply. Between 1950 and 1981 it diminished from 101 to 53 inhabitants (table 11.4), and in 1991 I counted only 26 inhabitants. Most of the remaining residents were elderly women, of whom 10 were older than sixty-five. As a result, farming had declined and so had traditional forms of land exploitation. The herds disappeared and even brush collecting was discontinued. Therefore, the local commissions requested the Forestry Service to afforest the areas which in 1951 had been left to the villages for pastures, and which had not been placed under the forestry regime in 1956. In these villages, the commissions acted as "landlord" to the State, i.e. the Forestry Service. If there was a timber sale from thinnings or final fellings, they expected to receive their 60% share as "rent" which could be used for public amenities.

The situation in Aveçãozinho was quite different. Emigration did not have such a disastrous impact there as in Cotorinho and Montes. Over the period 1950-1981 the number of inhabitants declined from 242 to 146, and in 1991 I counted 149 inhabitants. According to my survey, almost two-thirds of the households still were agriculturalists (table 6.7), and all but one of these farming families still collected brush for fertilizer. Even a young farmer, who, with help from the EC, had constructed a new stable in 1993, continued to mix manure with brush. He saw

liquid manure as a second-rate fertilizer because it does not improve the structure of the soil.

Unlike Montes and Cotorinho, Aveçãozinho participated in the 1951 division of the commons. Twenty households in the village received a *gleba*. These *gleba*-holders were officially excluded from the remaining common as far as the collection of brush was concerned. This meant that in 1951 only thirty-eight households were fully entitled to exploit the common (table 7.2). However, this number increased gradually because of a rule that the heirs of *gleba* holders could not be excluded. In 1991, fifty-one households were considered commoners: forty-two in Aveçãozinho and nine in Pereiro. In addition, a first generation *gleba* holder could acquire access to the *baldio* through his children<sup>5</sup>.

Like in Montes and Cotorinho, the *baldios* of Aveçãozinho existed in two parts: the area which was subjected to the forestry regime and the area which the JCI had indicated for communal exploitation (20 ha). The two parts were separated by the road connecting the parish to Mondim de Basto. The State occupied the upper half, whereas the village kept the area on the lower half, closer to the village (see the map in figure 7.2). The village's *baldios* management commission formally controlled *both* areas, but, in reality, it concentrated its efforts on the *lower* part.

In this lower area, the commoners and their commission de-regulated the cutting of brush and the grazing of cattle. This was probably because, due to the existence of private bush land, the increased use of artificial fertilizer, and the shift from *maronesa* towards frisian cows, these forms exploitation no longer reached a level that called for restrictions. Brush growth was not in a serious danger. The only limitation was that one would have to take care not to damage the seedlings of trees when cutting brush. As a result, the common had become covered by a forest. The exploitation of this forest was regulated. Tree felling, mainly for the provision of firewood, was the exclusive responsibility of the village's communal land management commission.

The exploitation and allocation system for trees copied the system used originally for the apportionment of *leiras*. On a pre-determined day, the president of the management commission and two other villagers went to the common to mark the trees they felt were appropriate for felling. Each tree was marked with an axe and tagged with a number on a small slip of paper. Each number signified a lot. A list was kept of the number of trees in each lot in order to see that all lots were more or less equal in size. This did not mean that all lots contained the same number of trees. If a lot consisted of small trees, the number was increased accordingly to arrive at an average volume. Later, the names of the people entitled to the common were also written down on paper slips. These slips were put into a plastic bag and drawn by a child. The first name drawn won the first lot, and so forth.

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<sup>5</sup> Household 18 (appendix 5) was an example of this practice. This "household" consisted of a man and his unmarried daughter living in separate houses. The father received part of the lot of firewood that had been attributed to his daughter.

A second activity of the commission was fund raising and distributing money. It did so in two ways. The first was the sale of timber. In 1993 it sold around forty pines to a lumberjack. The second way was the alienation of land for construction. The commission sold plots of about 300 to 400 m<sup>2</sup> for 150\$00/m<sup>2</sup> to *vizinhas* for the construction of houses. Officially this practice was illegal. The 1976 law prohibited any alienation (art. 2). The authorities in Vila Real, however, found a way to circumvent this prohibition by applying *Decreto-Lei* 40/76. This law was originally created to regulate the restoration of commons, which during the period prior to 1976 had been usurped. But in Vila Real, the authorities used it to legalize present sales under the condition that the management commission presented a list with signatures proving that the majority of the commoners had agreed (int 19 May 1992). I discuss the application of the money raised in this way in chapter 11.

The examples of the *baldios* management commissions of Aveçãozinho, Cotorinho, and Montes demonstrate that the Service was rather passive. All of these commissions were of the modality (b) type. This meant that, formally, the Service was represented by the local forest guards. In practice, however, the guards never attended the commissions' meetings nor did they actively seek contact with the villagers. Officially the State should "...[i]nform the management commission about the management of the forest patrimony in all cases that this is requested; [and it should p]resent reports and financial accounts of its activities" (art. 13 of *Decreto-Lei* 39/76). But the State and its Forestry Service never did. In fact, the Forestry Service continued to manage the upper part as if there were no management commission. After a fire in the 1980s which destroyed most of the plantation on this stretch, the Service replanted some parts with Douglas firs (*Pseudotsuga mensii*). Then, in 1990, the Service opened up fire corridors. Both decisions were taken without consulting the management commission<sup>6</sup>. The Forestry Service also never tried to assist the commissions with managing those areas not placed under the forestry regime. This was not in harmony with the stipulation that "[t]he State, through the competent services ... guarantees the necessary technical support, ... and verifies the application of convenient techniques for the installation and management of tree stands" (art. 12). In short, the Service continued to concentrate itself in the areas it had acquired during the *Piano do Povoamento Florestal* and did not adapt itself to the conditions created in 1976.

The foresters defended their behaviour by saying that the Forestry Service did not want to be accused of paternalism, and that a more active attitude would not be appreciated by the population (int 19 June 1992). This argument was not without grounds. The past events had given people sufficient reason to look upon the Forestry Service with distrust. However, the provision of technical support is not necessary paternalistic. That depends upon the attitude and behaviour of the

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<sup>6</sup> This fire was also the reason why the commission in Aveçãozinho did not exercise the "landlord" function which characterized its counterparts in Cotorinho and Montes: the stands had been destroyed before any timber was harvested.

forestry organization and the individual officials. Moreover, Further, it is quite clear that better management of the forests would be in the interest of both the Service and the commoners<sup>7</sup>.

The relevance of the provision of technical support is shown by the following examples. In the case of Aveçãozinho, the commission determined the quantity of firewood to be given to the commoners that year. When demarcating the firewood lots, there was a tendency to increase the quantity. First, the commission felt pressured by the inhabitants to give at least as much wood as the previous year. Second, the commission's attempt to make the lots more or less equal in size favoured an upward correction in the lots demarcated later on. The result of this upward pressure was the demarcation of about three hundred trees with an estimated volume of 120 to 160 m<sup>3</sup>. This meant that the commission allowed the cutting of approximately 8% of the number of trees on its total area and 8 to 10% of its total stock. The felled volume exceeded by far the estimated one-year regrowth (80 to 100 m<sup>3</sup>). When I estimated the standing stock in 1993, I indeed found that the number of trees and the volume of the stand had decreased compared to 1991<sup>8</sup>.

Advising the management commission about the amount of trees felled for firewood would have been one occasion in which the Forestry Service could have helped the villagers with the exploitation of their common. Another occasion at which the Service could have helped concerned the feeling of timber. In 1993, the management commission sold forty pines, which according to the tree rings on the stumps were 40 to 45 years old. The optimal rotation of *Pinus pinaster*, is about 50 to 75 years depending upon the quality of the site (int 4 April 1991, 9 April

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<sup>7</sup> Different administrators had different attitudes towards *baldios* commissions. The *Administrador Florestal* of Montalegre assured me that he would try to advise the commoners on fellings. Guards normally would not attend commission meetings, because they were not invited. However, if called upon, they would go (int 26 May 1993).

<sup>8</sup> In July 1991 and June 1993 I estimated the number of trees per ha and the stock using the Bitterlich mirror relascope and calculating method (De Vries and Stoffel 1967,  $k=4$ ). The results were:  
 - in 1991: 39 plots, 141 trees,  $d_g=25.8$  cm,  $d_c=24.5$  cm,  $h_c=11.8$  m;  $v_c=0.272$ ; estimated mean stand basal area 14.4 m<sup>2</sup>/ha,  $N/ha=276$ , total volume on 20 ha 1592 m<sup>3</sup>. According to the system developed by Luis and Bento (1991) for pine stands in this region, this means that thinnings were possible (Paiva 1994:77). In the sampled 144 trees, 11 (7.6%) were marked for felling. Assuming that these trees represented the average, they constituted a volume of 120 m<sup>3</sup>. In reality, the volume was greater ( $d_g=28.2$  cm, estimated volume 160 m<sup>3</sup>).  
 - in 1993: 66 plots, 176 trees;  $d_g=27.4$  cm,  $d_c=26.5$  cm,  $h_c=14.1$  m;  $v_c=0.315$ ; estimated mean stand basal area 10.7 m<sup>2</sup>/ha,  $N/ha=181$ , total volume on 20 ha 1372 m<sup>3</sup>. According to the method formulated by Luis and Bento (1991), intervention was not recommended.

The estimated difference in volume between 1991 and 1993 (276 m<sup>3</sup>) is more or less realistic: in the two-year interval, fuel wood had been felled (at least one time 120-160 m<sup>3</sup>, but perhaps twice), many trees had been destroyed by a heavy snow storm, and about forty of the best stems (over 40 year-old trees with diameters of circa 50 cm) had been sold for timber.

Relevant references for *Pinus pinaster* in northern Portugal are: DGSFA (1969), and Duarte, Ribeiro and Cosme (1991).

1992; Duarte, Ribeiro and Cosme 1991). Technical support could have convinced the villagers to postpone the felling and make more money later.

Finally, in 1991 and 1992, I observed that pines were infested with beetles. If that infestation would not be stopped, it could lead to the total destruction of the forest (private, communal and state). One of the plague's causes was the commoners' habit of leaving the timber felled for firewood in the forest too long with the bark still on it. In doing so, it served as a breeding place for the beetle larvae. In 1993 the management commission determined that the allocated lots of firewood should be removed within one month. This regulation was inspired by three motives. The first motive was reducing the felled volume. The previous commission also maintained a one-month limit but had ruled that trees not felled on time would be cut and auctioned afterwards. The second motive was that concentrating felling in a shorter time span would strengthen social control. The impression existed that on earlier occasions people felled more trees than the number allotted to them. The third reason was reducing the time span that the felled trees would stay in the stand. However, effective prevention of this species of beetle requires a time span of no more than two weeks or the removal of the bark. The measures show that the commoners themselves were aware of some of the problems. If the Service had taken the pains to enlighten them on this particular subject, this would not only have helped the commoners in protecting their own forest, but it would also have helped to protect neighbouring private stands and the stands under the administration of the Service.

## Conclusion

In this chapter, I have discussed three issues: the impact of the Carnations Revolution in Vila Real and Campeã, the way in which the 1976 law was implemented, and the relationship between the Service and the commoners' commissions. I have shown that the political tensions in Lisbon went unnoticed in Campeã. Here, continuity prevailed over radical ruptures. Some would analyze this difference in terms of oppositions: front versus rear, or urban progressiveness versus peasant conservatism. However, my description of the political situation in the Vila Real area demonstrates that this type of analysis is incorrect. First, many of the northerners were not peasants but proletarians. In the case of the latter, Bennema (1992) has shown that there is no direct connection between a person's social or economic position and his or her political outlook. Second, the north was not always conservative. In the particular case of Campeã, political continuity was not the result of conservatism, but of the parish being ruled by people associated with the opposition. Prior to the changes in Lisbon, progressive forces dominated the political scene in Campeã. If one would want to apply the terms "front" and "rear" to this particular case, one would almost be forced to reverse them. Until 1974, not Lisbon, but Campeã held the vanguard. Third, the differences between the north and the capital should also be viewed in relation to the structure of the

State. The revolution was a metropolitan enterprise in which the inhabitants of the northern countryside were objects rather than active participants.

The issue of the commons did not play a significant role in the parish until the end of 1974. Unlike in the Vouga area, there was no indigenous movement that wanted to reclaim the commons from the State. Even when the 1976 law was published and the Forestry Service urged its implementation, it took until March 1977 before some of the villages created management commissions. The reasons for this difficult revival of community rule were three-fold: (a) general social changes (emigration in particular), (b) the state intervention in the commons during the 1950s that had undermined the local communities' ability to sustain communal land management institutions, and (c) the law itself. In comparison with the traditional system, the law placed a heavy burden upon the villages' already weakened organizational capacities. The effect was that only a few villages were able to maintain a stable management structure. In two of them, this meant little more than the creation of a channel for the funnelling of (forest) revenues to the community. Only in one hamlet, Aveçãozinho, did the commission assume functions that went beyond those of a landlord and implied direct communal land and forest management.

The last item of this chapter concerns the Forestry Service. I have made it clear that the Service played an important role in the initial phase of the 1976 law implementation in Campeã. Its letters in February and September 1976 triggered the process that led to the formation of management commissions in the parish. But ever since, its role has been passive. Although formally present on the commissions of Aveçãozinho, Cotorinho, and Montes, the Service did not develop any activity which was supportive to these commissions, nor did it help them in their tasks of investing in their village and managing their commons. Instead, the Forestry Service retreated behind the wall of the forestry regime. It continued to manage the territories subjected to that regime independently, without involving the commoners as it should have done according to the law.

This last point, the abstinence of the Forestry Service from participating in the commissions, and its barricading itself inside the areas under the forestry regime, leads to the final conclusions of this chapter. The first is that the 1976 law did not pose any challenge to the Forestry Service. It remained firmly in command over the *baldios* under its control. The second is that the Service did not exploit the law as far as it could have. By not participating in the commissions it did nothing to make the commoners committed to its mission of afforestation. Even worse, it did nothing to improve management of the areas that bordered on its own territory, but were not subjected to the forestry regime. In short, it did not profit from the opportunity that the *baldios* law offered in terms of expanding and improving forest administration beyond the territories it had occupied prior to 1976.

## Chapter 10

# **The Commons and Political Struggle in the National and Local Arenas**

### Introduction

In the previous chapter I discussed how the 1974 revolution was received in Campeã and how the 1976 law on the commons was implemented. In this chapter I will continue with the political debate that followed the law's publication and in 1993 ultimately resulted in its revocation.

This chapter covers two arenas: the national and the local. It begins with a description of the parliamentary debate and the political process that led to the revision of the 1976 law. It continues by presenting the main arguments used by the different political parties in the parliamentary debate. I will analyze these arguments and address the central point that they fail to explicitly admit: *baldios* are a source of political power. In the remainder of the chapter, I deal with local political arenas. In doing so, I present three different cases of conflicts around the formation of *baldios* management commissions and I show how political parties became instruments in and objects of the battle between the different actors, commoners, councillors, and officials. In the last sections I pull all of the elements together and draw conclusions about the position of the commons and the Forestry Service under the system of parliamentary democracy.

### The Commons in Parliament

As I pointed out in chapter 8, the 1976 law was based upon specific ideas about the form of representation of the citizens to the State, about the legitimacy of traditional claims of the rural population over the *baldios*, and last but not least, about the future path of social development. These notions were only able to gain political relevance because of the specific circumstances between 1974 and 1976. As Robinson (1979:253) put it, the "Age of Aquarius" had just begun, and the, perhaps, naive hopes for a different future and a new mankind had taken possession of the politically dominant groups. However, the translation of these hopes and aspirations into law could only have happened because the Left briefly controlled the State: the reactionary forces of General Spínola were beaten, the forestry technicians (temporarily) defeated, and radical Marxist inspired movements and parties determined the debate. This political conjuncture resulted in a law that situated the restitution of the commons within the frameworks of agrarian reform, popular democracy, the socialization of the means of production, and socialist

transition; and that appealed to an alternative type of legality, not the State's but the people's.

The location of the *baldios* law within a politically radical project and the law's connection to a popular democratic model, made it vulnerable to right-wing reactions. As soon as the political power balance moved away from the radical left back towards more moderate or right-wing forces, the law on the commons became one of the targets at which these political movements aimed their restorative efforts<sup>1</sup>.

Initially, the opponents of *Decreto-Lei 39/76* proposed abolishing the commons as a separate category of property and transferring them to the property and management of the parish council. In practice, this would mean the restoration of the juridical situation that had been created by the civil code in 1966. However, during the political process, the purport of the enactments presented by the opponents gradually changed to temporary acceptance of the commons as a separate form of property with the village management commissions as a separate form of administration. In the 1993 revision, the concept of common property was left intact, although the *baldios'* legal protection against alienation and disentanglement was weakened and the powers of the parish councils were strengthened.

The dedication with which moderate or right-wing forces fought the *baldios* law after 1976, appears clear from the continuous flow of proposals put forth by these political parties. During the seventeen years following the revolution, on average one enactment per year was presented in parliament. The central democratic and social-democratic parties (CDS and PSD) submitted most of these proposals (table 10.1). In 1977 these parties had their first success. In October *Lei 79/77* transferred management of the commons to the parish councils. Consequently, *Decreto-Lei 39/76*, although not repealed, was implicitly put out of action. Two months later the previous situation was restored on the initiative of the communist party (PCP) through the revocation of the relevant article (*Lei 91/77* of

<sup>1</sup> In terms of electoral support, there were no major shifts between the left and the right of the political spectrum until 1983. However, minor variations had large impacts because of shifting strategies and alliances of the four main parties (Aguar 1985:771). Only since 1987, has the right held a solid majority in parliament (Robinson 1979:235, 255; Aguiar 1985:772; Bruneau 1984:139; Martins 1991:93-105; *Público* 8 October 1991):

<u>Spectre</u>	<u>Party</u>	<u>1975</u>	<u>1976</u>	<u>1979</u>	<u>1980</u>	<u>1983</u>	<u>1985</u>	<u>1987</u>	<u>1991</u>
left	PCP	12.5	14.6	19.0	16.8	18.1	15.4	12.1	8.8
	PS	37.9	35.0	27.4	27.8	36.1	20.7	22.2	29.3
	PRD	-	-	-	-	-	17.9	4.9	0.6
right	PSD	26.4	24.0	42.5	44.9	27.2	29.8	50.2	50.4
	CDS	7.6	15.9			12.6	9.9	4.4	4.4

3 December 1977)<sup>2</sup>. *Decreto-Lei* 39/76 remained in action until 1993, when an alliance of the PSD and the PS resulted in its annulment.

Table 10.1 Enactments or *Projectos de Lei* (PJL) moved against the 1976 law on the commons presented after 1977.

Enactment	Party	Date	Property status of the baldios	Effect on management commissions
PJL 272/II	CDS	14-11-1981	parish property	dissolved
PJL 289/II	PPM	08-01-1982	idem	idem
PJL 291/II	PSD	09-01-1982	idem	idem
PJL 361/II	AD	23-07-1982	idem	idem
PJL 199/III	CDS	15-07-1983	idem	idem
PJL 281/III	PSD	03-02-1984	idem	delegation by the parish council
PJL 013/IV	PSD	13-11-1985	idem	idem
PJL 021/IV	CDS	13-11-1985	idem	idem
PJL 174/IV	Ind.	09-04-1986	idem	idem
PJL 287/IV	PS	12-11-1986	common property	delegation to the parish council
PJL 041/V	PS	17-10-1987	idem	idem
PJL 064/V <sup>a</sup>	CDS	30-10-1987	parish property	delegation by the parish council
PJL 090/V <sup>a</sup>	PSD	13-11-1987	idem	idem
PJL 225/V	PRD	30-10-1987	common property	-
PJL 532/V	PSD	28-04-1990	parish property	under Governors' supervision
PJL 109/VI	PS	18-03-1992	common property	delegation to the parish council
PJL 163/VI	PSD	08-06-1992	parish property	idem
<i>Lei</i> 068/93	-	04-09-1993	common property	idem

AD (Aliança Democrática): alliance of CDS, PPM, and PSD; CDS: central-democratic party; PPM: monarchic party; PRD: renovative democratic party, PS: socialist party; PSD: social-democratic party; Ind: independent deputy Gonçalo Ribeiro Teles.

<sup>a</sup> Both projects are taken together in parliamentary decree 132/V of 31 January 1989, published in the *Diário da Assembleia da República (DAR)* of 11 March 1989, pp.694-695.

Why did it take so long for *Decreto-Lei* 39/76 to be repealed? One reason was the balance of power between the different political parties and the consequent feebleness of majority coalitions. Until 1987 none of the governments possessed a sufficiently stable base in parliament to complete their term. The three and a half

<sup>2</sup> Article 109 on "Commons and other communal things" of this law stated: "The definition of the communal things, in particular the *baldios* and other goods of communal exploitation, is attributed to the Municipal Assembly or the Parish Assembly, according to whether it concerns communal things of the municipality or of the parish, and their management is responsible to the respective executive local administrative bodies [the Parish and Municipal Councils, RB]." *Lei* 79/77 had been the PSD and CDS's initiative, but had been supported by all parties except for the PS (*DAR* 2 July 1986, p.3363).

years after July 1976 saw five governments come and go, three of which were not even based in a parliamentary majority but appointed by the president of the republic precisely because of the impossibility of majority coalitions (Bruneau 1984:98). Between 1980 and 1987, there were four different cabinets (Martins 1991:93-105). As a result of this generalized political instability prior to 1987, parliament was dissolved each time before any of the proposed amendments were even voted on. Therefore, at this stage, the 1976 *baldios* law was never seriously endangered.

The period of instability ended in 1987. That year's elections were won by the PSD with 50.2% of the vote. With a comfortable absolute majority in parliament, this party was able to form a cabinet which for the first time in the post-1974 history, succeeded in completing its full four year term.

Under the new stability, the enactments aimed at the dissolution of the commons were approved by parliament without serious difficulty and they would surely have resulted in the disappearance of the local management commissions and the commons if their realisation had not depended upon approval by the president of the republic. Since 1986, this office was occupied by the former Secretary-General of the Socialist Party, Mário Soares. When in March 1989 the first enactment that passed parliament (*Decreto Parlamentar* 137/7V) was presented to him for promulgation, the president decided to use his prerogative to submit it to the Constitutional Court for consultation. The court ruled that by attributing the commons to the parishes, the bill clashed with article 89 of the constitution. This article defined the different categories of property and explicitly recognized the existence of communitarian property managed by local collectives as a separate category within the public sector (Constitutional Court, *Acórdão* n° 325/89 of 17-4-1989). Backed by the court, Soares was able, and formally even obliged, to veto the bill. Because the PSD and CDS could not muster the two-thirds majority in parliament that was necessary to overrule a presidential veto, the enactment was dropped.

### **The Constitutional Court**

The 1989 enactment was stopped because the Constitutional Court had decided that it was unconstitutional. One should however realize that the court's ruling was not unanimous, but by majority vote. The judges disagreed about the correct interpretation of the constitution and about the enactment's implications with regard to the property status of the *Baldwins*. The fact that a majority of the court opposed the bill was related not only to the lack of consensus about the correct interpretation of the juridical issue, but also to the composition of the court along party lines. Ten of the thirteen court members were appointed by parliament. These members co-opted the other three (Martins 1991:71-74). When choosing a candidate, parliament not only took into account his or her legal expertise, but looked also at the nominee's political affiliation. The court members when selecting

candidates for the other three seats, did the same. It was an informally agreed upon practice that the court's political composition would more or less reflect and balance the variety of the political outlooks in parliament. As court members were appointed for six years and deputies had a four-year mandate, the court's composition often lagged behind the developments in parliament. Consequently, at the moment the court received the new *baldios* bill for judgement, the shift from the left to the right which had occurred in 1987 elections, was only partially reflected in the court's composition. As a result, a compared to the distribution of seats in parliament, many of the judges were ideologically close to the PS and the PCP<sup>3</sup>.

Later in 1989, an occasional coalition of the PSD and the PS enabled the revision of the constitution. One of the modifications concerned the status of the *baldios*. In the new text, the commons were included in the cooperative sector (art. 82). Leftist legal experts such as António Bica, expressed their fear that this modification of the constitution in combination with changes in the composition of the Constitutional Court would weaken the protection of the *baldios* as common property against new enactments from the parliamentary majority (Bica 1989).

In 1990, with its majority in parliament, the PSD had another bill approved. The enactment left commoners' commission intact but placed their functioning under the district's governor's supervision. President Soares decided to challenge both the absolute majority and the new constitution by once again using his power to veto. To the surprise of many commentators, the Constitutional Court endorsed Soares's doubts and rejected the bill. It interpreted the revised Constitution as a strengthening of common property. The court argued that

... the 1989 revision developed a logic of "destatization" of the communal goods in relation to the State and the public sector of property and brought to these goods an increase in their autonomy as part of the social and cooperative sector of property. This autonomy has to translate itself into a strengthening of the communitarian or civic dominium over the *baldios*. (*Acórdão* 240/91, pp.27-28)

The court ruled seven to six that the bill ran *against* the dispositions of article 82 of the revised Constitution and the enactment was dropped just as in 1989.

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<sup>3</sup> In May 1993, one of the court's co-opted members who was associated with the PCP, announced his resignation. The court's president, Luis Nunes de Almeida, announced that he would maintain the agreement made by the parties in 1989 regarding the presence of the political currents in the court and invite another member from PCP circles. But another member from the PSD-wing within the court announced that he would try to shift the balance in favour of his party and the government (*Público* 14 May 1993, *O Independente*, (Lisbon), 18 June 1993). I do not know who won the dispute.

### The 1993 Compromise

In 1992, the PS presented a new proposal, *Projecto de Lei* (PJL) 109/VI, hoping to settle once and for all the issue of the commons. It intended, on the one hand, to legalize widespread and generally accepted illegal practices such as the construction of dwellings on *baldio* land, and on the other hand, to strengthen the position of the local management commissions. Therefore, the PS expected that the PCP and PSD would both endorse the proposal (int 8 April 1992). However, its initiative was immediately followed by another enactment from the PSD, which reiterated their previous proposals. It was clearly less favourable to the commons in general and community administration in particular, than the bill presented by the PS. This second enactment, PJL 163/VI, defined the *baldios* as property of the parish councils, which were to gradually replace the commoners' management commissions as the administrators of the *baldios*. Both proposals however concurred on some other major points, and the parties were able to arrive at a compromise. In June 1993, parliament approved a new law for the commons. This time President Soares had no other option than to pass it since the PS and the PSD together held enough seats to overrule a presidential veto. The new law on the commons, *Lei* 68/93, was published in the *Diario da Republica* in September, 1993.

The numerous obstacles on the road to the new *baldios* law did not leave the final outcome unchanged (see table 10.1). The earliest enactments had all been in the same vein as *Lei* 79/77 and were geared towards the total abolition of community management and the attribution of the *baldios* to the municipalities and parishes. From 1984 on, the proposals accepted management by users' communities as a variant in addition to administration by the local authorities. Initially, the establishment of local rule was made dependent upon the parish council's willingness to delegate its responsibilities to the commoners. In 1986, the PS proposed the opposite approach: the owner community was allowed to delegate management to its parish council. This model would legalize existing practices while leaving intact the idea of common property. In 1989 and in 1991, the Constitutional Court's decisions dashed any hope of the CDS and PSD mustering enough juridical and political support to dissolve common property altogether. It forced them to accept the model proposed by the PS (PJL 163/VI). The option to delegate management to local councils was included in the 1993 law, which explicitly defined the *baldios* as "land possessed and administered by local communities" (art. 1; see annexo 13 for the full law text).

Between 1977 and 1993, the defenders of common property were able to temper the attempts to transform the *baldios* into parish property. They failed however to conserve the strict protection of common property against disentanglement and privatization. The earliest projects included various kinds of stipulations that would facilitate the dissolution of (parts of) the *baldios*. They either eliminated the idea of common property (PJL 272/11 up to and including PJL 174/IV), or, like the PSD's projects of the fifth and sixth legislature (PJL 90/V, PJL 532/V, PJL

163/VI), deposited of the commons if they were not claimed within five years by the communities. The 1993 edict no longer included this last disposition, but still offered the opportunity to lift the common property status for industrial and social development and for construction of housing. It also included a disposition allowing the extinction of a *baldio* after ten years of "unjustified abandonment". In that case, the *baldio* would automatically become the property of the parish(es) in which it was located. These possibilities certainly implied a threat to the future existence of the *baldios* as a distinct form of property. Finally, the 1993 law eliminated the Forestry Service's exclusive position in the management of the commons. The stipulation that allowed state representation in management commissions, article 9 section b of *Decreto-Lei* 39/76, was abolished. The Service could only maintain a hold on the commons through partial or complete delegation of the commoners' authority. In that case, however, the Service was only one of the possible partners, along with other central state institutions and the parish council (art. 22).

### The *Baldios* in Parliamentary Discourse

The stream of enactments proves the fierceness with which the CDS and the PSD engaged in battle to modify the commons' legal status. The fact that they continued their efforts after most of the other measures related to the 1975 agrarian reform had been abolished or made powerless, suggests that these parties for some reason or another were profoundly interested in changing this particular aspect of the (post-)revolutionary legislation. What were the reasons for this obsession with dismantling the communities and strengthening the parish council's authority? The formal motivations contained in the enactment themselves or expressed during the parliamentary discussion, indicate three lines of reasoning. The first argument concerns the malfunctioning of the 1976 law. In this respect, the law's critiques pointed to the relatively small number of operative commissions and the relatively small size of the area claimed by local management commissions. The second argument consists of the law's failure to stimulate development in the regions where the *baldios* were located. The third and last argument concerns the awkward relationship that the law had created between local administrative bodies and the communities.

The first argument put forward against the 1976 law concerned its effectiveness. Carlos Duarte, deputy of the PSD, justified his enactment by pointing to the fact that of the 637 commoners assemblies created since 1976, only 132 were still functioning and that only 141,000 ha (37%) of the commons had been restored to *compartes* (Duarte, intervention in parliament, 30 November 1990). The PSD also argued that the commoners' assemblies and management commissions which had been created, were not functioning as well as they should have been: "the general interest was not always rigidly taken into account, and ... even sometimes investments were made which were not the most urgent" (*DAR* 27 April 1988, p.3203). Finally, the party proposed that parish councils should be attributed with

the management of the *baldios*. Local councillors were not only experienced administrators, but also — also being commoners themselves<sup>1</sup> - experts in local customs and needs (ibid, p.3207).

The alleged mismanagement and misappropriation of revenues from *baldios* by the commoners' management commissions were connected to the second line of reasoning in the CDS's and PDS's argument: the law's impact upon development. Both parties argued that the rigid protection of the *baldios* as common property and the prohibition of their alienation under the 1976 law seriously constrained the ability of local executives to develop their local economies (for instance, by the installation of industries). The commons were not alienable under any form (sale, rent, lease) except for a rental relation with the State for forestry purposes. Valuable land was taken from farmers while *baldios*, which were suitable for construction, continued to remain unused. Hence, they argued that the legal status of the commons needed revision. The protection of the status of common property had to be softened, and alienation for industrial development or social aims had to be allowed.

Similar to the PSD, the PS was concerned with the *baldios*' possible contribution to rural development. Hence, it formulated PJJ 41/V, which was part of a packet of proposals concerning the country's forestry development<sup>4</sup>. In the justificatory notes accompanying the enactment, the PS stated that the actual contribution of the commons to rural development in the "deprived zones of smallholder farming and small and medium-sized property" (PJJ 41/V, preamble, p. 170) was insufficient. Reforestation of the commons by the previous political regime, the *Estado Novo*, had brought not only costs, but also considerable benefits to the local communities in terms of soil conservation, watershed improvement, communication infrastructure (roads), timber plantations, and a large organizational infrastructure. But these benefits were by no means a reflection of what should have been achieved and what was possible. The 1976 law on the commons was meant to correct the earlier errors but still lacked a clear development strategy, whereas the "baldios ... should be turned into true poles of development, creators or stimulators of specialized employment, and the producers of sustained flows of multiple goods and multiple indirect benefits" (PJJ 41/V, justificatory notes). The PS's enactment contained several measures to ensure that the *baldios* could fulfil such a development role, for instance, through the opening of special credit lines.

Finally, the PS argued that *Decreto-Lei* 39/76 assumed that traditionally all *baldios* had been administered by village communities without interference by the parish council and did not take into account the historic diversity in which local administrative authorities did play an important role in the management of the commons in some areas. Therefore, the party in its enactment, created the

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<sup>4</sup> PJJ 39/V (*Lei de Bases do Sistema de Promocao e Apoio ao Desenvolvimento Florestal*), PJJ n° 42/V (*Lei do Arrendamento Florestal*), and PJJ 43/V (*Incêndios Florestais*).

possibility of parish and municipal councils acquiring more control over the *baldios* in the case that no commoners' committee was created.

The defenders of the 1976 law raised several counterarguments. The Green Party, for example, referred to the value of traditions and objected to the law's modification "in a genuine acceptance of the communitarian culture, never accepting in whatever case an administrative system which introduces in the communitarian body the alien element of tutorship by the local authorities" (*DAR* 27 April 1988 p.3304; see also *DAR* 1 February 1989, p. 1200). The PCP pointed to the crimes of the previous regime and argued that the dissolution of the management commissions would mean the re-creation of the *Estado Novo's* dictatorial legal order (ibid, p.3207, 3210; *DAR* 1 February 1989 p. 1199). Others alluded to the possibly damaging developments that would be triggered by lifting the restrictions regarding the alienation of *baldios*. They were afraid that this relaxation would favour the interests of real estate speculators rather than the local population, or that it might lead to a rapid expansion of the area covered with eucalyptus trees (*DAR* 27 April 1988, p.3210; *DAR* 1 February 1989, p. 1200). They also pointed to the amenities created by local commissions (such as those listed by Rodrigues 1987:101-102) to prove that many commissions used their money to the benefit of local development.

Behind the parliamentary scenes, the Forestry Service acted in defense of common property as well. As I described in chapter 8, it played an important role in the discussions on the legal status of the *baldios* immediately after the 1974 revolution. It even presented the population with a proposal for a new legal framework for the commons (see chapter 9). But in March 1975, the Forestry Service lost control of the law-making process to left-wing politicians and was forced to take a more backseat role. Yet, it did comment in at least two cases on enactments presented to parliament. In 1984, it formulated an opinion concerning the enactments PJI 199/III and PJI 281/III (Anonymous 1984)<sup>5</sup>. The Service's recommendations regarding these enactments showed that it was still keen on preserving its institutional self-interest by trying to guarantee full control over the commons. The document's authors warned of the bills' power to hand over commons to the parish councils and empowering these to administer the *baldios* independently from the Forestry Service. They argued that prior to 1974, the parish councils had already administered the land destined for communal use (the so-called *logradouros comuns*). Although article 401 of the administrative code had formally obliged them to afforest these areas within twenty years, they had done so in very few cases. Hence, the Service concluded that parish councils were not equipped for handling the administration of forests or of land appropriate for afforestation. In addition, the Service objected to relaxing of the restrictions on the alienation of *baldios* as this would endanger the "continuity of the forests".

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<sup>5</sup> During my visit to the service's headquarters in 1993 I was informed that the PS's 1992 enactment (PJI 109/VI) had been sent to the circumscriptions for comments. Apparently, the Forestry Service still played an advisory role in the parliamentary debate on the *baldios'* legal status.

The Service's recommendations were not inspired only by concerns for the nation's forests, but also for the Forestry Service itself. This is clear in the document's last section. There, the authors explained what they saw as the consequences of approving the 1984 enactments for the Forestry Service. In some categories, personnel would become superfluous, and in particular the Forestry Service's regional bodies would run the risk of being integrated into the regional directorates of agriculture. In short, the Forestry Service's objections were at least partially based upon their fear of being dismembered, which was understandable, seeing that 80% to 90% of the area managed by the Forestry Service was *baldío* (see chapter 8).

### The *Baldios* as a Source of Political Power

The development issue played an important role in parliamentary discussions. Apart from the PS's 1987 enactment (PJL 41/V), none of the bills contained substantial measures geared to the development of the *baldios*. Apparently, development was not the main motive inspiring the PDS and CDS opposition to the 1976 law. In fact, notwithstanding their lip-service to the development issue, the justifications for their proposals clearly demonstrated that they were mainly communities. Both objected to what they called "parallel powers", by which they meant the existence of two types of authority on the same level. As it was stated in the preamble of the CDS's 1987 proposal:

In our conception of the state, we understand that the local administrative bodies are effective and legitimate representatives of the local communities, and it does not make sense that the administration of the commons is entrusted to other entities, in this way provoking, in innumerable cases, discordant situations, parallelism or even superposition, to which the project wants to put an end. (Preamble PJL 64/V)

The PSD argued that under the regime prior to 1974, the parish councils had perhaps been undemocratic and had not represented the population. Under these conditions the communities' demand for independent local rule had been justified. But since 1974, the parish councils have been democratically elected and accordingly should be considered the local population's legitimate representatives (*DAR* 2 My 1986, p.3366). In addition, councillors were no strangers to the population, "in the local administrative circles where there are *baldios*, the local administrators themselves are simultaneously users ... and not some alien body which is unfamiliar with the local realities!" (*DAR* 27 April 1988, p.3207). The parish council was part and parcel of the parish community. Its members were also commoners. In fact, as the PSD put it, the commoners' commissions were alien elements in a state form based on the principle of representation, and did not fit into the existing constitutional order. Mending this anomaly, "this enactment [PJL 90/V, RB] will finally introduce the rule of democracy in the management of the

commons" (*DAR* 1 February 1989, p. 1200; see also preamble PJJ 64/V, p.278; PJJ 90/V, p.496)

If one looks at the various enactments and the records of the resulting discussions in parliament, it becomes clear that the issue of parallel powers formed the core of the PSD's and the CDS's articulated argumentation against the 1976 *baldios* law. According to these parties, the *baldios* law and the management commissions were aberrations in the prevailing state system which was based on representative democracy. To a certain extent, they were right. For, as I explained in chapter 8, the 1976 law had been created as a replacement and a challenge to this order by posing an alternative system grounded on direct or popular democracy. It was an exponent of the revolutionary legality that during the turbulent 1974-1976 period had contested the State and the State's legality, and an attempt to develop a situation of dual powers or legal dualism. In this respect, the quintessence of the conflict over the *baldios* concerned the foundation of the State and its representative democratic form. I have also explained that the *baldios* law, like the rest of the revolutionary legislation, never seriously challenged the state system nor contributed to the transition to socialism. Even between 1974 and 1976, neither the popular democratic movement nor the communists were able to decisively move the balance of power in their favour. This is why Santos (1990:33-35) says this period was characterized by impotency dualism instead of power dualism. After 1976, those who tried to create a revolutionary alternative to the State, lost more ground and were never again in a position to seriously challenge parliamentary rule. In light of this political reality, the PSD's and the CDS's accusations and concerns with parallel powers and legal dualism were exaggerated. These concepts cannot really describe the actual political conditions. Therefore, one has to try to look through these allegations for the real motives behind them.

The real motives underlying the PSD's and the CDS's opposition to the 1976 law on the *baldios*, had nothing to do with their anxiety about power dualism. Yet, these motives concerned the very basis of the present state form. When I interviewed one of the signatories of the PSD's enactment about his party's motives for its constant battle against the *baldios* law, and confronted him with the fact that these enactments lacked tangible development-oriented measures, he admitted that this was true. His bill would do little for the development of commoners' communities; it was essentially geared towards the development of his party. Generally speaking, the PSD dominated the parish councils. Consequently, this party was able to direct a flow of money to projects, public works, etc. in a manner pleasing to the local voters. In doing so, it could build and maintain a loyal electorate and win the next elections. If someone from a competing party created a commoners' management commission in the parish, that party would control the revenues of the commons. Sometimes, these revenues were even larger than the sums controlled through the parish council by his party, the PSD. Therefore, other political powers could divert money from his party and in that manner raise electoral support and possibly even defeat the PSD in future elections (int 20 June 1991). Notwithstanding the public references to inappropriate use, exploitation of

the commons, or lofty notions such as legalities and representative democracy, the real issue was much more down-to-earth. Fundamentally, the objections to the 1976 law on the commons were party-political: the management commissions had to be abolished because they were or could become instruments in the hands of the political opposition, in particular the PCP. The commissions could then threaten the ruling party's electoral basis.

Despite the rhetoric, the battle over the *baldios*' legal status was not particularly related to the question of misappropriation of revenues or to the fact that originally the 1976 law was part of a socialist project. It was not even animated by the competition between two competing models for state organization (representative versus popular democracy), or two types of legality (state versus revolutionary). But it did touch on the ruling political order's foundation: the party system.

In a liberal democracy one is, as António Vitorino (1991:26) put it, "condemned to having political parties." In general terms, the system's very essence is the existence of party organizations which represent the ideas, interests, norms, values, and beliefs of their supporters, and defend these in the political arena (see Aguiar 1985:773). This party system is governed by two contradictory or dialectical relations. The first one concerns the connection between a party's ideology and its political power, and the second concerns the bond between a party and its politicians.

The first contradiction is between the party's ideological ambition and the amount of electoral support it mobilizes. Political parties stand for an ideal. In abstract terms, they represent and defend a certain *Weltanschauung*, as Weber (1964:117) puts it. Yet, in reality, political principles are easily discarded when they prove to be obstacles to political power. In 1915, disappointed by the German Socialist Party's decision to abandon internationalism and to endorse Germany's participation in the First World War, Michels wrote:

Unquestionable principles are often a stumbling-block to a party whose main desire is to increase its membership; and to disregard inconvenient principles may bring electoral advantage, if at the cost of honour. The leaders are the first to favour such a tendency, for the more widely extended the foundations of their party, the greater grows their own individual power. (Michels 1962:362)

In Portugal, the ideological flexibility of the political parties is remarkable. Bruneau (1984:96-99) noted, for instance, that the PS changed within a fortnight from a rather radical Marxist political organization into party much more to the right. In the beginning of 1978, after a short-lived alliance with the PCP, it formed a coalition government with the right-wing central-democrats of the CDS. This flexibility was primarily resulting from of the personal political ambitions of the party's leadership. The only coherent and consistent party was the PCP, but they became frozen in a rigid, Moscow inspired, interpretation of Marxist-Leninism. The other party histories are less structured around organizations, but are rather influenced by the personal achievements and failings of their leaders.

The flexibility in terms of the world views of Portuguese political parties, can be explained in part by the country's recent history. Until 1974, freedom of association and speech did not exist. After the Carnations Revolution people began to organize political movements, yet these (except for the PCP) were not rooted in long-standing traditions, or in specific social groups or classes. Therefore, in post-revolutionary Portugal, "the party system [was] not the product of social dynamics and expression, but appear[ed] as a series of options that presented] themselves tentatively to an unknown electorate" (Aguiar: 768-769). This peculiarity explains why in only one year the PS could govern alone, then make a coalition with the CDS and later make another coalition with the PSD.

The second contradiction involves the party and the politicians who compose it. The role of politicians is to defend their party's political project. In a parliamentary system, they have to do so by gathering votes at elections in order to occupy the largest possible number of seats in parliament or in other representative bodies. The number of seats in such bodies defines a party's political influence. Its spokespersons may speak eloquently and argue convincingly, but as long as they are not backed by a sufficient number of benchers, their efforts will be in vain. Politicians are not only a party's agents in the parliamentary and the electoral battlefields, but they are also individual persons with wills and desires of their own. One can say that, at one extreme, politicians may place themselves at the service of their party's ideals, and at the other extreme, they may use the party for their personal ambitions. It is difficult to find pure examples of either of these extreme cases. In Italy, Berlusconi and his *Forza Italia* come close to the situation in which a party is used for the personal ends of an individual. In general, personal ambition and political commitment without personal interests are mixed (Weber 1964:77-128; Michels 1962; Bourdieu 1989; Flores d'Arcais 1991).

Politicians are dialectically related to their parties. On the one hand, each politician has his own personal support group, not necessarily his clientèle in the strict sense of patronage, but his "personal political capital" as Bourdieu (1989:237) calls it. When a politician enters into a party, he adds his personal capital to the political capital of that party. Hence, a party's political capital can be expanded by adding persons who bring in their personal capital. On the other hand, each party has its own institutional capital, which is based upon, for example, "a long-standing struggle against fascism" (the PCP), or on "having saved the democracy in 1975" (the PS), or on "stable government" (the PSD). This capital can be expanded by the provision of certain real or claimed services to the electorate such as raising state pensions or building motorways, as the PSD did just before the 1991 parliamentary elections. The voter votes for a politician or for a party, not only because of ideological congeniality, but also with the expectation of receiving certain (general or personal) benefits (Aguiar 1985:779-780; Silva 1993:489). In this sense political parties are "sophisticated service enterprises" (Aguiar 1985:773). Ambitious persons select the party with the largest institutional capital. In addition, until recently, political offices at all levels (except for the presidency and the parish) could only be attained through political parties. In the

past, independent candidates were not accepted (Vitorino 1991:29)<sup>6</sup>. Thus, politically ambitious persons could not be elected into office without first acquiring party support. In this manner, politicians and their parties are mutually dependent: the parties rely upon individuals with personal political capital and those individuals need the parties to enter into office.

### The *Baldios* in the Local Political Field

The realm of local politics offers perfect examples of how the dialectical relation between politician and political party works in practice. All parties try to enlist specific persons who, for some reason or another, can be expected to raise considerable electoral support. Often they even compete over the same individual. Control over the Parish Council of Campeã, for instance, was normally disputed between the PSD and the PS. In 1989, the CDS was able to win local elections because it enlisted a candidate who was able mobilize sufficient local support as an individual. This was because of his role as a farmers' leader in a conflict with the municipal authorities over the exploitation of groundwater. The municipality had wanted to tap the parish's water resources to guarantee a supply for the growing population of Vila Real city. People from Campeã were afraid that this water exploitation would adversely affect the water availability in the parish itself. So when the municipality started the construction of the catchment tanks, they occupied the building site, and thus forced the Municipal Council to modify its plans. The man running for the CDS led these actions. The fact that he did not fit in with the CDS profile in regard to religious zeal, for example, did apparently not impede his candidacy for this conservative Christian-democratic party. Another example, which was even covered by the national press, concerned the Municipal Council of Sintra, near Lisbon. During preparations for the 1993 local elections, the PSD, the PS, and the PCP tried to tempt a local priest, Father Delmar, into running on behalf of their party. They did not even ask that the priest to become a member or subscribe to the party programme, but contented themselves with having him on their list as an independent (*O Independente* 15 June 1993). The fact that parties with different ideologies tried to enlist him, shows that his political outlooks were relatively unimportant; all parties were merely interested in his personal capital in the form of support from his parishioners.

These two examples concern cases in which political parties tried to capitalize on an individual's personal political capital, but there are also cases in which political party struggles were subsumed to personal ambitions or feuds that had no

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<sup>6</sup> Although in 1991 a law was approved that allowed persons who do not belong to a certain party to run for a municipal office, the parties have carefully protected their oligopoly. A party only needs 5,000 signatures for running in national elections and individual candidates for the presidency of the republic 7,500 to 15,000. However, an individual running for the municipal councils of Porto and Lisbon has to present circa 10,000 signatures in his support (Vitorino 1991:29).

direct political party or ideological background. In the Municipality of Chaves, the PS and PSD fought over the Parish of Torre de Ervededo. In reality, in this parish, party politics and personal rivalries were inseparable. The party dispute was a feud which dated back to the pre-1974 era, between the parties' local leaders; a lady in her seventies and a priest in his nineties. Both leaders had their own bands of supporters, and what one tried to accomplish, the other tried to annul (Dionisio 1991). In Bragado, a parish halfway between Chaves and Vila Pouca de Aguiar, power was also contested by the PS and the PSD. This dispute was related to the rivalry between the villages of the parish. The parish's main village voted PS, whereas the population of the dependent hamlets voted PSD. As the council president (PSD) told me: "Even if I would run for the PCP, the population of my village would still back me, and the people of Bragado would vote PS or PSD. At the local level, political parties are unimportant. People vote for persons" (int 25 May 1993)<sup>7</sup>. Nevertheless, in reality, individuals with political aspirations are not entirely free in their choice of party affiliation, and the option to run as a PCP candidate could easily prove to be disastrous. In the case of a former parish council president of Dornelas, in the municipality of Boticas, I got the impression that his ties with the PCP hampered his political career: in a PSD-dominated parish he managed to get elected to the Parish Assembly notwithstanding his party affiliation. If he would have been affiliated with a party that was more acceptable to the local electorate, he probably would have won a place in the Council<sup>8</sup>.

These examples demonstrate the subsumption at the local level of party politics to other social struggles. As I will demonstrate in the rest of this section, the struggles over the *baldios* were located within this very context of a politicized personal conflict. I describe several examples of how control over the *baldios* became a resource and a stake in these local conflicts and how that impinged upon political party struggles.

#### Vila Verde versus Parada de Pinhão

In the parish of Vila Verde in the municipality of Alijó, several villages created management commissions for their *baldios*: Fundões, Balsa and Vale de Agodim had commissions with state representation (modality b), and Vila Verde, the parish's main village, had a commission without a state representative (modality a). I interviewed members of the last two commissions.

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<sup>7</sup> In December 1993 he lost the elections to another person from Bragado (int 22 October 1994).

<sup>8</sup> At this point I should warn against generalizations: the PCP deputy in the Municipal Council of Mourão, in the Alentejo, ran as a PSD candidate, not because he thought that his former party was bad (in the interview he still named the PCP's former secretary-general, Álvaro Cunhal, as the best politician in the country), but because he wanted to stay in office: he believed that the PCP would certainly lose) (O *Independente* 15 July 1993).

In 1989, The villages of Balsa and Vale de Agodim created a joint management commission for their commons. The initiative received broad support. The constituent assembly was attended by 86 of the 102 commoners. When I visited the hamlets for the first time, I hoped that a comparison of this modality (b) commission with a modality (a) commission in the village of Vila Verde would furnish important information about the role of the State and the possibilities of local rule in the parish (see also *supra*, p.52). Therefore I questioned the commissioners about their relations with the Forestry Service and their future plans for management. I also inquired about the application of revenues. During the first interview it appeared that the commission would not serve my aims. The commission had duly been recognized by local forestry administrator, so that it would not help to illuminate possible conflicts between commoners' communities and the Forestry Service. Furthermore, it would hardly provide a basis for a comparative

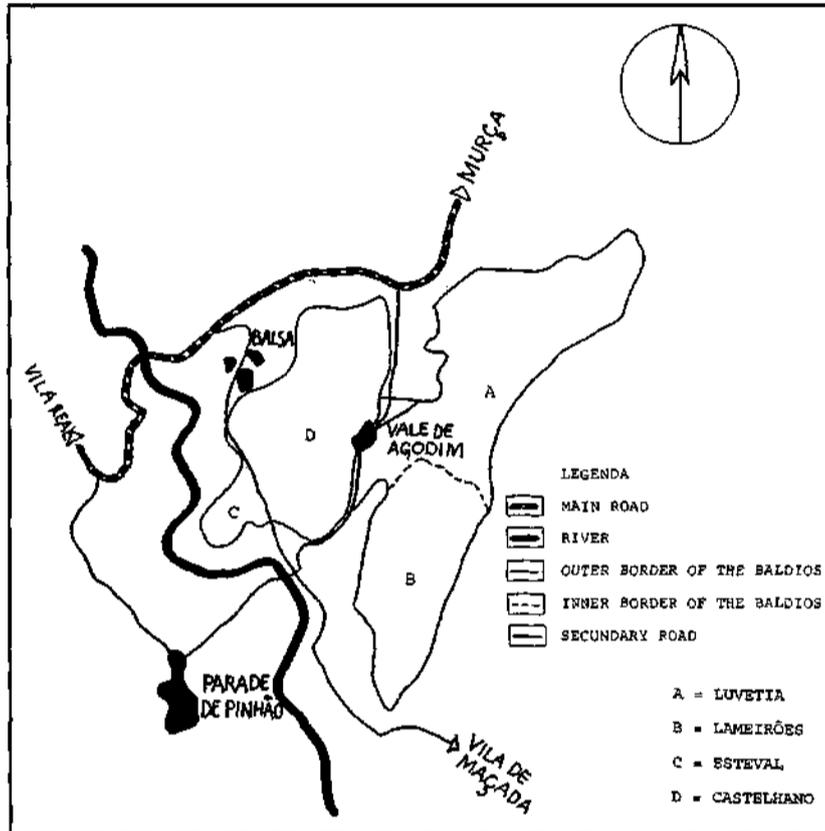


Figure 10.1: Parade de Pinhão, Balsa and Vale de Agodim and the disputed *baldios*.

Forestry Service. Furthermore, it would hardly provide a basis for a comparative study as its only project was winning a court case against the Parish Council of neighbouring Parada de Pinhão, in the Municipality of Sabrosa. According to the villagers, that parish had illegally claimed 338 ha of *baldio* land and its revenues (for the situation of the disputed tracts, see the map in figure 10.1). If the case were won, the commission would immediately be dissolved and the commons handed over to the parish. During the conversation, it became clear that the court case was the last battle in a protracted war. This conflict had been triggered by two incidents. The first one occurred sometime in the late 1970s and can be seen as one of the many unintended consequences of the Carnations Revolution in 1974.

Following the decolonization of Angola, Salgueiro, a resident from Balsa, returned to his home village where he, like many of his fellow *retornados* (returned colonists), had to build a new home<sup>9</sup>. For the construction of the roof he needed timber. As there were pines growing on the village commons, he thought them would be unnecessary to buy some and asked his fellow-villagers what he had to do to obtain them. They told him that he should ask permission from the Parish Council of Parada de Pinhão, across the Pinhão River. Normally, permission would be granted without any difficulty. They also told him that of course nobody would make a great fuss if he would take the pines without authorization. Why bother to ask if it would only be granted anyway? Salgueiro, however, decided that it was more appropriate to ask the council president for permission. If it was true that he would receive the pines, why should he not respect law and authority and ask for them as procedure demanded? Just as he expected, the president told him that it would be all right. He only asked Salgueiro to wait until the trees had been resinated. It would be a waste to cut a tree without taking its resin first. Salgueiro agreed and waited.

In the mean time two things happened. First, the parish priest of Parada de Pinhão worried about the dilapidated condition of the chapel and its precinct which were the destinations of an annual pilgrimage. He decided to raise funds for the sanctuary's improvement. The Parish Council sympathized with the idea and agreed to sell some of its timber. Trees were cut in several areas, not only within the parish of Parada de Pinhão itself, but also in some of the stretches east of the river, in Vila Verde. The people of Balsa and Vale de Agodim did not object to these fellings because the revenues would be spent on the church. Second, after elections in Parada de Pinhão, a new Parish Council entered into office. When Salgueiro went to see the new president, the latter bluntly refused permission saying that he would never again give any pine to anyone. Salgueiro was enraged, especially since the *Parish Council* had just cleared several nice tree stands and had made a substantial amount of money from the timber growing on the land

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<sup>9</sup> Directly after decolonization, around 400,000 to 800,000 colonists returned (Serrão 1985:1001). In Campea, in November 1975, these *retornados* requested *baldio* land for the construction of housing (AJF 2 November 1975). In March 1976, the Parish Council conceded areas in Carvalheira do Baixo for this purpose (AJF 7 March 1976; *supra*, chapter 7, fn. 28).

belonging to *his* hamlet. Without the pines, he had no other choice than to alter the plan for his house and make a concrete roof. But from then on, relations between Salgueiro and the Parish Council of Parada de Pinhão were deeply disturbed. He started to ask himself how it was possible that outsiders from Parada de Pinhão could freely dispose of the pines growing in his parish, whereas he, an inhabitant of the parish of Vila Verde, did not get what he was entitled to. Salgueiro resolved to investigate the background of this strange situation and to disclose his results to officials. He even wrote the prime minister (int 21 October 1990)<sup>10</sup>.

The second incident dates from 1984. On 27 February, the Parish Council of Parada de Pinhão announced the public sale of some of its trees in a local newspaper, *A Voz de Tras-os-Montes*. Although the advertisement did not refer to any trees standing on territory outside the parish, it soon appeared that some of the areas near Balsa and Vale de Agodim, east of the river, were included as well. As the trees were to be resinated before felling, a man came to the area in order to prepare resin collection and people soon became aware of what was happening. They contacted the Parish Council of Vila Verde, because they thought that it would be the right institution to defend the land against further intrusions. The Parish Council had to represent the people of Vila Verde as well as its own interests: the trees were parish property. Pressured by the population, the Parish Council brought the charge to court and sued its homologue of Parada de Pinhão in March 1985, claiming that the disputed land belonged to the property of the Parish of Vila Verde. Apparently the Vila Verde Parish Council was not very eager to pursue the action. Before a certain date, it needed to present the names and signatures of individuals who would testify that the grounds truly belonged to Balsa and Vale de Agodim. About twenty people from these hamlets offered to give a witness and defend their case. Salgueiro and another man, Morgado, who had also become engaged in the conflict, gathered the signatures and photocopies of the identity cards that the court required and handed these to Lopes, the president of the Parish Council, who promised to deliver them to the court house in Alijó. Some time later during a visit to Alijó, Salgueiro and Morgado ran into a court clerk who asked them whether they had given up their claim. He told them that the judges had not yet received the names and signatures of the witnesses and therefore intended to drop the case. The people from Balsa and Vale de Agodim were surprised and hurried to the town hall to ask the president of the municipality

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<sup>10</sup> People from Parada de Pinhão presented a slightly different image. According to them, the ceding president had warned Salgueiro that the parish council was going to change and that his successor was less likely to give him the pines. Nevertheless, Salgueiro waited, "because he wanted to fell the trees when the moon was right." People believe that trees felled at full moon in August or during the waning moon in February provide better timber.

Salgueiro let the time pass and as predicted he did not get his trees. He then went to see the former president and asked him to mediate. The latter agreed and convinced his successor to hand over the trees. However, after their talk, Salgueiro claimed that he would have got them anyway as he possessed a document that proved that the villagers from Balsa and Vale de Agodim were fully entitled to the fruits of the *baldios*, the agreement was cancelled again and the conflict initiated (int 21 October 1994).

what was going on. There, they were soothed and told that everything would be all right (int 21 October 1990). However, in January 1989, the people of the hamlets were surprised by the news that both parties had arrived at an agreement and that the case had been dismissed. Vila Verde agreed to accept the property rights of Parada de Pinhão over the *baldios* of Lameirões, Luvetia, and Esteval (337.75 ha; A, B and C in figure 10.1), whereas Parada de Pinhão acknowledged the rights of Vila Verde over the areas of Ervedeira and Castelhana (141.075 ha; D in figure 10.1) (dossier Alijó).

The inhabitants of Balsa and Vale de Agodim were astounded by the compromise and felt betrayed by their own representatives, who had handed over most of the contested area to the enemy without even consulting them. The people's leaders, Morgado and Salgueiro, met and decided to continue the war in order to gain back the land the Parish Council of Vila Verde had surrendered by using a new weapon. They went to the Communist Party for advice, "because the communists know how to act in this kind of affairs." The PCP brought them in contact with the secretary of the commons' management commissions in Vila Real, who told them that if they really wanted to claim the commons of their villages, they should create a management commission. That commission would be able to claim ownership in terms of the 1976 bill over the commons against both the Parish Council of Vila Verde and Parada de Pinhão. Furthermore, he introduced them to Jaime Gralheiro, a lawyer who was a specialist in common property matters and an author of an extensive commentary on the *baldios* laws (Gralheiro 1990). The lawyer agreed to take up the affair and presented it again in court in Alijó. The villagers agreed to pay him the normal salary but in reality most of the cost of the litigation was paid by Salgueiro and Morgado.

According to the villagers, since then, the Parish Council of Parada de Pinhão has tried to rob them of their property once more. In January 1990, a lumberjack appeared who had bought trees in the Balsa/Vale de Agodim area from the Parish Council of Parada de Pinhão. The population was furious and blocked the road. The police who had been sent by the authorities to protect him, had been stopped elsewhere. Salgueiro went to talk to the lumberjack and explained to him that the Parish Council of Parada de Pinhão had sold him something which it did not own, and the best thing he could do was to return to Parada de Pinhão and ask for his money back. A forest guard, who also arrived at the scene, intervened as well. The Parish Council did not have permission to fell the trees and as the trees were not yet fully grown, the guard refused to issue a licence (int 21 October 1990).

The case of Balsa and Vale de Agodim remained pending in court until October 1993, when, for the time being at least, the conflict was settled by mutual agreement between the parties. Parada de Pinhão recognized the claims of Balsa and Vale de Agodim on most of the *baldios*. The people from the hamlets acknowledged that the commons lying between the Pinhão River and the road connecting Balsa to Vilar de Maçada belonged to the population of Parada de Pinhão. Finally, the Serra das Lameiras *baldios* would be split and the border would be marked by a firebreak (dossier Alijó).

Because it is neither my intention to reproduce all details of the litigation, nor to duplicate the court's work by elaborating on the verdict, I do not want to go into the juridical background of the case (see Brouwer 1993). It suffices to say that the claims were rooted in a complicated administrative reorganization and in differing definitions of property. Until their transfer to Vila Verde in 1913, Balsa and Vale de Agodim had ecclesiastically and civilly belonged to Parada de Pinhão. This explains why Parada de Pinhão still felt that it could exercise a certain authority over the villages<sup>11</sup>. The Parish Council's claim to the disputed territories was based on a sales contract from 1892 in which the Parish Council bought these lands together with some other stretches from the heirs of a woman named Guilhermina Magelhães Miller. Hence, the parish argued that the land was not a common (*baldio*), but private property of the parish exploited communally by the parishioners. It was a *rnaninho*. The villagers did not agree with this interpretation. They argued that the sales contract had lost its practical value as the contract explicitly referred to the paramount ownership or *dominium directum* and not to the full property. With the abolition of feudal privileges, the concept of *dominium directum* had lost its legal basis. Even if one would still want to attribute a legal value to this contract, according to the administrative law, the hamlets' transfer to the Vila Verde parish included the transfer of the land lying across the new administrative borders. In this manner, according to either interpretation, the Parish Council of Parada de Pinhão could not have a say over the disputed stretches.

What was the background of this inter-hamlet struggle? Although my research does not allow for an investigation of all plausible and active causes, it has pointed to one very important aspect. In the past, the hamlets of Balsa and Vale de Agodim had originally been single farms. They had never acquired the status of *povos*. This explains why the hamlets had never developed an independent administration of their *baldios* by a *juiz de vintena* or a *zelador* as was the case in the villages of

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<sup>11</sup> The administrative reorganization followed a rather tortuous trajectory: Parada de Pinhão and Vila Verde had originally belonged to the municipality of Vilar de Maçada, which had been dissolved in 1853. In that year, Parada de Pinhao and Vila Verde were included in Alijo (*Diario do Governo (DdG)* 31 December 1853). Two years later, Parada de Pinhão was separated from Alijó and incorporated into the municipality of Sabrosa (*DdG* 24 October 1855). The Pinhão River became the border between the two municipalities, just as it is today. The hamlets of Balsa and Vale de Agodim, however, found themselves in a vague position. For religious affairs, the inhabitants of these hamlets had to turn to Parada de Pinhão, whereas civil affairs had to be dealt with in Vila Verde. This situation was particularly confusing as at that time State and Church were not yet separated. In 1878 the administrative division was changed again, but this reform did not really solve the problems: the hamlets of Balsa and Vale de Agodim returned to the parish of Parada de Pinhao for both their religious and their administrative affairs, although they remained situated in the municipality of Alijó. Only in 1913, was the natural effect of the 1855 division in municipalities finally consummated: both hamlets were separated from their parish on the west side of the Pinhao River and included in Vila Verde on the east (*DdG* 7 August 1913). Ecclesiastically, however, this separation was never implemented: the inhabitants of Balsa and Vale de Agodim continued to go to mass in Parada de Pinhao, to pay their *congrua* to the priest over there, and they were buried in the graveyard of that parish (dossier Alijó).

Campeã. It also explains the background to this conflict. The inhabitants of Parada de Pinhão, a former *vila*, saw the people from Balsa and Vale de Agodim as "uncivilized boors;" and treated them as such. As the villagers told me once: "In the eyes of the people from Parada de Pinhao, we are even less than the dogs that they keep to guard their farms!" (int. 21 October 1990). The present conflict was a kind of revenge or, as the son of the Parada de Pinhao parish president put it to the dismay of his father, "an attempt by both hamlets to emancipate and become independent" (int. 21 October 1990, 21 October 1994).

The case of Balsa and Vale de Agodim versus Parada de Pinhao shows how the 1976 law on the commons was used in local struggles. By turning to that law, the villagers could claim the land as their *balديو* when their claim to the land as part of their parish (*maninho*) had failed. In addition, the case illuminates the way in which local strife impinges on political party struggles. This point is particularly relevant in relation to the argument raised by the PSD that *baldios* management commissions were primarily created to divert votes from the PSD to the opposition, especially the PCP. The case shows that this argument severely overestimates the importance of political parties. In the local arena, these parties are instruments rather than players.

The subordinate role which party politics and *Weltanschauungen* play in the local political arena can be illustrated by several occurrences. The Vila Verde president, Lopes, belonged to the PSD. His counterpart in Parada de Pinhao was an independent, but ideologically he was close to the PS. Yet in 1989, Lopes accepted a compromise which, at least at first sight, was disadvantageous to his parish. He and his counterpart from Parada de Pinhao had been close friends since they were boys and had decided to resolve in a friendly manner what they saw as a minor conflict (int. 21 October 1994). At the municipal level, the presidents of the *concelhos* to which Vila Verde and Parada de Pinhao belong, Alijó and Sabrosa, were both members of the PSD. Nevertheless, instead of trying to maintain party unity, they immediately sided with their respective parishes. The president of Alijó even ordered the disconnection of electricity to a few houses on the Sabrosa side of the Pinhao River which were connected to the Alijó power network. His colleague from Sabrosa threatened to do the same with the town of Pinhao, located within Alijó but connected to the Sabrosa network. Only then did the Alijó authorities give in and restore the power (int. 21 October 1994). Obviously, at the level of the parishes, personal friendships could surpass administrative loyalties, whereas at the municipal level, administrative loyalties transcended those to the political party. Hence, party politics were subordinate to other loyalties.

This did not mean that the conflict did not influence party politics. Because of Lopes's role in the dispute with Parada de Pinhao, the voters from Balsa and Vale de Agodim no longer supported the PSD in the 1989 election. The PSD lost Vila Verde to the PS and Lopes was replaced by a woman from Balsa. Apparently,

local disputes could have political-party consequences (int 21 October 1990, 21 October 1994)<sup>12</sup>.

The potential role of political parties is also illustrated by the way in which the PCP got involved in the affair. The PCP, eager to acquire a foothold in the anti-communist region of Vila Real, immediately stepped into the conflict on the side of the villagers against the ruling PSD council. However, the PCP did not engage itself openly; instead it went through an apparently neutral and non-party organization, the regional secretariat of *baldios* commissions. The secretary brought the villagers in contact with a lawyer who also happened to be associated with the party. In this manner, the dispute was politicized in party terms.

At the national level, the PSD and the CDS in more or less overt statements, accused the PCP of dominating the commoners management commission. It is certainly true that the regional secretariat of *baldios* commissions was connected to the Communist Party. But it certainly was not merely a party organization. The secretariat consisted of an assembly of representatives of management commissions from the different municipalities in Trás-os-Montes and was headed by a salaried trade-union officer (obs 19 May 1991). Only the paid secretary was a party member. The assembly members were not selected on the basis of their political affiliation, but on the basis of their residence. The secretariat tried to enlist members from the entire region. The political views of the members did play a part in the selection of the secretariat's local basis, but in a different manner than the right-wing politicians declared. People were not so much selected on the basis of their party affiliation, but on their willingness to engage in political struggle. For example, the CDS president of Campeã maintained relations with the secretariat (although he was never a member) because he had impressed the secretary by the way in which he had organized the farmers resistance against the exploitation of Campeã's groundwater reserves. Moreover, he actively engaged in creating communal land management commissions in several villages in the parish. His relations with the secretary deteriorated only after a conflict related to the local farmers movement. This shows that the image given by the PSD spokesman in parliament ~ that the PCP controlled the local management commissions — was not only an exaggeration, but beside the point. The party, in looking to expand its electorate, tried to align itself with certain local leaders, whereas the local leaders attempted to profit from the party strategy by using the party's organizations for their own aims. Thus, the *baldios* "controlled" the PCP, rather than the reverse.

The way in which the PCP was involved in the Vila Verde conflict suggests that the party tried to utilize the dispute as a way to gain entry into local communities and as a means to broaden its electoral base. The events in Vila Verde village show that the situation was more complicated and cannot be approached from the political party perspective alone. They also demonstrate that people running for the governing party, the PSD, used the *baldios* as a source of (personal) political

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<sup>12</sup> In 1993, the woman was again elected, but she then ran for the PSD as a candidate (int 21 October 1994). The interpretation in this chapter is a revision from my earlier account in Brouwer (1993).

capital. When president Lopes lost the elections in 1989 and had to leave the Parish Council, he called a meeting of the commoners in his home village and created a management commission of his own, with himself as secretary. Although the Vila Verde commons were not very large, they were valuable. (In 1939 the JCI found only 60 ha for the entire parish, but since there were 479 ha in Balsa and Vale de Agôdim alone, it was a dramatic underestimation.) The value of the commons of Vila Verde was not derived from their forest cover (they were never submitted to the forestry regime) but from the presence of granite. In the parish, several quarries had been opened, and according to well-informed sources, Lopes did everything to keep the rents of these quarries low. When the commission's president wanted to raise the rent, at that time 50 *contos* per year, he was vehemently opposed by his secretary. This suggests that when Lopes lost the Parish Council presidency, he tried to create a management commission for the maintenance of his political clientele such as the quarrymen (int 3 October 1990, 21 October 1990, 23 October 1990). The tension between Lopes's private political interests and the management commission president's view on the community in general soon led to additional conflicts. The commission controlled a financial reserve of two thousand *contos*. The president proposed to grant the request of village women, who demanded that the tank which they used for washing their clothes be repaired. The secretary wanted to use the money to finance the staffing of the village cultural centre which was in financial trouble. When Lopes refused to organize a commoners' assembly on the matter, the president resigned and the commission was dissolved (int 7 November 1991).

These cases from the parish of Vila Verde point to the importance of the *baldios* in the local arena. Ambitious persons tried to use the revenues from these *baldios* to their own benefit. In local politics, these (potential) revenues from the commons constitute an important source of political capital. Furthermore, the case shows that political parties, looking for an opportunity to weaken their opponents in the struggle over the electorate, could latch onto the struggle over the commons. It is obvious that the PCP and the regional *baldios* secretary were easily tempted to step into a local conflict not only because they were interested in protecting the *baldios*, but also because, in this manner, they could increase their institutional capital in a certain locality. Thus, the *baldios* and their revenues became stakes in intertwined personal, inter-village, and political party struggles.

### Dornelas

Another case that illuminates the role of the *baldios* in local struggles concerns the parish of Dornelas in the Municipality of Boticas. Here, Dionísio Alves had taken the initiative to create a management commission for the local *baldios*. Dionísio had been part of the parish's *Comissão Administrativa* between 1974 and 1976, and in 1976 he was elected on behalf of the PCP to the Parish Council for a four-year term. He always remained an active party member.

Immediately after the revolution, there had been a management commission for the commons. At that time, the trees were still young and the stands did not produce much revenue so the people were not yet very interested in them. When the commission's term ended, the villagers did not immediately elect a new one and the commission ceased to exist. But when they tried to create a new one a few years later, they were confronted with serious institutional resistance. The Forestry Service refused to recognize the newly elected commission.

In 1986 a new attempt was made to create a legal management commission for the commons. This attempt was also unsuccessful because the parish refused to hand over a copy of the electoral register. The copy had to be sent to the Forestry Service to verify that the people voting at the elections were really inhabitants of the area and *compertes* of its *baldio*. As the new commission sent the minutes of the election to the Forestry Service without that register, the commission was not recognized. In September 1989, the villagers began a court case against the Parish Council president in which they accused him of negligence. Near Viseu, a Parish Council president had been convicted for this crime earlier that year. The Dornelas Parish President defended himself by saying that he had been willing to hand over the register, but had been unable to do so, because at that time, the register was in Boticas where the municipal offices were preparing elections. The court accepted his defense and in February 1990, he was acquitted<sup>13</sup>. Once again, the commission did not takeoff.

Four years later, another attempt was made to start a management commission. A new election process was started which resulted in the election of a commission in May 1994. In July the Forestry Service refused to recognize this commission as the number of commoners present at the meeting was less than the 50% quorum. Thus, the meeting could not be accepted as a legal commoners' assembly. However, it appeared that somewhere between the commission and Lisbon, one page of the list of names of people present at the assembly had been lost. As a result, the number of registered attendants was below the legal limit. When the commission forwarded a complete copy, it was promptly acknowledged (int 26 October 1994).

According to my contacts, the difficulties met by the commission were primarily related to the interests of civil servants (forestry officials) and municipal authorities in controlling the commons not so much for their political advantage but rather for their personal benefit. The commons were a gateway to EC-subsidies. The Vice-President of the Municipal Council of Boticas, Fernando Campos, was also the *Administrador Florestal* of the area. He allegedly had strong personal interests in the *baldios* as he used them for the formulation of afforestation projects with EC

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<sup>13</sup> It is of course quite suspicious that the parish president had not given the management commission this explanation earlier. To put it mildly, it suggests that persons at the level of the municipality were indeed directly involved in trying to stop the management commission's recognition.

The president of the parish of Queirã, Vouzela, was sentenced to seven months in prison in March 1989 (Gralheiro 1990:129, footnote).

financing. He himself would receive a certain percentage from the total project sum. In 1993, these rumours were confirmed in the national press, and a journalist of the Lisbon weekly *Expresso* publicly accused Campos of using his position within the Forestry Service to acquire a percentage of the EC funds made available through the Forestry Action Programme (PAF) (Rodrigues 1993)<sup>14</sup>.

According to my contacts, Campos used his position within the municipality and the PSD to pressure the president of the Parish Council of Dornelas to stop the creation of a management commission. The Parish Council president and Campos both belonged to the same party. Campos objected to the management commission because he saw it as a threat to his own additional income from afforestation projects (int 25 September 1990, 5 October 1990, 4 June 1993, 10 July 1994).

When I first looked at the case in Dornelas, it appeared to be only a local politicized personal struggle similar to that in Vila Verde. The personal ambitions of Dionisio, the local parish president, and Campos, were translated into political terms as a dispute between the PSD and the PS. But in reality, the situation can be understood in at least two other ways. First, it relates to the way in which the private pockets of state forest administrators become filled with public funds. Second, it refers to the dependency of lower level politicians upon their seniors. (In this particular case, the president of the Dornelas Parish Council upon the vice-president of the municipality.) Thus, this case shows how personal prestige within the parish, family ties, hierarchy within the administrative and political party structures, and the mixture of private interests and civil service all played a role in what looked like a simple conflict.

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<sup>14</sup> Campos designed projects which were presented to the Forestry Service for approval through two enterprises with which he maintained strong personal ties: in one, Viveiros das Romanas, his wife was coowner and comanager, whereas the other belonged to one of the other shareholders of Viveiros, a lumberjack. Since the projects were located within the Boticas area, Campos himself was instrumental in their approval. Being the forestry administrator, he advised the official within the forestry circumscription's offices in Vila Real who was responsible for the attribution of the PAF funds in his administration.

Campos was not the only official suspected of inappropriate use of his position within the Forestry Service. Within the Vila Real circumscription, of the thirteen administrators, five were subject to disciplinary investigations: those in Bragança, Boticas, Pedras Salgadas, and Vila Real. The *Administradores* of Pedras Salgadas and Vila Real were accused of maintaining the same type of ties to Viveiros das Romanas as Campos did (*Expresso* 8 May 1993, 12 June 1993).

The practice that forest officials would formulate projects which they then would present to themselves or to befriended colleagues for approval, was widely known among the lower ranks of the service (int 5 September 1991). In July 1989 "the need to identify and correct some perversions" incited the director-general to forbid forestry officials to "formulate project proposals during their service or on the basis of means or professional information inherent to their function in the Forestry Service." (*Despacho* 25/89 of 6 July 1989).

### Bragado

In Bragado the case was also complicated. The parish consisted of four hamlets. Although some vague notions existed about certain ties between hamlets and communal areas, the parish's first management commission was responsible for all the *baldios* in the area. That commission disappeared many years ago when the commoners failed to elect a new one at the end of a term. In 1989 things changed. The inhabitants of the parish's main village, Bragado, created a new management commission, initially to succeed the discontinued one which had acted on behalf of the entire parish, but with the intention to divide the commons among the various hamlets. The initiators accused the Parish Council of selling granite cheaply to quarrymen from outside the parish and even from outside the country. As they argued, their village suffered from the noise and dust caused by the cutting of the rocks, and the roads leading to their hamlet were damaged by the heavy trucks which carried their wealth to other areas. Profit disappeared into the quarrymen's wallets and perhaps even into those of the parish councillors. In addition they accused the forestry administration of Pedras Salgadas of poorly supervising the resin collection in their area. Whereas officially the resin concession included only 25,000 cuts or *bicas* for 67\$50 each, they had counted at least 70,000 cuts. What happened to the difference was unclear. It could be that it disappeared entirely into the resin concession holder's purse, but they did not doubt that the Parish Council members and the officials of the Forestry Service had also benefited from the extra revenues. Finally, they stressed that, until the last elections, the president of the Parish Council had always been from Bragado. The new president lived in Vilella. To them, this was an unforgivable insult to the status of their village as the parish centre (int 17 May 1992).

According to the initiators, the Parish Council did everything to stop their actions. It did not give them the documents that showed which parts of the *baldios* belonged to which village. It removed the public announcements for the constituent assembly, and wrote a letter to the forestry administration in Pedras Salgadas saying that the meetings had not been properly announced and that the obligatory number of meetings had not been held (int 6 October 1990). The forestry administrator forwarded the election records to his superiors in Vila Real, who in turn should have passed the records on to the central level in Lisbon. On the basis of the Parish Council's reports, the forestry administrator advised his superiors not to acknowledge the commission. In November, the villagers received an answer from the Vila Real forestry circumscription saying that in accordance with the director-general's decision, their commission would not be recognized. When this happened, the people from Bragado turned to the *baldios* secretariat in Vila Real. Working together, they found out that something strange had happened. The director-general's decision not to recognize the commission was not "available". This suggested to them that it had been taken at the level of the circumscription in Vila Real and not by the director-general in Lisbon. The secretariat and the villagers got the impression that within the regional organization of the Forestry

Service there were persons interested in blocking the commission's advancement (int. 25 September 1990). In order to soothe the tension, the director of the circumscription and the *baldios* secretary summoned a meeting in a café in Vila Pouca de Aguiar, where the different parties arrived at an agreement (int. 11 January 1991). It was agreed that the people from Bragado would repeat the constituent process, but this time supervised by both the forestry administrator and the *baldios* secretary to ensure that the correct proceedings would be followed. As a result, on 21 July 1991, new elections were held in which 140 commoners participated and which were attended by both entities (obs. 21 July 1991). The commission was officially recognized in September (int. 17 May 1992)<sup>15</sup>.

The people from Bragado used three lines of argument for the creation of a *baldios* management commission in their parish. These were; the exploitation of a common resource (granite) by foreigners without fair compensation for the local people, the unlawful appropriation of common goods by private individuals, and the lack of representation by the Parish Council with its president living in the village of Vilella, the Council represented the interests of this secondary village more than those of Bragado, their hamlet and the parish centre. The Parish Council and the Forestry Service presented different versions of the story. The Parish Council president's argument consisted of four elements. The first concerned the quarries. The president claimed that the rents paid by the quarrymen were determined in strict accordance to the law<sup>16</sup>. Requesting higher rents would have been unrealistic as such requests would be fought in court or result in deterring the quarrymen. The difficulty in raising the rent was substantiated by the fact that, although in some cases the commission had been able to raise the rent (from 60 to 350 *contos*), in other cases it had failed. When I interviewed the commission, it admitted these difficulties (int. 17 May 1992). The second argument concerned the resin collection. The Council president conceded that there had been a difference between the number of cuts sold and the number of cuts made, but he claimed that this difference had been much smaller than the number stated by the commission (45,000). Furthermore, he denied any accusation regarding any possible personal benefit from fraud. Instead, he argued that the concessionaire, as a good business man, had made the extra cuts to make resin collection more profitable, and that it

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<sup>15</sup> When I observed the election process, I also became aware of why the creation of such a commission was so difficult. The 100 to 140 commoners who wanted to vote had to enter a terribly hot school building three times: first to sign their names, then to confirm their presence and cast their ballot, and finally to witness the counting. The entire process took more than two and one-half hours. But as the legal quorum was not met, another meeting had to be held, and if the quorum was not met then, a third would be necessary. If all assemblies demanded as much time and sweat as the this one and give such little result, it is a miracle that anybody attends them (obs. 21 July 1991).

<sup>16</sup> This assertion seems incorrect. *Decreto-Lei* 89/90 of 16 March 1990 did not fix any limits for rents of quarries. On the contrary, it determined that the quarrymen had to pay a fixed rent as well as a variable amount related to the quantity of material removed (art. 6). None of the contracts I have heard of included such variable amounts.

was very difficult to sell concessions at the official price. As an illustration, he pointed out that the commission had not been able to auction off the resin concession that year. The commission told me that the resin collectors did not want to pay more than 40\$00 per *bica*, almost 30\$00 less than the normal price in the area (int 17 May 1992). Third, the president of the Parish Council accused the commission of a treacherous attempt to rob the wealth of other hamlets by laying claim to at least one quarry which was located within the territories of his own village. Fourth, he mentioned that the most important man behind the commission, Alfredo, had been treasurer of the previous Council. According to the president, after the latest elections, Alfredo had been forced to leave the Council because of his incompetence. Finally, he stated that Alfredo had a construction firm and if the benefits of the commons were used for the construction of amenities in his own village, Alfredo would benefit from the contracts (int 25 May 1993). This argument was also brought forward by the local forestry administrator (int 9 June 1992).

As in the case of Balsa and Vale de Agodim, it is not my intention to establish exactly which accusations were correct and which ones were false. My sole objective is to use this example as an illustration of the way in which conflicts about control over valuable natural common-pool resources, granite and resin, were translated into party politics. The fight over the *baldios* was part and parcel of wider conflicts which were fought on different battlegrounds. After being forced to leave the Parish Council, the commission's main initiator, Alfredo, stimulated the constitution of a management commission. This would allow him to keep control over part of the resources that determined one's political success or failure: the *baldios*. For this aim he mobilized his covillagers along four lines. The first line was membership of a certain community. The second was resentments against other villages that were considered to be less important or subordinate and yet had acquired political significance through controlling the Parish Council. Third, he mobilized his fellow villagers through their distrust of the State (Forestry Service). Finally he made use of the fear that the community's resources were used for the benefit of others and were not as profitable as they should have been. Party affiliation was a line which reinforced the division between the communities. Most people in Bragado voted PS like the movement's leader whereas the other villages, voted PSD like the parish president. Thus, the translation of the conflict in political party terms followed pre-existing divisions, but it also opened a new resource: the *baldios* secretariat. Eager to counter a Parish Council which was governed by the PSD, the secretary immediately stepped into the conflict on the side of the movement for the recuperation of the commons. Doing so, the secretary unwillingly confirmed the allegations made by the PSD with respect to the role of political parties in the conflict over the commons.

The case of Bragado is very illuminating with regarding the role of the *baldios* secretariat. The new commission wanted to divide the *baldios* among the four villages which constituted the parish. It believed that all of the problems between the hamlets would be resolved if each village benefitted only from what was its;

own. As I have already said, the divisions between the territories of the hamlets were not very clear which gave rise to problems. Vilella and Bragado, for example, disputed one of the quarries. Each village claimed that the quarry was within its territory. In October 1994, the management commission organized a meeting to resolve the issue. This meeting was well attended by about 130 commoners. The secretary of the *baldios* commissions in Trás-os-Montes was also present. The secretary proposed an alternative solution. The new *baldios* law had created the possibility to elect more than five people to a *baldios* management commission. He proposed that the parish maintain its commons undivided and elect a single seven-member commission in which all of the villages were represented. The commoners' assembly agreed and appointed a commission consisting of three members from Bragado itself, two from Vilella, and one from each of the other two villages (int 22 October 1994).

The reasons for the secretary's intervention are obvious. First, he wanted to avoid a situation in which the *baldios* would become a bone of contention within the parish. This would not only harm the parish itself, but also the entire *baldios* movement which the secretary was trying to defend. A broadly composed management commission would act as a uniting rather than a dividing factor. As such, it would acquire more support among the parish population (int 22 October 1994). Such a broad support would not only be helpful to the *baldios* and the secretariat of management commissions, but also to the secretary's broader political objectives.

## Conclusion

The legal status attributed to the *baldios* in 1976 created new resources and contradictions. It moved a flow of funds from the Forestry Service to the local communities, where it became an object of local struggle. The emergence of this new contention had its repercussions on the national political level. In particular, the ruling PSD was convinced that the commoners' management commissions only served electoral aims and believed that they were primarily created in order to undermine its own power in the regular representative administrative bodies. The party saw the commissions as something which would eat away at its electoral support. The cases which I presented in this chapter show that this image needs to be corrected: it assumes that political parties are the dominant agencies in the local arena. In reality, their actions are largely defined by feuds and ambitions of a different nature. Personal or inter-village struggles are translated into political party terms.

The observation that personal and inter-village struggles and ambitions rather than ideological differences structure the political conflict over the commons, does not mean that local management commissions were not a target of party attention. It was quite clear that the PCP tried to repair its failure in the revolutionary period by knitting together all foci of revolutionary legitimacy into an alternative system

which could stand up against the bourgeois state. In reality, this ambition went far beyond the party's capabilities or perhaps even its present aspirations. By means of the regional secretariat of the *baldios* commissions, the PCP tried to use the commons as a gateway to local communities which had always remained inaccessible to the party. In doing so they tried to unite resentment against the government's policies, in particular its agricultural policies, into a broad oppositional movement. The goal was to eventually mobilize electoral support. In that respect, the PCP did not differ from the other political parties.

At the national level the conflict over the *baldios* revolved around the discussion on the commons' legal status. In that respect, this chapter has confirmed that law is the condensation of specific balances of power between the different groups that compete within the state. The groups which I discussed in this chapter, were the different political parties and their affiliations in parliament, the Constitutional Court, and even the presidency. These actors and actor groups make rules (laws) which in political competition are both outcomes and instruments. The rules which are produced in political competition and which define legislating procedures and nominations can be used in the same competition to make or break modifications in a law and guide its (re-)formulation.

The last point which has to be made, concerns the role of the Forestry Service. Until 1974 the *baldios* were the Forestry Service's exclusive domain. It is striking to see that with the change in the state form after 1976, the forestry officials not only lost their position as the precursors of a dynamic economic and social modernization of the countryside, but they also forfeited their dominant role in the political fight over the commons. Although the Forestry Service was consulted on the different enactments and tried to eliminate measures that would undermine its control over the *baldios*, the Forestry Service was unable to stop the 1993 law. This law maintained the commoners' commissions and common property. To that extent the Service's institutional interests were safeguarded. However, the law also opened the road to the alienation of the commons and enlarged the influence of parish councils. It eliminated the Service's direct control over the *baldios* commissions. The stipulations which determined that a commission should be recognized by the Forestry Service and enabled the Service's representation to these commissions, were abolished. In this manner, the 1993 law signified not only the defeat of those who together with the PCP, defended the 1976 legislation, but also the foresters' subjugation by the politicians.

## Chapter 11

# The Afforestation of the *Baldios*: An Evaluation of Its Impact on the Economy

### Introduction

In the previous chapter, I outlined the political debate that followed the publication of *Decreto-Lei* 39/76. I further analyzed the way in which the *baldios* and their revenues were turned into political capital at the national and the local levels of administration. In this chapter I leave the specific political implications of the commons and their afforestation, turning towards a more general analysis of the entire afforestation project's impact from its onset in the 1930s until today, upon regions such as Vila Real. For it is obvious that the roles of those regions within the national and international economic systems has changed. From the producers of agricultural commodities, they have turned into the suppliers of raw material and labour for industries in other parts of the country and abroad.

The issue of the impact of the afforestation of the commons upon the local, regional, and national economies has given rise to a deep controversy. In retrospect, some authors, like Baptista (1978a:178-179, 1993:288), Estévaó (1983:1226-1229) and Monteiro (1985:215), saw the afforestation of the commons as the main, or at least an important, force behind the disappearance of traditional village communities. They argue that, compelled by the loss of their pastures to the Forestry Service, the shepherds abandoned animal husbandry and left their villages looking for better fortunes abroad. In that way, afforestation triggered emigration and initiated the abandonment of the countryside.

Their critique is in response to the promises made by the proponents of afforestation. Those in favour of the project had predicted that afforestation of the *baldios* would bring about a profound change in the countryside. But they saw those changes as positive developments. The creation of forests (if carried out in correctly), would invigorate instead of impair animal husbandry, and it would bring important ecological and socio-economic benefits to the population. The planting of trees and the management of timber stands would create additional employment in the mountains where the *baldios* were located. The afforestation of bare waste lands would protect the soil from erosion, lead to the gradual increase of its fertility, raise its water-storing capacity, and prevent torrential flooding downstream. These ecological improvements would benefit the people living in the surrounding, lower-lying regions. The country as a whole would profit from the timber forests produce. This could serve as an alternative source of energy, boost exports, improve the balance of payments, and stimulate the emergence of a

national timber-processing industry<sup>1</sup>. This, in its turn, would create employment and stimulate the modernization of agriculture (Câmara Corporativa 1940:151; Min de Agr 1940:18-24; Gallo 1943; Mendia 1945:16; Mendonca 1961a:24-25, 1961b:345-342; Gaio 1964:253)<sup>2</sup>. Finally, the proponents of afforestation, or "reafforestation", as they would call it, presented their project as a form of healing. It would cure the wounds which the earth had suffered at the hand of man and restore the *baldios* to their original, afforested, stature (Mendonça 1961a:24).

This disagreement about the economic impact of afforestation calls for an assessment of the afforestation of the Portuguese *baldios*. The importance of such an assessment, however, transcends the boundaries of this particular case. The arguments raised in Portugal against and in defense of afforestation are also widely used in many other countries and by international organizations such as the World Bank. They found a place in the 1978 and 1991 World Bank Forestry Policy Papers.

Both the critics and proponents of afforestation overestimated its impact. They saw it as the prime mover of the social and economic development of the regions in which the afforestation took place. I argue that instead of according such an important role to the afforestation project, one should approach it as an element in a general rearrangement of the economic order and the formation of a national economic sphere and a transfiguration of public, common, and private domains within the forestry sector. In that sense, the economic component of afforestation is part of the process of state formation.

This chapter consists of three parts. In the first part I discuss the impact of afforestation upon the existing national, regional, and local economies. I deal with the general arguments on forestry's effects upon animal husbandry, the wool industry, and emigration. In the second part I discuss the innovations brought about by forestry, in terms of exports, (new) industries, and employment at the national, regional, and local levels, i.e., the district of Vila Real and the parish of Campeã. In this section, I also elaborate on the transformation of the forestry sector and the relations between the private and the public sub-sectors resulting from the emergence of and changes within the paperpulp industry. In the last part, I discuss the impact of the 1976 law upon the role of forests in the village economies and, in particular, the functioning of commoners' management commissions in Campeã and Cidadelha de Aguiar. This discussion leads to the conclusion that forestry

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<sup>1</sup> Almeida (1928) defended the use of gasified wood or charcoal as a fuel for automobiles in order to reduce the dependency upon the imports of fossil fuels.

Afforestation was directly connected to the rising demand for energy that resulted from the increase in the number of cars. In the Vila Real newspaper *O Povo do Norte* of 19 May 1929 an article was published on research allegedly done by Renault to identify whether gasification of wood would provide a feasible way of producing fuel for cars.

<sup>2</sup> For a discussion of the value of these so-called service functions, see Madas (1984), Westoby (1989:13-32), and Ellefson (1992). These service functions continue to play an important role in the discussion on Portuguese forests (see Alves 1961:155; MAPA 1988:20-22).

would have brought little wealth to the local communities if the 1976 legislation had not channelled forest revenues to the villages.

### Forestry and the Decline of Pastoralism

The first controversy between opponents and proponents of the afforestation of the commons, concerns the impact of afforestation on pastoralism and the exodus of rural inhabitants. Even the Ministry of Economy, concluded in 1941 that tree planting was causing the collapse of goat herding (Min de Econ 1941 :L). Although the reclamation of 'waste lands' and *baldios* in the south of the country allowed for a substitution of goats with sheep (ibid:XLVII), people were afraid that the breakdown of sheep herding would even endanger the country's wool processing industry. In 1945, this industry employed about 15,000 people (Anonymous 1945). In this section I assess whether these claims and worries were confirmed by facts. Thereeto, I will compare figures on three levels: the country as a whole, the region, and the parish.

#### The decline of livestock

The first issue I want to discuss is whether the Ministry of Economy correctly attributed the decline of pastoralism to the afforestation of the commons. If one looks at the national statistics, the concern over the impact of the execution of the *Piano de Povoamento Florestal* upon sheep and goat herding, seems justified. The first dramatic reduction of livestock paralleled the beginning of the *Piano de Povoamento Florestal*. Between 1934 and 1940, the number of sheep in the country still increased by 21 %. But during the next fifteen years, it dropped by 8 %. During the same period, the number of goats, which already decreased by 19% between 1925 and 1934, dropped another 41%. It was during this period, that the afforestation project began, and 56% of the commons were placed under the forestry regime (table 11.1).

At the national level, statistics corroborate the thesis that afforestation caused the decline of sheep and goat herding. However, inspection of the district level figures shows that the situation is more complicated. In the district of Vila Real, about two-thirds of the total area of the commons, was submitted to the partial forestry regime between 1934 and 1940. At that time the number of goats diminished by 10% but that of sheep increased by 38%. The stock of sheep grew while the grazing area became smaller.

The paradox between the evolution of livestock and the size of its pasture could be related to the way in which the afforestation of the *baldios* was executed. When a certain area was submitted, this did not mean that it was afforested immediately. Although between 1934 and 1940, 64% of the commons in the district were submitted to the Forestry Service's administration, only 20% of the *baldios* was

actually covered with trees (table 11.1). The Forestry Service often permitted animal grazing in the areas where it had not yet developed planting activities. The mere submission of a certain area to the forestry regime, did not put an end to animal grazing. It was only when afforestation itself began, that grazing diminished.

Table 11.1: The evolution of the numbers of sheep, goats and horned cattle in continental Portugal (Port.) and the district of Vila Real (VR) between 1920 and 1979 in percentages, and the evolution of the area of communal land submitted to the forestry regime, and the area actually afforested (EA 1955, 1959:66-67; INE 1973:140-141, 1981, 1988:17; Min de Agr 1925, 1934; Min de Econ 1941). Total *baldio* area in Portugal is 507,372 ha according to Devy-Vareta (1993a: 161); total area of *baldios* in Vila Real is 129,005 ha (DGSFA 1972; Devy-Vareta 1993a:161).

Period between two censuses	% change in livestock between two censuses						% <i>baldios</i> under forestry			
	Horned cattle		Sheep		Goats		Regime (ad.)		Aff. (cum.)	
	Port.	VR	Port.	VR	Port.	VR	Port.	VR	Port.	VR
xx-1920	.	-	-	-	-	-	8	0		
1920-25	+ 3	- 1	- 4	- 13	+ 4	- 6	0	0		
1925-34	+ 1	- 1	- 12	- 25	- 19	- 10	7	14		
1934-40	+ 7	+ 7	+ 21	+ 38	- 5	- 10	12	64	17	20
1940-55	+ 8	+ 7	- 8	- 28	- 41	- 57	56	9	58	57
1955-72	+ 20	- 0	- 33	- 51	+ 4	- 37	17	12	57	69
1972-79	+ 9	- 11	- 14	- 25	- 1	+ 40	0	0	59	62
1920-79	+ 58	- 0	- 46	- 75	- 51	- 72	100	99	59	62

Campeã is one of the areas in which the Service closed the pastures only when it actually began afforestation. When the trees had reached a sufficient height, it reopened the area for grazing. The Service believed that in this manner, there would remain sufficient pasture for the continuation of animal husbandry (int 4 September 1991). Parishioners told me that the grazing areas left to them were too small and that they still had to abandon pastoralism as a result (int 1 September 1991, 28 May 1992, 8 June 1993). Sheep and goat herding came to an end in 1958, two years after the imposition of the forestry regime and one year after afforestation works began. This was marked by the dissolution of the last *vezeira* in the parish, that of Cotorinho (int 8 June 1993).

The idea that pastoralism declined because of the afforestation of the commons, is also evident in how the rural populations remember the chain of events. When I questioned people in Campeã about the decline of sheep and goat herding, they always maintained that this directly followed the afforestation of the *baldios* (int 19 May 1993, 28 August 1991, 1 September 1991, 10 October 1991).

The census data summarized in table 11.1 confirm this popular assertion. In Vila Real, between 1934 and 1940, 20% of the *baldios* were effectively lost to grazing, and during the next fifteen years another 37%. During the years 1940-1955 the number of sheep in the district diminished by 28 %, compared to 8 % at the national level, and during the next seventeen years it decreased by 51% compared with 33% at the national level. The decline in goat stock in the district was even more dramatic.

The census data at the level of the district, corroborate the hypothesis that afforestation of the commons (and not their submission to the forestry regime) coincided with, and hence possibly caused, the decline in sheep and goat herding. However, if one looks at the parish level, it appears that this coincidence is only apparent. In table 11.2, I summarize the livestock census data for Campeã between 1934 and 1989. These data show that the number of small ruminants had already declined between 1934 and 1940, especially between 1940 and 1955, when 69% of the sheep and 50% of the goats disappeared. This means that sheep and goat herding practically vanished from the parish in 1955, one year *before* the submission of the parish's *baldios* to the forestry regime and two years before afforestation in the area began. Decline continued during the next two decades; the number of sheep decreased from 351 to 202, and the number of goats from 371 to 45.

Table 11.2: Animal husbandry in Campeã in 1934, 1940, 1955, and 1972 (sources: Min de Agr 1925, 1934; Min de Econ 1941; Costa 1959; INE 1972, 1989).

Year	Horned cattle		Sheep		Goats		Sheep and goats	
	Number	Δ (%)	Number	Δ (%)	Number	Δ (%)	Number	Δ (%)
1934	608	-	1,068	-	988	-	2,056	-
1940	567	-7	1,143	-7	742	-25	1,885	-8
1955	804	+42	351	-69	371	-50	722	-62
1972	932	+16	202	-42	45	-88	247	-66
1989	918	-2	138	-32	132	+193	270	+9

The moment at which pastoralism collapsed can be determined more exactly by looking at the Parish Council's income. In 1946 the Parish Council of Campeã ceded to the demands of the *Camara Municipal* and introduced a licensing system for the grazing of sheep and goats on the *monte*. The prices of these licenses were fixed at 0\$30 for sheep and 0\$50 for goats. The parish records mention the revenues from these licenses between 1946 and 1954. The amounts are summarized

in table 11.3<sup>3</sup>. They clearly show that pastoralism substantially subsided in 1954, when the Council's revenue from animal licences declined by almost 40% compared with the previous year. Afterwards the Parish Council no longer mentioned receiving money from sheep and goat herding. However, its 1963 budget included an entry for grazing licenses totalling 200\$00, suggesting that until then about 320 animals were still grazed on the parish commons. In 1964, this entry was 0\$00 (AJF 31 December 1962, 31 December 1963). Hence, between 1955 and 1972 the livestock numbers never recovered.

Table 11.3: Income of the Campeã Parish Council from licences for sheep (0\$30 per head) and goats (0\$50 per head) between 1946 and 1954 and an estimation of the number of sheep and goats (assuming 0.65 goats for 1 sheep).

Date of reference in the minutes	Money received from licences	Estimated numbers of livestock		
		Sheep	Goats	Total
07-04-1946	675\$70	1,081	703	1,784
06-03-1947	686\$30	1,098	713	1,811
04-04-1948	2,106\$00	3,370	2,190	5,560
xx-xx-1949 <sup>a</sup>	—	—	—	—
05-02-1950	597\$00	955	621	1,576
Total 1951 <sup>b</sup>	722\$00	1,115	751	1,906
xx-xx-1952 <sup>a</sup>	—	—	—	—
Total 1953 <sup>c</sup>	656\$00	1,050	682	1,732
02-04-1954 <sup>d</sup>	369\$00	590	412	1,022

<sup>a</sup> In the years 1949 and 1952 the minutes do not mention any income from grazing licenses.

<sup>b</sup> References on 6 May 1951 and 7 October 1951.

<sup>c</sup> References on 1 February 1953 and 5 April 1953.

<sup>d</sup> The minutes refer explicitly to the hamlets of Cotorinho, Montes, and Parada as the sole sources of license payments.

Sheep and goat herding in Campeã collapsed two years before the Forestry Service started to intervene in the area. Therefore, the afforestation of the commons of Campeã could never have been its direct cause. But in that case, it is important to question what provoked the breakdown of pastoralism in the parish. I am unable to answer this question, but I suppose that at least until 1956, the year in which the Forestry Service intervened, important reasons for the breakdown included prices of meat and wool, diseases, or other contingencies or tendencies at the regional and national level. In addition, locally specific conditions such as the division of part of the *baldios* into *glebas* may have influenced the evolution of pastoralism.

<sup>3</sup> Because the parish minutes did not specify whether they were paid for sheep or for goats, I had to estimate the numbers of livestock. Therefore, the figures in the table can only be read as estimations, not as real livestock numbers.

First, afforestation close to but *outside* Campeã may have adversely affected the development of livestock *within* the parish. Because their own areas were insufficient to support their herds, people in Cotorinho rented *baldios* in the neighbouring parish of Ansiães (in the district and forestry circumscription of Porto). When the afforestation on that side of the Serra do Marão advanced, they lost this opportunity and decided to sell their herds (int 8 June 1993)<sup>4</sup>.

Table 11.4: The distribution of the population and cattle in the hamlets of Campeã (sources: JCI 1941:152; Costa 1959; parish records; INE 1960, 1970, 1981).

Hamlet	Number of inhabitants according to various censuses						Heads of cattle in 1940 <sup>a</sup>		
	1911	1940	1950 <sup>b</sup>	1960	1970	1981	Cows	Sheep	Goats
Aveção do Cabo	148	212	235	234	186	208	68	207	13
Aveção do Meio	63	55	73	73	78	66	18	79	0
Aveçãozinho	169	156	242	226	173	146	82	7	4
Balsa	21	n.s.	28	47	n.s.	n.s.	2	9	0
Chão Grande	94	91	100	100	68	80	23	30	6
Cotorinho	116	152	171	169	176	129	11	502	0
Montes	63	89	101	95	71	53	21	110	290
Parada	102	88	129	120	71	71	18	110	25
Pepe	243	262	386	384	340	338	88	0	2
Pereira & Seixo	83	76	n.s.	73	57	38 <sup>c</sup>	12	13	2
Pereiro	18	57	67	67	70	41	20	0	2
Pousada & Boa.	38	75	144	144	87	191	20	9	2
Vendas	159	203	221	234	213	258	45	27	42
Viariz da Poça	113	119	173	173	139	130	37	108	7
Viariz da Santa	175	204	203	222	202	184	50	37	11
Vila Nova	214	266	293	279	175	148	92	344	98
Dispersed	23	58	35	102	113	112	n.s.	n.s.	n.s.
Total Campeã	1,912	2,173	2,601	2,742	2,217	2,193	605	1,675	538

<sup>a</sup> The figures on cattle are taken from JCI (1941) and not from Min de Econ (1941). This explains the differences with table 11.2.

<sup>b</sup> The 1950 figures are taken from parish records related to the JCI directed division of the commons; exact date unknown; INE (1960) gives a figure of 2,416 inhabitants in 1950.

<sup>c</sup> Seixo only.

n.s.: not mentioned separately.

Second, the licensing system for sheep and goat herding created by the Parish Council in 1946, may have contributed to the decline of pastoralism. This system

<sup>4</sup> The fact that people from Cotorinho used pastures in Ansiães was acknowledged by the 1956 afforestation project, as the map of the area's communal pastures indicated that those of Campeã lay partly across the parish border (DGSFA 1956a). The possible impact of the afforestation of these areas upon herding in Campeã was not taken into account.

was based upon *Decreto* 13,658 of 23 May 1927 which was aimed at restricting goat herding (Min de Econ 1941 :L). Third, factors at the level of the village may have been influential. I already pointed out in chapter 7 that pastoralism did not disappear in all hamlets at the same time. In 1940 the villages of Vila Nova, Avecao do Cabo and Viariz da Poca still had significant herds (table 11.4). But in 1954 the Parish Council explicitly stated that the money raised through the licensing system originated only from Cotorinho, Montes and Parada. The regulation of sheep and goat holding formulated in 1955 was also specifically designed for these three hamlets. It is not impossible that in these hamlets afforestation gave the final blow to a trade already deeply in crisis and which had disappeared in the rest of the parish where people, because of local ecological and orographical conditions, could more easily turn to alternatives such as cattle holding.

There is a widespread belief among the rural population that afforestation caused the collapse of sheep and goat herding. Ostensibly, that belief is corroborated by animal censuses. In the case of Campeã, however, available information does not confirm a causal relationship between afforestation and the decline of pastoralism. People in the parish abandoned pastoralism before the Forestry Service intervened. That intervention merely compounded other factors which undermined the viability of herding.

### **The Collapse of Pastoralism and Emigration**

In the memories of the people from shepherd communities such as Cotorinho and Montes in Campeã, afforestation of the village's *baldios* remains an important reason for the departure of the population. When afforestation began, shepherding became less attractive and the wealthier farmers looked for alternative sources of income. When they had enough land of their own, they switched to horned cattle. This tendency was confirmed by the rise in the numbers of bovines between 1955 and 1972 (table 11.2)<sup>5</sup>. Poorer shepherds did not have the same opportunity, and as local demand for labour decreased and the wages paid abroad were significantly higher, many people left.

Between 1950 and 1970, the number of inhabitants in shepherd communities such as Parada and Vila Nova decreased by 40% (table 11.4). However, over the same period, the populations of Aveçãozinho, Chão Grande, and Pousada and Boavista (where shepherding was unimportant), also diminished by between 30% and 40%. In Aveção do Meio and in Cotorinho, a shepherds' village, the population slightly increased. This large variation in the demography of the different hamlets casts new doubts over the assumed causal relationship between emigration and afforestation. In addition to the absence of a clear connection between afforestation

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<sup>5</sup> The figures in table 11.2 show that this shift began before 1955. See also *supra* p. 148.

and the decline of animal husbandry, there is also no clear relation between the character of a community and the extent of its emigration. Shepherd and non-shepherd communities alike suffered from a population decline, whereas one shepherd community, which according to its own inhabitants was severely prejudiced by afforestation, displayed a population growth.

The large variation in the intensity of emigration from communities within Campeã, suggests that the decline in pastoralism can only be one among many other causes of emigration. The uncertainty of employment, the difficulties in finding a job during the winter, the agricultural off-season, the low level of wages in Portugal compared to opportunities abroad, political insecurity, or even the desire to get better medical treatment could all be reasons why people departed (see Brouwer 1994:165). Afforestation could have pushed some to leave, but it may have been an incentive to stay for others who found employment in the planting phase (I will return to this issue later in this chapter). By no means can afforestation be seen as the central cause of emigration and the abandonment of the countryside.

#### The Production of Wool and the Wool Industry

The last issue I want to discuss is whether afforestation of the commons impaired domestic wool production, and if so, threatened the national wool-processing industry. The fear that the wool sector would suffer from the consequences of afforestation was fed by the observed decline in sheep holding. Between the censuses of 1940 and 1955, the number of sheep decreased by 8%, from almost 3,890,000 to 3,593,000; and between 1955 and 1972, by 33% to 2,420,000 (table 11.1). Despite this reduction of the number of livestock, wool production did not slow down. Data from the early 1950s show that after a sporadic growth until 1943, wool production decreased to a more or less stable level, 30% below the 1943 output, but still above pre-war production. Subsequent data even show an increase in wool production from 9.5 thousand tons in 1946, to 11.6 thousand tons in 1962 (EA 1962)<sup>6</sup>.

That the decline in livestock numbers did not lead to a parallel decline in wool production, resulted from an increase in the quantity of wool produced per animal. During the first half of the twentieth century, sheep owners argued in the *Boletim da Associação Central da Agricultura Portuguesa* (Bulletin of the National Farmers' Association), that the quality and the quantity of the wool produced per animal were insufficient. These problems were caused by the type of breeds used,

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<sup>6</sup> In 1959, the *Instituto Nacional de Estatística* (National Statistics Institute, INE) changed its data-gathering method. Until then, wool production had been inventoried by the *regedores* of the parishes. From 1959 on, the value was calculated from samples and from industrial consumption and export figures. The INE believed the results of its original method of data gathering were untrustworthy because not all producers would cooperate.

the grazing areas, and bad management practices. The animals were kept on poor pastures (the *baldios*), grazed without sufficient protection from cold winds, and at night kept in unhygienic stables (Bragança 1915; Morais 1945; Câmara Corporativa 1940:159-160). A switch to improved breeds and management techniques in combination with a shift in sheep herding from the cold and infertile *baldios* to the more suitable pastures of the south of the country, enabled an increase in the production per animal (see EA 1959:98-99).

Just as there was no abatement in wool production, the anticipated destruction of the wool industry did not occur either. In 1980, it employed 22,000 workers (EI 1980), 7,000 more than in 1945. Thus, the decline of livestock did not endanger domestic wool industry.

### Implications

It can neither be proven that afforestation endangered the domestic wool production, nor that it caused the deterioration of pastoralism and the intensification of emigration. If it played a role in these last two processes, it was at most, one among many other causes. Before I go on to examine whether the foresters kept their promises with respect to industrial development and job creation, I want to bring up two other points which follow from the previous discussion.

The first point concerns the reason why the population of Campeã connected the decline of pastoralism and the rise of emigration to the Forestry Service's intervention. The villagers presented afforestation as the main cause for the disappearance of their traditional way of living. This image was reflected in academic studies. In a 1959 monograph on the parish, the Service was even accused of having started planting in areas near the hamlets where it would have caused the largest damage to the shepherds, because the herds would have to cross a forbidden area in order to arrive on the still open higher ranges (Costa 1959:115). In reality, however, the Service began to afforest on the Alto de Espinho, which is at the utmost border with Ansiães and far from the inhabited areas. As I already mentioned and as my local informants admitted, the Service tried to take into account the interests of those herding sheep and goats throughout the planting. It is also striking that nobody seems to remember that the Parish Council played an important role in the suppression of pastoralism. The regulations it drew up in 1955 just as the fees the Council imposed in 1946 have been forgotten. People even deny that they ever had to pay the parish for keeping their livestock (int 1 September 1991, 8 June 1993). I believe that the constantly blaming the Forestry Service is not accidental, but plays a necessary function in the construction of the parish's collective memory. By exaggerating the Forestry Service's role in the demise of pastoralism, the role of the local administrators is obscured. In this manner, blaming the outsider, the Forestry Service, saves local innocence.

The second point concerns the way in which one should understand all the changes in the composition and geographical variation of livestock, land use, and labour power. Instead of focusing on the afforestation of the commons as an explanation for the decline in pastoralism and the increase in emigration in districts like Vila Real, one should broaden one's perspective and look at the overall changes in the national and international economic order.

Even in the mid-nineteenth century, sheep and goat holding had started to move from the north to the south of the country. This shift was related to the emergence of one national economic system with a new regional division of labour. Until the mid-nineteenth century Portugal consisted of two economic systems, each with their own centres (Lisbon and Porto) and peripheries. These systems gradually integrated into one national economic sphere with Lisbon at its heart. This process was accompanied by a reshuffling of the existing division of labour within the peripheries of each subsystem, which among other things, meant that the north turned into a cattle holding area whereas the south specialized in sheep and goats (Justino 1986, 1988).

Emigration should be seen as an element of the regional division of labour as well, not only within a national but also within an international context. The rise in emigration during the 1960s corresponded to the massive flow of migrant labour from the Mediterranean to the northwest of Europe, in particular to France and Germany (Rose 1969; Serrão 1970, 1985; Leeds 1983; Ribeiro 1987:30; Silva 1985; Gregory and Pérez 1985; Cepeda 1988)<sup>7</sup>. Emigration was connected to the spatially differentiated development of the capitalist system in which some areas provided workers to others (Leeds 1983; Zolberg 1991; Anderson 1992). Regionally-differentiated migration was part and parcel of the spatial distribution of labour.

The question is whether the afforestation of the *baldios* can be placed within the same perspective and can be understood as an element of the new spatial division of labour and the formation of a national economic sphere. Is it possible to say that the areas within the Porto system that had specialized in pastoralism, turned into the suppliers of timber and wage labour for domestic and foreign industrial areas? These issues are related to a more general discussion on the contribution of forestry to national and regional development.

## Forestry and the National Economy

The impact of (public) forestry upon the national economy has at least two important aspects. On the one hand, it contributed to the development of a specific production capacity, namely of pines. On the other, it facilitated the emergence of a new industry, paperpulp production.

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<sup>7</sup> For a discussion of European migration see the contributions in Rose (1985).

When the foresters began to afforest the *baldios*, they turned to pines. The choice to expand the pine forests was not only consistent with the natural characteristics of the *baldios*, it was also in accord with the international economic conditions during the first decades of the *baldios'* afforestation. However, after the second half of the 1950s, the economic conditions changed. In addition to the disappearance of the original sales market for pine timber, the mines, paperpulp production developed as a new forest industry. These developments influenced both the demand for timber and the structure of the forestry sector. The highly concentrated paperpulp industry turned increasingly to eucalyptus as a preferred raw material. These changes created new contradictions within the state apparatus and between State and private capital. The Forestry Service was confronted with a new form of private forest administration, which in terms of administered area, financial means, staffing, and output, showed that the planting of new forests was not necessarily a state enterprise. In addition, the consensus that forests were for the good of the public met new challenge: the environmental impact of the forests.

#### The Role of Forests and Forestry in the National Economy

The foresters justified the afforestation of the *baldios* as "modernization". The planting of trees would be followed by the development of timber-transforming industries, by exports, and by employment and better wages for the population. Did the endeavour bring these benefits? A look at the evolution of the Portuguese forests and forest industry suggests that the answer to this question is affirmative. As a logical consequence of the rapid growth of the forest area, timber production increased. In 1954, the first year recorded in the FAO yearbooks, total removals were estimated at 4,955,000 m<sup>3</sup>. Ten years later, they had increased to 5,900,000 m<sup>3</sup>, and in 1974, to 7,190,000 m<sup>3</sup>. In 1990 the total output was estimated at 11,181,000 m<sup>3</sup> (FAO 1965, 1977, 1991). A growing part of the timber output was processed industrially. Between 1954 and 1974, the share of industrial roundwood rose from 30% to 93%, and the portion marked for firewood and charcoal diminished from 70% to 7%. By 1990 almost 96% of the removals were processed industrially (FAO 1965, 1977, 1991). The development of a wood-processing industry led to a tremendous increase in industrial employment both in absolute and relative terms. According to the 1917 industrial survey, the forest industry hired 16,508 workers (Cabral 1977:79; Medeiros 1978:75). At that time there were about 2 million ha of forest, so that there was one industrial worker per 120 ha of forest. In 1986 the number of workers in the forest industry had increased to 61,577. Given a forest area of about 3.1 million ha (IPF 1991), the average was 50 ha of forest to each industrial labourer. Between 1917 and 1986 the spin-off industrial forestry employment more than doubled. Finally, after the conclusion of the *Piano de Povoamento Florestal* in 1968, forest exports increased more than twenty-folded (figure 11.2).

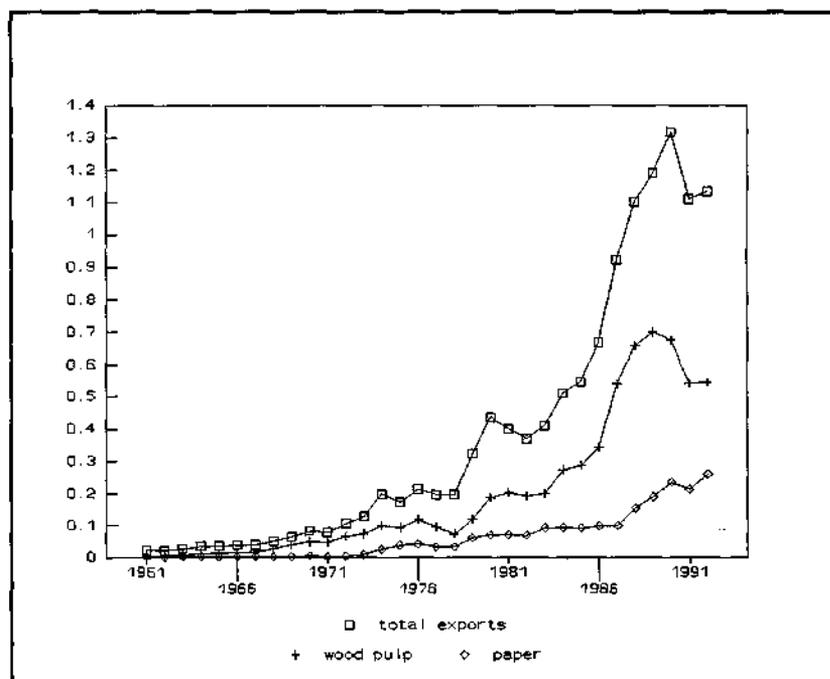


Figure 11.1: Exports of forest products (cork excluded), 1961-1991, in 10<sup>6</sup> US dollars. (Sources: FAO 1966, 1977, 1988, 1991, 1994.)

The expansion of the forestry industry was accompanied by a change in the composition of its production and exports. In the decade prior to the *Piano de Povoamento Florestal's* initiation (1929-1938), pitprops, wood used in mines for supporting the shafts, contributed one-fifth of the total value of non-cork forest product exports (Minde Agr 1940:125; Themudo 1944:35). In 1954, Portugal was the world's seventh largest pit-prop exporter, after Finland, Sweden, France, Canada, Austria, and East Germany. During the second half of the 1950s, wooden props were gradually replaced by steel, pits were closed, and the demand for pine for pitprops declined (Calheiros e Meneses 1961:39; FAO 1965).

*Pinus pinaster* was generally used as pitprops. This tree species was attractive to miners because of its "alarm capacity": the wood of *Pinus pinaster* breaks gradually and the sound of its cracking warns the miners that a corridor or shaft is coming down (Kools 1949; int 2 April 1991). In addition, it proved itself well adapted to the ecological conditions of the *baldios*. Therefore, it was the most important species used during the afforestation of the commons.

When the demand from the mines for timber subsided, Portugal had to look for other applications of its forest products. Initially, pitprop exports were replaced by sawn wood. Later wood pulp became the most important export commodity (FAO

1965). Other wood processing activities, such as the production of fibre and particle board, evolved as well, but their expansion lagged behind the explosive surge in paperpulp and paper production (fig. 11.2).

Paperpulp and paper production became the most important forest-related industries. These two branches were the most significant sectors responsible for the rapid rise in forest-product exports (fig. 11.2). In 1986 both branches taken together contributed 44.2% of the sector's exported value. The paperpulp branch alone was responsible for almost half of the total timber demand (including imports) and about three-quarters of the total industrial demand for domestic timber. The branch distinguished itself from the other wood-processing activities by its high degree of concentration. It consisted of seven mills with an average size of 635.9 workers per mill, which made them by far the largest factories in the sector (table 11.5).

The emergence of new forms of wood processing changed the demand for raw material. In the beginning, paperpulp mills relied primarily on pines, but because it was impossible to produce high quality white paper from pine pulp, the industries gradually turned to broadleaves, eucalyptus in particular. By the 1940s, one of the larger pulp mills, Caima, used pine only as a reserve in case other species were unavailable (Seabra 1944). In particular after 1975, the industry increasingly turned to hardwoods such as eucalyptus. Between 1975 and 1987, the share of softwood consumed by the paperpulp industry decreased from 47% to 17% in relative terms and from 1,181,400 to 888,600 m<sup>3</sup> in absolute terms (IPF 1991).

**Table 11.5** The composition of the forest-related industrial activity, and various characteristics of its branches in 1986 (for 1986 IPF 1991, for 1917 Cabral 1977 and Medeiros 1978)

Industry (by principal product)	Number of factories	Number of Workers		Raw material (timber)		Value forest exports	
		Total	Per factory	Volume (10 <sup>6</sup> m <sup>3</sup> )	National origin	10 <sup>6</sup> USD	% total
Sawmills (pallets)	591	13,280	22.5	4.3	80%	120.68	11.7
particle boards	9	1,867	207.4	0.4	97%	45.34	4.4
fibre board	2	615	307.5	0.0	100%	5.55	0.5
plywood	8	1,070	133.8	0.1	30%	1.63	0.2
carpentry	783	7,641	9.8	0.2	52%	?	?
furniture	483	10,283	21.3	0.1	79%	16.06	1.6
cooper work	28	192	10.1	?	99%	?	?
boxes & packages	19	345	18.2	?	100%	?	?
paperpulp	7	4,451	635.9	4.4	100%	341.42	33.0
paper	75	6,551	87.3	-	82%	116.23	11.2
cork	681	14,332	21.0	-	90%	252.69	24.4
resin	42	950	22.6	-	100%	53.72	5.2
<b>Total 1986</b>	<b>2728</b>	<b>61,577</b>	<b>22.6</b>	<b>10.0</b>	<b>84%</b>	<b>1034.82</b>	<b>14.3</b>
<b>Total 1917</b>	<b>1083</b>	<b>16,508</b>	<b>15.2</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

The paperpulp producers gradually reduced the volume of pines they used and increased that of eucalyptus. This development, which had already been announced in 1944 by the Caima administrator Seabra, left a clear imprint on Portuguese forests. Between 1956 and 1985, the area covered by eucalyptus increased from 60,000 ha to 405,000 ha, and today, eucalyptus is the third most important forest type in Portugal, after *Pinus pinaster* stands (93% of the pine forest) and the *montados* of *Quercus suber* and *Quercus ilex* (cork and stone oak) (table 11.6).

This review of the Portuguese forestry sector demonstrates two points. First, the expansion of the forest area was accompanied by a rapid industrialization: between 1917 and 1986 the spin-off industrial employment increased from less than 17,000 to more than 61,000 jobs, and industrial labour per hectare of forest land more than doubled. In this sense, at least at the national level, the foresters kept their promise and contributed to the country's industrialization. However, one should keep in mind that with respect to the industrial spin-off of agriculture, a similar argument can be made. In 1917 the food and beverage industry employed 24,606 persons. With a total agricultural area of about 3,200,000 ha, this corresponded to 130 ha of farm land per industrial worker. In 1987 the food and beverage industry employed 77,511 workers. On a total agricultural area of 4,118,000 ha, this means that each industrial worker "lived off" 53 ha of farm land. Therefore, in 1917 and 1987, the spin-off of forestry in terms of industrial employment was more or less equal to that of fanning.

Table 11.6: Evolution of area and the composition of Portuguese forests between 1874 and 1991 in 10<sup>3</sup> ha (Martins 1991; Devy-Vareta 1993b:51; DGF 1989b; IPF 1991).

Year	Pines	Cork and stone oak	Chestnut and oak	Eucalyptus	Total
1874	210.0	370.0	60.0	0.0	640.0
1902	1020.0	782.7	153.6	0.0	1956.5
1928	1198.6	939.6	193.2	0.0	2331.4
1956	1309.0	1264.0	132.0	58.0	2763.0
1966	1287.6	1115.4	141.3	98.9	2834.2
1972	1363.3	1166.8	138.6	165.5	2834.2
1978	1457.1	1192.5	99.8	213.7	2963.1
1985	1415.8	1141.1	112.4	405.0	3074.4
1989	1338.3	1124.0	117.8	505.5	3085.6
1991	1360	1221	118	509	3208

The second point demonstrate here, is how the *baldios* and the forests on them fit into the changing national and international economic orders. When the State started afforesting the *baldios* it was primarily geared to the production of pitprops for the domestic and foreign mining sector. The sheep and goat pastures were transformed into producing a new industrial export commodity, timber. In this sense, one may claim that tree planting on the *baldios* was related to and consciously aimed at giving the commons a new position in the national and

international economic systems. However, when the mine owners shifted to steel props or closed their pits and the paperpulp producers turned to hardwoods, the commons lost that role. The paperpulp sector became the new most important timber consumer and forest-product exporter, but it utilized eucalyptus rather than pine wood. These eucalyptus stands are generally not located on the commons, but on private land. The State manages about 30% of the pine stands, but none of the eucalyptus forests<sup>8</sup>. Therefore, the result of the decline in the demand for pitprops and the shifting preferences for the raw material used by the paperpulp industry, was ultimately that the pine forests (and the *baldios* on which they were located) lost much of their economic relevance. Instead of carriers of a dynamic industrial sector, they became relics of a suspended development project, just like the abandoned mines<sup>9</sup>.

The "declassification" of the pine forests on the *baldios* as the motor of national forestry and forest industry development does not mean that there is no demand for pine wood. On the contrary, there is a fear that pine production will fall below demand. The pine forests are declassified in the sense that the demand for pines is concentrated in the less dynamic sections of the forest industry: saw mills, carpentry, and furniture. Unlike the paperpulp branch, these sections are characterized by numerous small enterprises which often use obsolete techniques and machineries. This declassification has certain consequences for how one should evaluate the historical and present position of the manager of the pine forests, the state Forestry Service, particularly in relation to the private forestry sector. These consequences are analyzed below.

### The State, the Forestry Service, and the Paper Mills

Without doubt, since the mid-1970s the paperpulp industry has been the most dynamic branch within the forestry sector. This branch consumed half of the domestic timber production and contributed 33% to the value generated by the sector's exports. The political and economic power of this branch was reinforced by the fact that it was concentrated in only seven pulp plants owned by four corporations: Caima, Celbi, Soporcel, and Portucel. These companies differed in

<sup>8</sup> An estimation of the distribution of forest property and tree species (1000 ha) (IPF 1991):

<u>Owner</u>	<u>Total area</u>	<u>Pinus pinaster</u>	<u>Other coniferous</u>	<u>Eucalyptus</u>	<u>Other broadleaves</u>
State	86	57	14	0	15
Communities	380	333	27	0	20
Cooperatives	40	0	0	0	40
Private sector	2,497	832	67	349	1,249
Industries	205	30	0	160	15
Total	3,208	1,252	108	509	1,339

<sup>9</sup> In the Campeã area there are three old mines which were shut down after the Second World War.

various ways such as size, relation to the Portuguese government (one was totally state-owned), and relation to foreign capital (a Swedish company had the majority in one, and another was completely British). They did however have two important aspects in common: the first one was that they unified themselves in a pulp producers association, the ACEL (*Assodacao de Produtores de Celulose*). This association was created for the promotion of the enterprises' common interests vis-a-vis the State, civil society (the environmental movement vehemently protested against the pollution resulting from pulp production and the rapid proliferation of eucalyptus stands), other (wood-consuming) industries, and last but not least, timber producers. The second common feature was that all of the companies expanded their activities beyond the industrial processing of timber to timber production itself. As a result, in 1989 the four companies together possessed or rented almost 250,000 ha, or about 8% of the total forest area. These areas were generally covered by eucalyptus trees.

The role of ACEL in the structuring of the eucalyptus market merits more extensive discussion. Beginning in the early 1970s, the government attempted to protect the wood producers by fixing minimum prices. In 1987 it abandoned this system because these prices tended to be used as maxima (int 9 April 1992)<sup>10</sup>. Since 1988, ACEL has negotiated timber prices with a farmers' organization, CAP (*Conferência de Agricultores de Portugal*). CAP is the successor of the National Farmers Organization. It is largest organization within the sector, and until 1995, the only one the government accepted as an official representative of the farmers. Its members are predominantly larger farmers and membership is geographically concentrated in the south of the country. In political party terms, the CAP leans towards the Social-Democratic Party (PSD) and the Central-Democratic Party (CDS) (*Expresso*, (Lisbon), 22 June 1991, 9 July 1994; *Público*, (Lisbon), 30 June 1994). The reason why the industry accepts negotiations with CAP on price regulations, was that it is afraid that foreign buyers would enter the market. In the late 1980s, about 10% of domestic eucalyptus wood was exported (IPF 1991). A further increase in the share of timber bought by foreign companies might make it more difficult for the national companies to meet their demand for raw material and jack up purchase prices.

The CAP has its own interests in accepting price negotiations. First, the organization itself benefits considerably from its intermediary role: for each m<sup>3</sup> acquired by the companies, it receives 50\$00 from ACEL for the creation of forest producers associations (*Revista do Agricultor*, (Lisbon?), January 1990:53). The Socialist Party (PS) estimated that in this manner, CAP collected in one year 200

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<sup>10</sup> Being united within one association did not mean that the different companies did not try to pursue their own interests at their partners' expense. The foreign companies believed that their national colleagues broke price regulations. Caima's spokesman accused Portucel and Soporcel of paying an extra bonus to their producers. He referred also to the "technical flexibility" built into a volume-based price: by manipulating piling at the woodyard, one can vary the real m<sup>3</sup> price by five percent or more (int 15 April 1992).

million escudos from the ACEL, and accused the organization of "selling its silence in eucalyptus matters" (*Público* 24 March 1991). A second reason is possibly that, by negotiating with the industry, CAP could substantiate its claim of being the sole, or at least most important, representative body of farmers and forest owners.

The development of forestry activities by the paperpulp companies had at least four important consequences. First, the position of other producers in the pulp wood market than the industries and their subsidiaries weakened. The companies were able to satisfy a large portion of their own need for raw material through their own production. In 1991 their self-sufficiency rates varied between 25 and 50%, and some enterprises, notably Caima, were heading for complete self-sufficiency. As a result of these high self-sufficiency rates, the companies were able to manipulate the eucalyptus timber market by regulating their own production volumes or the volume brought or bought on the market.

Second, the four enterprises united together in ACEL became the second largest forest administrator in the country (after the state Forestry Service itself) and increasingly assumed a public role. As a result, the Service lost its monopoly as the defender of forest interests. ACEL coorganized the 1987 forest inventory. ACEL also offered money to the Forestry Service for the prevention and combat of forest fires. In 1992, it threatened to withdraw this contribution and create a specific fund for the expansion of the eucalyptus forests (int 9 April 1992). Hence, the state Forestry Service became dependent upon the cooperation of the paperpulp sector for two essential activities: monitoring the evolution of the national forest in terms of area and composition and protecting the stands against fires.

Third, the paperpulp companies and their subsidiaries employed over 400 staff members on a permanent basis and 200 to 400 seasonal forest labourers (int 9 April 1992, 11 April 1992, 15 April 1992). Consequently, foresters no longer depended upon the state Forestry Service for a professional career.

Fourth, the rapid expansion of the area covered by eucalyptus became a concern in terms of the forests' possible environmental and social impact. Specialists pointed to the possible danger for the hydrological balance caused by vast stretches of eucalyptus (Lima *et al.* 1990; Pereira 1990:2-4; Gurumurto and Rawat 1992). This meant that the consensus concerning the public benefit of forests was broken. After 1974 the movements contesting the Forestry Service's control over the *baldios* did not dispute the value of the tree stands, but only the control over these stands and their revenues. Later on, forests, and in particular eucalyptus stands, were no longer perceived as the best solution for the use of (marginal) land. This negative attitude towards eucalyptus was confirmed by my inquiries in the parish of Campeã. When asked about new forms of exploitation of their *baldios*, of forty-one respondents, twenty-eight objected to administration of the *baldios* by the paperpulp companies. This objection was always motivated by misgivings over possible environmental impact of the eucalyptus stands. State administration of new areas was less controversial: eighteen respondents were against it because "there

was not enough space left." In Campeã, already more than half of the *baldios* had been submitted to the forestry regime (Brouwer and Kwakkenbos 1993).

The emergence of the paperpulp industry also had important consequences for the State. It created new contradictions within the State around the issues of the country's national forest and industrial policies, because the State was heavily involved in the expansion of both the pulp industry and the eucalyptus area.

The most important aspect of state involvement in the paperpulp sector was not related to forestry itself but to industrial production. The first true Portuguese pulp mill, the CPC (Companhia Portuguesa de Celulose), could only takeoff in 1949 after having received financial support from the government. After the 1974 nationalizations of the most important capital groups in the country, the State no longer limited itself to financial support, but became one of the paperpulp branch's directing forces. It directly or indirectly controlled shares in three of the four companies: 29% of Celbi through the state holding IPE (Investimentos e Participações Empresariais), 52 % of Soporcel through nationalized financial institutions such the Caixa Geral de Depositos, Companhia de Seguros Império, and the Banco de Fomento Exterior, and 100% of Portucel. Only Caima, the smallest and oldest (and a one hundred percent British) enterprise, never became partially state owned (see also chapter 8, footnotes 7 and 14; appendix 14). Through its participation in three out of four pulp mills, the State went beyond the provision of facilitation and support, and became an economic agent itself.

This involvement in production itself was complemented by the provision of state support for the transformation of Portuguese forests. Between 1965 and 1986, the State contributed to the establishment of 242,954 ha of private forests (table 4.5). The exact compositions of this forest area in terms of species is unknown, but data concerning the years 1978, 1980 and the period 1981-1986, show that during these years between 13 and 20% of the financed area was covered by eucalyptus<sup>11</sup>. Assuming that these figures are representative of the entire period, the State contributed the establishment of between 32,000 and 49,000 ha of eucalyptus forest by private landowners<sup>12</sup>. These landowners certainly included also the paperpulp

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" Areas of forests created with support by the FFF/DGFF and PAF to afforestation by private landowners and the percentage of the most important species in the total area (Azevedo Gomes and Quaresma 1988:17; Anonymous 1991, p.52 for PAF):

Period (programme)	Area (ha)	Broadleaves (%)			Conifers (%)	
		Euc.	Cork	Other	<i>P. pinaster</i>	Other
1978 (PIDDAC)	12,237	20.3	-	9.5	29.4	40.6
1980 (PIDDAC)	8,230	15.2	11.5	12.1	20.0	41.2
1981-1986 (WB)	59,977	12.6	2.6	6.1	52.2	26.5
1989 (PAF)	17,410	15.9	20.5	6.0	52.8	4.8

<sup>12</sup> Initially this trend was continued after Portugal's admission to the EC through the Forestry Action Programme, but came under pressure from heavy opposition to the species's expansion from the environmental movement (Fereirinha 1986:5; *Didrio de Noticias*, (Lisbon), 19 April 1989, *O Jornal*, (Lisbon), 14 April 1989, 21 April 1989) and, because the government judged that financial support to

companies and their forestry subsidiaries. In addition, the State invested directly in the planting of eucalyptus stands by its own paperpulp enterprise, Portucel. This company received a large part of the fifty million dollar World Bank loan for the afforestation of 60,000 ha (most of it by eucalyptus) (see also *supra*, p.85). Of these 60,000 ha, one-third was private property and two-thirds were communal land. Taken together, the State helped to establish between 90,000 to 100,000 ha of eucalyptus, 30 to 40% of the total eucalyptus stands planted between 1966 and 1989 (290,000 ha according to Devy-Vareta 1993b:51).

The Forestry Service played a key role in this policy. Regardless of the origin of the money (government funds, World Bank loans, or European funds), the Service was always responsible for the allocation of subsidies to the individual forest owners. One might say that the Service itself was responsible for the rapid transformation of the Portuguese forests and the declassification of its own pine stands and in that manner helped to create the conditions that now lead to undermining of the Service's position within the state apparatus: it dug a hole which might well turn out to be its own grave.

A final but not unimportant role played by the State and the state Forestry Service concerns the training of forest technicians. The emergence of the forest bureaucracy and its experiences during the afforestation of the commons, was certainly beneficial to the paperpulp companies when these embarked upon forest management themselves. The Service became a training ground, a "nursery", for professional foresters. Even at the highest level, forest officials switched between the public and the private sector. For example João Soares, in 1992 director of Emporsil (Soporcel's forestry division), was for instance the director-general of the Forestry Service between 1988 and 1991 (int 9 April 1992). His successor, Fernando Mota, started his career within the forestry circumscription of Vila Real. But before becoming director-general he moved to Emporsil where he headed the Trás-os-Montes division (*Expresso* 4 March 1989, 1 April 1989).

These three elements in the State's activities in relation to the paperpulp industry, can be translated by what Jessop (1983:233-234; chapter 2 of this book) calls "forms of intervention" on behalf of capital. In Jessop's terms, the training of

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a highly lucrative activity such as eucalyptus production was unnecessary, it withdrew support in 1989 (*Portaria* 512/89). According to this decree subsidizing planting eucalyptus stand with a planned rotation of less than fifteen years was subject to the following conditions: subsidy was only granted if (a) cork or stone oaks or species producing quality timber were also planted, (b) the plantation of eucalyptus did not exceed 25 % of the total area to be afforested and (c) the total area of the eucalyptus stands in the project did not exceed 100 ha. The subsidy to eucalyptus planting could never exceed 20 % of the total investment. These restrictions only concerned areas which previously had not been occupied by eucalyptus and also did not concern areas smaller than 10 ha per project and applicant. In 1991, all subsidies to eucalyptus planted for pulp production were abolished (*Expresso*, (Lisbon), 17 February 1990, art. 7 of *Portaria* 340-A/91 of 15 April 1991).

The companies could of course still apply for subsidies for the planting of other species, which was now particularly relevant as the law forced them to reduce the share of eucalyptus to 25 % of a certain **area**.

experts and the subsidizing of tree planting should be considered examples of "substantial facilitation". The support granted to the paperpulp industry in its initial phase was an example of "formal support", whereas the nationalization of domestic capital implied a shift towards "direction". The State became an economic agent itself<sup>13</sup>.

This last form of intervention created novel contradictions within the State. The State had to consent to the fact that its own plants, those of Portucel, did not satisfy the limits the State itself set on pollution (*Público* 25 March 1991; *Expresso* 13 July 1991, 20 July 1991, 16 May 1992). Moreover, the State facilitated the emergence of a private forestry organization capable of challenging its own Forestry Service, and it provided the just cause for an environmental opposition movement which challenged the consensus around forestry. As a result, in 1991, state support to the planting of eucalyptus, had to be abolished.

## Vila Real and Forestry

The contribution of the Forestry Service to the development of the country's forest industry in terms of timber or forested acreage, was modest. The State administered only 15% of the total forest area and almost no eucalyptus stands. Due to the development of the paperpulp industry, the State became increasingly embedded in the initiatives of "private" capital<sup>14</sup>. At the regional and local levels, however, the situation could be quite different. In Vila Real, 128,300 ha or 30% of the district area was administered by the Service. Of this area, about 80,000 ha (62%) was actually covered by forest (pers. comm. of the director of the Vila Real forestry circumscription Victor Rego). Here, the Service managed about 115,000 ha or 70% of the total forest area in the district (DGF 1991). Therefore, in Vila Real Obviously, in Vila Real, unlike in most of the country, the Forestry Service should have an important economic impact. This impact is this section's central issue. What was the influence of the afforestation of the *baldios* on the region's economy? Did it cause emigration? Did it offer jobs to the rural poor such as FAO (1953:173) would suggest was the case? Did it create industrial employment?

### Local Employment in Forestry

When I interviewed a woman in Montes (Campeã) she told me a story that was quite common: Forestry forced the shepherds to abandon their trade and look for

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<sup>13</sup> Presently, the government is preparing privatization of the state's interests in these companies. Consequently, in the end state intervention will probably have helped to facilitate capital accumulation in the private sector (*Semanário Económico*, (Lisbon), 15 March 1991, *Expresso*, (Lisbon), 6 April 1991, 10 August 1991, 25 April 1992).

<sup>14</sup> I put "private" between quotation marks because the capital was forcefully supported or even directed by the State.

other livelihoods, notably abroad. However, she added, that many of the men who were still living in the hamlet, had found a job with the Forestry Service. Some still worked with it, but as afforestation works in the parish had stopped in 1982 (int 4 September 1992), they now had moved to Mondim de Basto, to the north of Campeã. Apparently, the Forestry Service did offer employment. But how much?

Forestry was labour intensive during its initial phase: the planting of new forests. During its next stage, management and exploitation, it required much less labour input. This is reflected in the national figures on the numbers of days paid to rural workers. The starting of the *Piano de Povoamento Florestal* led to an increase from an average of 337,663 *paidjornais-homem* (working days) during 1922-1926, to 1,158,232 paid working days in 1942 (Themudo 1940:64). In the 1950s, afforestation almost halted and the number of days worked decreased to 124,000 (DGSFA 1956b).

In the Serra do Marão, the 1956 afforestation proposal enables the calculation of a total labour input at about 87 man-days per hectare (592,000 man-days for 6,770 ha of forests, DGSFA 1956a). Combining these figures with the afforestation rates mentioned in the Agricultural Statistics (EA 1955 to 1964), permits an estimation of the labour input during the first decade of afforestation. It appears that labour input varied between 56,376 working days (in 1959) and 5,655 (in 1963). Assuming that the work took place during the agricultural off-season, January through March and October through December (FAO 1953:173), the Service employed between 348 workers in 1959 and 35 in 1963 during the six months when the afforestation works were carried out. Subsequent data no longer refer to the works in the Serra do Marão separately. These later data indicate, that during the sixties and seventies the annually afforested area in the circumscription of Vila Real decreased and hence the number of workers decreased also.

The data on afforestation rates and numbers of workers reveal that in terms of employment, the Forestry Service's impact on regions like Campeã was limited. From 1964 on, in the forest perimeter of the Marão, an area encompassing sixteen parishes with over 25,000 inhabitants (DGSFA 1956a:34), there were never more than about forty people employed in forestry during the agricultural off-season<sup>15</sup>. Apparently, the amount of labour created in the area by afforestation was negligible.

As soon as planting was finished, the demand for labour in the forests declined. Lopes (1960:213) estimated labour input per hectare of existing forest between four and ten *jornais-homem* per year per hectare depending upon the species. For the maintenance of a stand of *Pinus pinaster*, he estimated seven and a half days.

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<sup>15</sup> Costa (1959:77) recorded that in 1958, 3,653 days were paid. (Actually, she wrote "persons" but this must be a misunderstanding: It would mean that in Campeã more days were worked than in the entire country.) Her data indicate that the work continued throughout the entire year, including the agrarian season. This was confirmed by the former forest guard in the area. He told me that people would dig planting holes during summer and plant in winter and spring (int 5 September 1991). This would imply that only ten people had a more or less fixed job with the afforestation project.

Mendonça (1961b:353-354) estimated an annual labour demand of ten days per hectare. Since originally one hectare of *baldio* originally required two days of labour per hectare per year, afforestation meant an additional demand in labour of eight days per year per ha.

In retrospect, these estimates appear too optimistic. In 1987, employment "on the ground" encompassed 10,000 permanent workers and 18,000 seasonal workers during nine months or 23,500 workers on an annual base (MAPA 1988). Devy-Vareta (1993b:52) estimated that about 20,000 people were working directly in the forest. This means that labour input in forestry is about two days per hectare per year, much less than Lopes and Mendonça had calculated. If one looks at the number of workers employed by the Forestry Service in the Forestry Administration of Vila Real, forest management seems to have created even less employment. In 1991, the Forestry Administration of Vila Real employed nineteen people on a permanent basis (the administrator himself, his two secretaries, three foremen, ten forest guards and three day-labourers). The administration consisted of 12,129 ha of which 7,009 ha were covered by forest. During the summer, another twelve day labourers were hired to keep watch, whereas groups of twenty to forty day labourers were contracted for specific jobs (int 29 August 1991)<sup>16</sup>. This means that in the area administered by the Forestry Service each hectare created little more than one half man-day per ha employment on a permanent basis. With an original labour input of two man-days per ha, one has to conclude that after the planting phase, forestry generated no additional local employment in comparison to the previous exploitation of the *baldios*.

#### Wages

The impact of the Service's intervention on the wages for the rural population was also negligible. In 1956, at the start of afforestation in Campeã, the Service paid 12\$00 to women and 20\$00 to men (DGSFA 1956a: 121). Two years later Costa (1959:76) recorded that women received 10\$00 to 12\$00; boys, 14\$00 to 16\$00; and men, 20\$00. The wages which the forest workers received, differed hardly from those paid by farmer-employers. Agricultural labourers earned the same or a little more, 10\$00 to 20\$00 depending upon age, gender, and job (ibid). These salaries were more or less equal to those elsewhere in the district (EA 1955:171).

In terms of income, industrial employment was a better alternative for the rural workers than working in agriculture or forestry. In the mine in Vila Cova, a labourer could make between 28\$00 and 40\$00, and in the lime stone factory about 20\$00 to 30\$00. However, work within this factory was limited and less secure since the factory often functioned only three days a week (Costa 1959:68, 138),

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<sup>16</sup> Pinto (1985) gives even a lower employment figure, and according to the director of the Department of Human Resources within the Forestry Service, Maria da Purificação Pais, in March 1995 there were only eight guards working in the Vila Real forestry administration.

and the dangers of mining (lung diseases) made working in Vila Cova less attractive (int 16 May 1993). Industrial wages outside Campeã averaged between 4\$33 (textile) and 11\$38 (sugar) *per hour* or between 35\$00 and 91\$00 per day, depending on the type of industry. Outside the country wages were much higher. In France, for instance one could easily earn 16\$61 to 24\$64 per hour (1962 figures, Leeds 1983:1057).

### Labour in Industry

If forestry created so little employment on the ground, did it then result in jobs in industry? At the national level, forestry created at least as many jobs within the transformative sector as agriculture per hectare of farmed land: 62,000 on about 3 million ha, or one job per 50 ha of farm land<sup>17</sup>. At the regional level, however, the situation was completely different. Forest industry was highly regionally concentrated, particularly in the Porto, Coimbra, and Aveiro districts. In 1989 total industrial employment in the district of Vila Real comprised 5,065 workers, of which 4,361 were involved in processing industries. The wood sector consisted of 189 enterprises with 641 workers (NERVIR 1989). This means that on a total forest area of 115,000 ha, each job in the industry corresponded to almost 180 ha of forest. In Vila Real, forestry created more than three times less employment than the national average.

The district's forest industry was small. It was primarily composed of sawmills. Within the total timber branch, sawmills were the less rewarding in terms of wages (71% of the average in 1980, EI 1980:XXXIV, XLVI) and the least secure in terms of employment. In 1985, of the forty-two mills mentioned by IPF (1988:38), only half were actually working. The mills consumed about 29,250 m<sup>3</sup> (23,400 tons) of timber. In 1989 total timber production in the circumscription of Vila Real (the districts of Bragança and Vila Real together) amounted to 173,000 m<sup>3</sup>, so that only 18% of the production in the state forests was processed within the circumscription<sup>18</sup>. The majority of the timber produced in the area was exported to other regions. The same was true for resin. In 1990, the district produced 3,714 tons, all of which was exported to plants in other parts of the country, notably in the districts of Coimbra and Leiria (IPF 1991).

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<sup>17</sup> Presently, the EU heads for the afforestation of farm land (e.g., Com (88) 255 final, p. 15) and formulated several regulations for that purpose (Regulations (EEC) 797/85, (EEC) 3828/85 (in particular art. 22), (EEC) 1609/89, and (EEC) 2080/92).

The total impact on labour of the transformation of farm land into forests is probably negative as it is likely to destroy a lot of employment in the primary sector itself. Nowadays, about 20,000 people work in the forests. There are about 780,000 farms with at least as many workers. This means that agriculture employs much more people "on the ground" than forestry does. Because of the ongoing tendency to scale-up wood processing industries, the afforestation of farm land will probably not be accompanied by an increase in employment in the secondary sector.

<sup>18</sup> In Bragança, of the forty-one mills in the district only nine were active; these used 1,345 tons (IPF 1991).

The present situation of the forest-related industry in Vila Real was already predicted in 1977. In a study prepared on behalf of the *Câmara Municipal* of Vila Real and offered to the president of the republic during a visit to the area, it was stated that "...this entire sector of industrial development is unable to benefit from the region's production potentials..." (Fonseca 1977:8). The study argued that the region could only benefit from its forest resources if investments were directed at the creation of a body of interlinked forest-related industries. Unfortunately, this body was never created and the single large-scale industry in the area, a particle board plant close to Vila Pouca da Aguiar which still existed in 1977, was closed down a few years later. Thus, Fonseca's concerns were confirmed.

One result of the failure to develop a regional network of forest-related industries has been that the afforestation of the *baldios* did not bring Vila Real the promised benefits. It did not create significant employment, nor did it stimulate the district's industrialization. What it did bring was a new position in the national economic system. The district's forests served primarily the provision of raw material to other parts of the country. Ferrão & Jensen-Butler (1988), showed by analyzing the degrees of integration and marginalization (the presence of "dominant" or "obsolete" accumulation regimes) and the mode of "geo-economic insertion" (the aggregate of relations between a region and its exterior) that, between 1960 and 1980, the district's development continuously lagged behind the national level. The district was increasingly "peripheralized", as they called it. In Vila Real, the afforestation of the commons did not result in the development of modern regimes of production and accumulation or technological innovation, instead the district's relations with the exterior was characterized by the provision of raw material for industrial processing. This was because of the developments in the national forestry industry. In that sense, the Forestry Service's intervention contributed to further peripheralization of the district.

### The Role of the Commons' Management Commissions

To the rural population of Vila Real, forestry brought some jobs during the afforestation of the commons, but it never created the promised industrial development. Does this mean that the afforestation was entirely unprofitable to them? The answer is no. After 1976, the afforestation of the commons led to a flow of funds to local communities: *Decreto-Lei* 39/76 forced the Forestry Service to give 60% or more of the gross forest revenues to local management commissions, or, in their absence, to the Parish Councils. This was a considerable amount of money. In 1989 the share of revenues given to local communities and administrative bodies amounted to 933.3 million escudos, of which 436.2 million escudos went to the district of Vila Real. To communities with a small tax base of their own and with little financial support from administrative bodies higher in the administrative hierarchy, this money meant the opportunity to create amenities such as canalized drinking water, bridges, roads, community houses, medical posts, etc. (Rodrigues

1987:101-102). Without the income from the *baldios*, it generally would have been impossible to establish these often very basic services. Such improvements would make village life more attractive and thus, may have slowed down the population's exit from rural areas.

Examples of these kind of investments can also be found in Campeã. In Montes, the inhabitants received compensation for the construction of the new motorway between Vila Real and the coast over their *baldios*. They used the money for the construction of a road which, for the first time in history, made the hamlet accessible by car. Until then, it could only be reached by foot, horse, or cart over a steep mountain track. In Avegãozinho, the forests that had been planted on the upper part of the *baldios* burned down in the early 1980s. As a result, until now, the management commission never received money from its state-managed commons. From the lower part, it sold some pines to a lumberjack. It used the revenues to cover irrigation channels with iron grates where they crossed the road in the village.

**Table 11.7: Main investments made by the commons commission of Cidadelha de Aguiar 1980-1991 (sources: int 6 October 1990, 17 September 1991, 16 October 1991; commission's accounts over 1986-1989; Paiva 1994:61-62).**

Object of investment	Invested Amount
Irrigation works	9,748,262\$00
Community milking parlour	749,150\$00
Roads and two footbridges	2,165,595\$00
Water tank for the combat of forest fires	704,850\$00
Forest roads	4,784,196\$00
A community house	1,759,678\$00
Football field, cloak rooms and showers	5,172,810\$00
Total large projects	24,334,391\$00
Total investments	28,882,049\$00

In Campeã the local commissions took some but relatively small-scale actions. In Cidadelha de Aguiar, a hamlet 20 kilometres to the north of Vila Real, this situation was completely different. First of all, the commission administering the village commons consisted of people with training in forestry and agronomy. One of them was even employed within the regional service of the Ministry of Agriculture in the nearby town. Second, the hamlet possessed a vast *baldio* with an area of about 700 ha. This means that this village controlled a much larger forest wealth than any of the communities in Campeã.

The *baldios* of Cidadelha de Aguiar had been afforested by the State during the 1950s. According to the local population, it was a heavy blow to the local economy, as the people depended almost totally upon sheep and goat herding. As a result, many inhabitants left to look for a living abroad. Whether this popular belief is justified or not, is not relevant. It is important that in the eyes of the

population, since 1976, things have changed. The forests, which once chased the inhabitants away, now offered large profits to the village's population. Annually, the community of 143 commoners received about 1,645,000 escudos from the sale of resin alone. Furthermore, it got money from occasional thinnings, and it could expect the revenues of the first final cuts within a few years. Taken together, between 1986 and 1989, the commission administered an annual net revenue (that is after subtracting the 30% that the Forestry Service received from timber sales) of 4,180,000 escudos (Paiva 1994:60-61).

The funds administered by the commoners' commission were relatively important. In 1979 the budget of the entire parish of Campeã amounted 203,000\$00. That very year, the commission in Cidadelha received 503,000\$00 from timber from its *baldio*. This means that this particular commission could spend more than twice as much as the council in Campeã.

The revenues from the forests on the *baldios* enabled the commission to invest in living conditions in the village and in its agrarian infra-structure. The most important investments (85 % of the total) are listed in table 11.7. It spent about ten million escudos for the improvement of the irrigation system and in building a milking parlour for the villagers. By the creation of a new, cemented nine kilometre water channel, and by the replacement of open secondary channels with concrete tubes, water losses caused by the transport of water from the source to the fields were reduced considerably. The milking parlour was constructed after an agreement with the most important milking cooperative in the north, Agros, in Vila do Conde, 30 km north of Porto. The villagers agreed to provide the building, and Agros would furnish the machinery. But because EC regulations regarding the rationing of milk production (the quota system) were implemented in the mean time, and the totality of the production quota assigned to the farmers in the village was rather small, Agros refused to keep its part of the deal and the building was transformed into a creche (int 17 September 1991, 25 May 1992, 20 October 1994)<sup>19</sup>. Finally, the table demonstrates that the commission was well aware of the need to invest in its forests too. Almost 20% of the investments were geared towards improving access and fire protection for the forest.

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<sup>19</sup> The process by which the village lost the parlour was rather complex. At the moment the project was started, the village counted thirty heads of milking cows. However, seventeen belonged to somebody who was temporarily abroad and had charged a tenant from another village with looking after his farm. When the milking quota were registered, this tenant put the quota in his own name. Then he took the quota with him to his own village. The consequent reduction of the available milk in the village by almost 60% made Agros lose its interest in the parlour (Paiva 1994:64; int 20 October 1994).

## Conclusion

The afforestation of the commons created a bitter controversy. Opponents accused the Forestry Service of triggering a mass exodus out of the countryside, while forestry supporters claimed that it offered extra income and employment to otherwise backward and deprived regions. The analysis presented above has shown that both assertions rest on an overestimation of the impact of the afforestation of the *baldios*. Both assertions were based on the idea that planting trees caused a radical change in the national, regional, and local economies. This assumption is incorrect. Afforestation did not cause that change, but was merely part of an overall transfiguration of the national and international economic systems. This transformation entailed the formation of a national economic sphere, and the role of Portugal in the international economic system. Portugal became one of the countries supplying (cheap) migrant labour to industrializing economies of northwestern Europe. The opponents of afforestation were correct in criticizing forestry's contribution to economic development. The conversion of Portugal's most dynamic forest industry, the paperpulp branch, from pine to eucalyptus turned the public and communal pine stands into second-rate forests which contributed little to the sector's expansion. Although this development took place outside the reach of the Forestry Service, the State as supporter and director of industrial development was definitely responsible. In 1944 it was clear that the pulpmills would eventually turn to fast-growing hardwoods instead of pines. Hence, at that moment the State should have taken precautions and have, for instance, stimulated the development of particle board production. Had this been done, the particle board industry would perhaps not lag behind the pulp sector as it does today, and Portuguese forestry and timber industry would be more dynamic and diverse.

Within the forestry sector, attention has shifted from the State as manager of the *baldios*, to the State as supporter and facilitator of the activities of private forest owners (individual farmers and industries). In chapter 4, I summarized this change as a shift from a "service to the State" to a "service to the public". The corollary of this privatization of forestry as a public sector, is a specific collectivization of the private forest sector in the form of price agreements between the associations of timber producers and timber buyers, CAP and ACEL.

At the national level, the concentration on paperpulp and paper production contributed to an increase in employment and income generated by forestry, but at the regional level, the effects were the opposite. In the district of Vila Real, vast spaces were submitted to the forestry regime and afforested, but here the promised industrial development never arrived. The region, falling victim to an advancing de-industrialization process, was turned into a producer of raw material for industries in other parts of the country. It was "peripheralized".

The fact that forestry itself hardly contributed to the well-being of the local population, increased the social relevance of the 1976 law on the commons. Because of this law, the Service could no longer direct the forest revenues created within the district to the central State, but instead it was forced to allocate a large

share to the rural communities which owned the *baldios*. The commoners' management commissions spent these funds on amenities, which could make villages more comfortable, and in this manner, slow down de-population. In addition, the commissions' investments were aimed at the development of the local economy through improving irrigation systems or the mechanization of milking. However, the success of these efforts depended only to a limited extent upon the villagers. In the end, their destiny was decided elsewhere, i.e., in the offices of a dairy cooperative in Vila do Conde, or in EC buildings in Brussels.

These concluding remarks echo the original question of this book: the role of the afforestation of the *baldios* in the process of integrating peripheral regions into the national political and economic systems, and the possible characterization of the State's Forestry Service as an outreach structure in this process of state formation.

## Chapter 12

# Planting Power: Forestry and State Formation

### Introduction: Research Questions and Methodology

My research has sought to trace the role of the state Forestry Service in the process of state formation by analyzing the afforestation of the commons in northern Portugal from the perspectives of political economy and legal pluralism. I showed how the framework by which the state defined the *baldios'* legal status, changed from common property into land owned by parishes or municipalities. I portrayed also how certain institutional practices, such as the zonation of the use of the commons by the demarcation of so-called *coutos*, the apportionment of brush to the individual commoner households (the *partilhas* of *estrume*), the grazing of small ruminants in combined herds (*vezeiras*), and the regulation of the use of the *baldios* though by-laws (*posturas*), disappeared or were transformed as a result of specific state interventions. Afforestation of the *baldios* was one of these interventions. It was developed by a separate branch within the state bureaucracy, the Forestry Service. As a result of its actions on the commons, this bureaucracy was able to expand in terms of the number of staff employed and the size of the area under its control. Consequently, the control over the commons became an essential condition to the organization's survival in its present form. The realization of that interest guided the Service's actions in the national political arena. The *baldios'* afforestation was one of these interventions, but not the only one. I have also pointed to the role of the Internal Resettlement Board (JCI) and the introduction of new taxes. In addition to these interventions, general social changes such as mass emigration, the adoption of new farming technologies, and the substitution of milk for meat production, contributed to these transformations as well. These general changes were, just as the commons' afforestation itself, related to modifications in the position of the regions where the commons were located and of the commons themselves in the overall national and international economic systems.

In the rest of this chapter, I develop the implications of these findings. I will start with a short elaboration on the research questions that I formulated in chapter 3. I will continue with a discussion of the research's implications for the three debates I analyzed also in chapter 3, the way in which one should look upon the state and state formation, and the role of law. Finally, I will address the indications this research has provided for possible future developments of both the Forestry Service, and the *baldios*.

In chapter 3, I formulated several research questions. These questions can be summarized into three main queries. The first is: Can the abolition of common

property be seen as an element of the bourgeois revolution, which was aimed at the capitalist transformation of Portuguese society and economy? The second is: Can the restitution of the commons in 1976 be seen as a countertendency directed at the revitalization of local self-government and the decentralization of the State? And the third query is: What was the role of the Forestry Service in these processes?

The answer to the first question, whether the abolishment of common property can be seen as an element of the bourgeois revolution, consists of two parts. At a concrete level, the bourgeois revolution entails the replacement of other forms of property with the *dominium plenum* form. The interventions of the state, partitioning and afforestation, transformed the *baldios'* legal form and turned it into *dominium plenum*, either in the hands of individual farmers or in the hands of public bodies such as the parish council and the Forestry Service. Hence, one has to conclude that, at least as far as the legal form of property is concerned, the interventions of the JCI and the Forestry Service were indeed part of a bourgeois revolution. On a more abstract level, the bourgeois revolution entails the transformation of a non-capitalist society into a capitalist society. Consequently, the existence of common property such as the *baldios* has been used as an indicator of the endurance of a non-capitalist social organization. In the case of Campeã, however, common property coexisted with capitalist social relations. For although common property arrangements formally impeded full appropriation by the capitalists in the area, in reality, these capitalists were able to monopolize the use of the *baldios* to a large extent by the simple fact that they owned the necessary means needed to exploit them; cattle and land. This means that in Campeã, the abolition of common property as a result of state interventions (partitioning and afforestation) did not involve the development or penetration of capitalism. Therefore, at a more abstract level, it does *not* make sense to understand this abolition as an element of a bourgeois revolution.

The second question is whether the 1976 restitution of the commons represents a countertendency, directed at the revitalization of local self-government. There is no definite answer to this question. First, the populations could only get their commons back by *complying* with the State's law. This law was rather complicated and specified in detail the way in which the commoners should organize their management. The pre-existing organization model was based on the election of one overseer or caretaker (*zelador*) by the commoners. The new law abolished this model and replaced the single *zelador* with a commission consisting of five members. According to the law, and if the population did not choose otherwise, one of these members would be the local forest guard. In this way, the law safeguarded the Forestry Service's control over the management of the commons. Because of the substitution of a new, state-defined, organizational structure for the old model, which had been rooted in the commoners community's tradition of self-government, and because of the (formal) introduction of direct state supervision into the new management

organization, the restoration of the commons led to the expansion of state control. This expansion was even more ingenious than the model that the State followed prior to the revolution. Until the revolution, the people were confronted with a custodial-paramilitary apparatus. The guards who represented this apparatus in the rural areas, did not penetrate into the rural populations' own institutions, but resided far from the villages in dwellings in the middle of the forest. This was changed after 1976, when the Forestry Service officially became an advisory organization: a service to the public instead of a service to the State, and its officials formally became members of the commoners' management commissions. As a result, opposition and conflict between the commoners and the State and its officials became less obvious. The State, embodied in the forest officials, could become a part of the commoners' societies, instead of its alien enemy.

The restoration of the commons implied the strengthening of state control over the countryside. But, together with the restoration of the commons, the State itself was changed. Until 1974, it was a dictatorship. After 1974, the political relations were democratized. The people could criticize politicians and officials without being afraid of ending up in jail, and there were free multi-party elections. In such a context, the Forestry Service could no longer act as prepotently as it had done under the previous regime, even if it would have wanted to. In the forest, its guards met difficulties in maintaining their authority and enforcing forest laws. Within the State, the Service had to take into account the new role of political parties. Thus, the submission of local communities to the State was accompanied by the strengthening of the power of the local population over the State through their democratically elected representatives. Contrary to in the past, today the population has the means to stand up against the Forestry Service and realize its own projects with its commons.

The answers to the first research questions reveal the role of the Forestry Service. They indicate that one can understand public forestry as a means of politically and economically integrating largely autonomous rural areas into the state. The state Forestry Service can be conceived as an outreach structure. Through the Forestry Service, the central State could penetrate into, articulate with, and acquire control over local communities. The Service's success as an outreach structure depended partly upon the financial means it received for the expansion of its staff and the area under its control, the legal authority given to its guards, and the weapons these guards were entitled to carry and use. In addition, the Service's role in the establishment of state power over the rural population was contingent upon the fear and the consent its guards raised among the people. It depended upon the extent to which the population consented to the afforestation of their *baldios*, and whether they accepted that afforestation as something necessary and beneficial. The Service also depended upon the complicity from the population, or important parts of that population, such that they themselves would feel they could benefit from afforestation. These

elements, fear, consent, and complicity, codetermined the real authority the Forestry Service could exercise over the people.

The formal legal attributes of the Service, and the fear, consent, and complicity it generated among the population, changed over time. These changes were related to modifications in the state form: the substitution of parliamentary democracy for the authoritarian regime of the *Estado Novo*, the development of parliamentarism as a form of representation, and the replacement of direction with various forms of facilitation and support as the predominant forms of intervention. With regard to the relations between local communities and the central State, this change in state form can be summarized by the substitution of politics for administration. After 1976 politicians and political parties ran the State, rather than the bureaucrats. This meant that after 1976 the role of the Forestry Service as an outreach structure became less important. The mediation between the State and the rural communities now took place more through the political parties. The recent declassification of the Forestry Service as an outreach structure is also the result of the way in which the organization itself reacted to the 1976 reforms. In practice, forestry officials rarely attended meetings of commoners' commissions, although in most cases, they were formally entitled to do so. In that manner, the Service did not exploit the opportunities to enlarge its role as an outreach structure.

This research has shown how the relations within and between the State and rural communities changed. These changes have not been described in a simple, one-dimensional and unilinear way. Instead, these descriptions were sensitive to the contradictory nature of these transformations. I have not presented the State as a monolith which invaded the countryside and forced the population to accept subjection. The communities and the people composing them were not portrayed as homogeneous societies, nor as victims of the State, but as active actors. The process of state formation was not delineated as a unilinear evolution. Instead, I have pointed to the oscillating and contradictory nature of this process, in which some elements point to the strengthening of state power vis-a-vis the society and others to its weakening.

The drawing of a diversified image was possible because of the theoretical approach selected. I combined three different perspectives: an economic, a political, and a legal anthropological. This combination was sensitive to the importance of commodities and (natural) resources, the political nature of the social struggle over the control of these commodities and resources, and the role of actors and their normative frameworks in that struggle. I believe that this combination has enabled a portrayal of social reality without falling into the traps of stereotypes, evolutionism, or an instrumentalist account of the subjugation of the countryside to the State's political centre and economic elite. I also believe that it has resulted in a coherent image of state formation without obscuring its complexity.

The book has presented the role of the afforestation of the commons in the process of state formation by looking at the way in which control over the

commons was transferred from the village communities to the State. Ideology is an important dimension of that process, as it provides the elements by which the state can legitimize itself. The state exploits the claim that its existence and actions should be considered "good", "just", and "correct". For the purpose of this research, I elaborated on one aspect of that dimension: the ideological affirmations made by foresters. Foresters claimed that the afforestation of the commons transcended particular interests. I argued that, in doing so, the Forestry Service actually was promoting the acceptance of the State's specific perception of what the public's best interest was; they had defined what should be considered the public good. In that sense, the state Forestry Service could contribute to the suppression of differing beliefs and values about what is good for the people other than those of State. Consequently, it contributed to the state's ideological hegemony. In chapter 4, I mentioned the role of education and propaganda (through a bridled "independent" press) in mobilizing the population by claiming that planting trees on the commons would be a marvellous enterprise which in the end would benefit all. However, the extent to which this claimed public benefit nature of the afforestation of the commons was really internalized by the population of regions such as Trás-os-Montes, has remained largely in the dark. After the revolution, the people no longer objected to the forests, but rather they did object to the presence of the Forestry Service (see chapter 8). This suggests that a kind of consensus had been reached among the population concerning the value of forests. But the extent to which this acceptance of the forests on their commons is an indication that the people had actually come to accept the State's and foresters' ideology, remains a subject for future inquiries.

### Debates on Forestry, Common Property and Rural Communities

In chapter 3, I pointed out that this book touched upon three different debates. These debates concern the nature of state forestry and the need to abandon a custodial-paramilitary approach, common-property regimes, and the nature of commoners' communities.

With respect to the first debate, this book assumes that the custodial-paramilitary approach should be abandoned. This research is a plea in favour of social forestry, i.e., an approach to forestry that involves local communities in the management and the revenues of the forests. My objections to the other approach, state-led forestry, are not only related to the Forestry Service's prepotent posture, but also to the obvious limitations of that model. In the cases described in this book, state-led afforestation brought few benefits to the population apart from insignificant opportunities for low-paid employment. After the revolution, the village communities regained their control over the management and revenues from the commons. The subsequent flow of funds to

villages has helped to improve the living conditions in the countryside. But benefits for the population and the Forestry Service would be much larger if the latter would really support the commoners in their use of the *baldios*. It is obvious that in many villages, experience with forest management is insufficient. The clarification of management practices would certainly improve the productivity of both the commoners' and the state-managed stands.

The title of this book, *Planting Power*, expresses the double-edged character of afforestation. The act of tree planting is an implantation of state power. Planting trees is not merely technical but also political. By planting trees, the Portuguese State attempted to acquire control over the people. This implantation of state power should not be conceptualized in the same way as Baptista (1978a, 1993), Monteiro (1985), and Rodrigues (1987) conceptualize it. These authors portray the history of the afforestation of the commons as a "military invasion" and "occupation" by a powerful forestry "army". The corollary of this image is that of a poor and helpless rural population. That population in their work was portrayed as the powerless victims of the overwhelming strength mustered by the State and its forest guards, armed with guns and legal dispositions that gave them sweeping policing authority. These officers and their organization drove the rural population, the original users and owners of the land, from their pastures, robbed them of their brush land, and in the end, stole their future. This book has shown that these images are naive. Both State and society (i.e., rural communities) are internally divided.

This image of a homogeneous and harmonious commoners society can also be found in the literature on common property. Earlier in this book, in chapter 3, I criticized the idealization of closed corporate communities and communalist forms of social organization, and the tendency of students of common property to assume rural egalitarianism. The description of Campeã in chapter 6 has shown that such a critique is justified. This parish was characterized by a sharp inequality between landowners and day labourers. I gave examples of rivalry within commoners' communities. In Campeã, in the 1950s, the elite members in control of the Parish Council and the *Comissão Político* defended the partitioning of the commons, whereas others petitioned its undoing (see chapter 7). In chapter 10, I presented many more rivalries, for example, between families, villages, and political parties. These examples indicate that a simple populist approach to a common-property situation will easily neglect the fact that control over the commons can constitute an important resource in these intragroup struggles.

This book has also highlighted the internal contradictory nature of the commons. In the cases described in this book, the use of the commons entailed the individual appropriation of the fruits of a resource which is exploited by a collective. As a result, the commons were particularly important for those individuals who had the means to use them, i.e., a lot of cattle, land, or both. Commons do not preclude social inequality, they may even enhance it.

### State Formation and the Forestry Service: Capital, Coercion and Complicity

One of the core concepts of this book is the state. Therefore, I dedicated a large part of chapter 2 to the discussion of its nature, how it should be delineated from its non-state environment, and how one should look at the process of state formation in relation to law and forestry. In that chapter, I developed several concepts: the distinction between States and states, sovereignty as the (S/s)tate's defining characteristic, and ideological hegemony. The first distinction was made in order to point out that, in this book, the State is an apparatus rather than a polity. The second concept was used to supplant law as a means of dividing the State from its Non-State environment. By referring to sovereignty rather than to law, it became possible to "de-digitalize" the State, and for instance put emphasis on the non-state characteristics of state apparatuses such as parish councils and municipal councils. The concept of hegemony was used in two manners. First, it was used to illuminate how States and state institutions mobilize social support or active consent from among their subjects by referring to hegemonic concepts, which claim to address the public need of the nation. In this manner, the state Forestry Service legitimated the forceful afforestation of the *baldios*. Second, it was used to show how certain factions inside or outside the State, may try to mobilize the State for their own aims. Foresters were a case in point. They constantly referred to forests as a societal good rather than a private enterprise of forest operators and owners in order to acquire support from the State for the afforestation of the *baldios*.

State formation was defined as "giving form to the (S/s)tate". The concept was used to indicate both the expansion and contraction of the State's power over its subjects and the transformations in statehood and state form, i.e., changes in the form of intervention and representation. In my analysis of the concept of state formation, I used, among others, Tilly's book (1992) *Coercion, Capital and European States AD 990-1990*. As the title suggests, his key concepts are capital and coercion. In his book he shows how the success of a certain polity depends upon its relative strengths at the military and the economic levels. The most successful states were those which like France, Britain, and Germany combined the best of both. Tilly uses the terms "capital" and "coercion" in a rather loose manner. "Capital" refers mainly to finances and money in a mercantilist or industrializing economy. "Coercion" refers to both military power and the coercive powers of the sovereign over his vassals and the agricultural population. As I argued in chapter 2, I believe that Tilly missed an essential feature of what power is. Power is a relational concept. Both parties are responsible for the existence of a certain power relation between a the superior and a subaltern. The latter has to accept his superior's power; he has to cooperate. This point is elaborated on in the next sections.

## Capital

Similar to Tilly, I equate capital to money or revenues or wealth. But I also approach it according to the Marxist tradition, as a means of production.

The role of capital in the shape of money or revenues or wealth in state formation has been described in chapter 7. In that chapter, I demonstrated that together with the power over the regulation of the exploitation of the *baldios*, the villages in Campeã lost control over the revenues to the State and its Forestry Service. After 1922, the hamlets had to pay a certain tax to the Parish Council, which also received half of the fines applied in the commons. From 1946 on, a licensing system for sheep and goat herding, which was introduced under pressure from the municipal authorities, created a new flow of money from the users of the commons to the Parish Council. However, since the mid-fifties the flow of money from the *baldios* into the parish's strongbox has dwindled. The flow of money from the licensing of sheep and goat herding dried up when pastoralism collapsed. After 1955 the municipality and the district extracted a share of these fines for the poor's asylum and for the industrial development fund. From 1956 on, the commons ceased to be a regular source of income as its division and afforestation put an end to the taxation system. Thus the parish lost all regular income from the commons apart from sales of (small) portions designated for this purpose by the JCI. Thus, the real riches on the *baldios* were controlled by the Forestry Service. This body administered the trees which, at least potentially, constituted an important source of wealth. In the end, the Parish Council was going to benefit from this new source, as well, but only to the limited extent of 10% of the gross revenues. But as most of the stands burned down before reaching maturity, the Council never received a cent. In short, until 1976, the real beneficiary of the various state interventions in the commons of Campeã was the central State in the form of the Forestry Service.

Approaching capital from a Marxist perspective involves the identification of changes in accumulation regimes or modes of production in connection to the process of state formation. Until the 1960s, the commons sustained a capitalist form of accumulation in the parish. Although all parishioners had access to them, the ones who profited most from the commons were the employer-farmers. They held a large number of livestock and took most of the green manure. The intervention by the JCI particularly favoured this elite, enabling them to close off the commons to other users. The intervention by the Forestry Service constrained the wealthier landowners by reducing the area open to agriculture-related forms of exploitation (grazing, manure collection). But it did not put an end to the existing agrarian structure. This structure changed primarily due to the development of better-paid employment opportunities in countries in the northwest of Europe. Emigration became an option for the relatively poor working population of the countryside of northern Portugal. Abroad, the immigrants supported capitalist accumulation in the industries in

which they were employed. At home, lack of labourers, the increasing availability of new farming technologies, and the inflow of money led to the disappearance of capitalist farms and their replacement by family farms.

The afforestation of the *baldios* did not trigger the transformation of the agrarian structure in Campeã. It did, however, change the role of the commons in accumulation. The *baldios* turned into the suppliers of raw material to industries outside the parish. In this way, the *baldios* supported accumulation in the capitalist timber industries in other parts of the country.

The 1976 law partially changed the role of the commons. The villagers, when organized in management commissions, could claim a share of between 60% and 100% of the gross revenues of the tree stands. This money was invested in public amenities or in infrastructural works such as the irrigation system and the milking parlour in Cidadelha de Aguiar. In the case of these infrastructural investments, one should realize that they disproportionately benefitted the already advantaged farmers. Those with access to irrigation water had their irrigation capacity increased. Similarly, if it had been completed, the milking parlour would have been significantly beneficial to the few farmers with cattle. These improvements discriminated against the villagers without water and cattle. Even the villagers with larger shares and more livestock benefitted more than those with smaller shares or livestock. In this manner, the *baldios*, after their afforestation and under the conditions of the 1976 law, favoured the more prosperous producers in a community.

### Coercion

There is great debate over the concept of power. Power emerges in a relationship between (at least) two oppositional parties in which both parts determine who is able to control the other and to what extent. Coercion is a form of power. It literally means "compulsion" or "intimidation". Tilly (1992) uses it for understanding the military power of the state in relation with other states and for the compulsory force of the State and its sovereign against its vassals and its subjects. In the second meaning, it is similar to the Marxist concept of primitive accumulation in non-capitalist modes of production. The coercive enclosure of the Campean commons on behalf of farmers and the state Forestry Service was an example of primitive accumulation, but in a capitalist context.

During my research, I did not discover many instances of violent compulsion by or on behalf of the Forestry Service. I mentioned the sweeping legal powers held by the forest guards, who could accuse and arrest persons without the need of supportive testimonies, but I did not identify cases of guards acting accordingly. I quoted the events in Serpins, where the army intervened in order to enforce afforestation, and I mentioned the intervention of the police in São Tomé do Castelo for similar reasons. In Campeã, however, the Forestry Service

did not need to use force. It seems that in this parish, despite some misgivings, the afforestation of the *baldios* could proceed without the use of brute force.

The absence of brute force does not mean that coercion was not used. When people in the parish objected to the partitioning of the commons by the JCI, the JCI threatened to hand the area over to Forestry Service if the population did not cooperate. This was clearly a form of coercion, also because on the same occasion, officials and institutions with access to coercive powers such as the *regedor* (charged with maintaining public order in the parish), the *Comissão Político* (charged with supervising political loyalty in the parish), and the district's governor became involved. In addition, coercion was exercised in a more indirect and subtle way; through the modifications of the parish by-laws.

The main function of the parish by-laws was the codification of a normative framework, which could guide the exploitation of the *baldios* in the commons by the different village communities. Compliance with these rules was enforced by local overseers (*zeladores*), and, if they failed, by the military police (GNR). In that sense, these by-laws had a coercive component. During the 1950s, the Parish Council was forced to accept new regulations on the use of the commons and new restrictions on the grazing of sheep and goats. These new restrictions, which were formulated under the guidance of authorities higher up in the state hierarchy, on the one hand, implied a stricter supervision of the sheep and goat herders, and on the other hand, more control over the parish authorities. The parish authorities were forced to comply with demands coming from the central State, and apply the new rules to those concerned. In that manner, the reformulation of the parish by-laws was a subtle form of coercion which led to the subjection of the parish to the State.

The power of the forest "troops", the guards charged with policing the forest perimeters, cannot be reduced to their formal authority as policemen or to their right to bear and use arms against poachers and other trespassers. The guard quoted in chapter 5 made clear that the effectiveness of these formal rights depended upon the extent to which (he believed that) the trespassers feared the guard. The fact that he thought that they would not respect him, made his authority merely cosmetic. Afraid that he would get hurt, he would let the poacher go instead of using his official powers to arrest him.

### Complicity

Power is not only a matter of coercion, it is also a matter of complicity. Power points to the ability to change someone else's behaviour or thinking. Sometimes it is understood as the property of a person or institution. For instance, he (it) *has* power, because he (it) owns or controls the allocative and authoritative resources (Nagel 1976; Giddens 1981:4). Sometimes it is seen as the ability to choose. In such a perspective, anybody who can *refuse* to do what somebody else wants him or her to do, has power ("the freedom to act otherwise",

Giddens 1981:4) This position is defended by authors such as Foucault (1983), Scott (1985, 1991) and Karskens (1986). In either of these senses it is a relational concept. One always has power in relation to somebody else. And in either of these perspectives, power depends upon cooperation. The example of the guard shows that whether his authority became effective depended upon the "willingness" (even if achieved under severe threat) of those subjected to his power.

The "willingness" of the objects of power to cooperate and accept that power, has been approached in different ways. One way has been the concept of hegemony. According to that concept, both parties involved in the power relation share (or believe to share) a notion of the legitimacy of that relationship. The subaltern accepts the normative grounds upon which his superior bases his power. In this manner, in a society, there exists active consent among the subalterns, which entails the acceptance of the rightfulness of the existing social relations.

The problem of such an interpretation of hegemony and power is, that it blames the victim. The weaker party in a power relation obeys the stronger because he or she (correctly or incorrectly) believes that it is the right thing to do. Ultimately such a concept of power means that he or she oppresses his- or herself by accepting the subordinate position. This acceptance occurs through a misunderstanding of the actual social relations. Inequality and exploitation remain either unobserved, or are accepted as natural, necessary, or just. In short, the oppressed has a false consciousness. Unlike consent, the concept of complicity does not assume that the parties in a power relationship share a normative framework or ideology. It does not imply that the obedient have a false consciousness. Complicity rests on the assumption that people obey consciously, out of a certain interest. It can be applied to situations in which people within different social entities such as state bureaucracies and parish societies, understand that they have certain interests in common. It is based on the fact that these entities do not constitute a whole, but are internally differentiated.

When the Forestry Service intervened, the local society was divided by cleavages along political and economic lines. Hence, it was hardly surprising that this society did not form a united front when the state entered. Some segments collaborated because they expected certain benefits for themselves. At the beginning of the century, municipal authorities like those in Lousã tried to employ the Forestry Service against insubordinate parishes in order to gain control over the latter's resources. In Campeã, in the 1950s, parish councillors and other members of the local elite endorsed the intervention of the JCI because it would bring them personal benefits.

The fact that a state agency such as the JCI could mobilize complicity was very important, for it triggered a chain of similar relations within the parish. If a sufficient number of parishioners could benefit from an intervention, they could mobilize their dependents and supporters, and so forth. In this manner,

through complicity, decisions could be taken which would undermine the autonomy of the parish as a whole and favour the interests of only a part of its population.

The concept of complicity also helps to explain why, unlike the JCI, the Forestry Service had so many difficulties during the implementation of its afforestation project. The afforestation offered employment only to a small segment of the rural poor. It offered no benefits to the local elite. To the contrary, afforestation threatened the elite's grazing and brush land. It disturbed the labour market on which these employer-farmers relied, because it influenced the balance between the supply and demand for labour. The jobs it created were not suited to the local elite. On the one hand, they demanded hard manual labour which did not correspond to the elite's lifestyle, on the other hand, they required specific technical knowledge which went beyond the elite's capacities. Thus, the local elite had no reason to endorse the afforestation project and the Forestry Service found it much more difficult to do its job than the JCI.

In the end, the Forestry Service was able to complete afforestation in Campeã without any real problems. Contrary to earlier attempts in Serpins, the inhabitants of the parish did not boycott the afforestation works, but as far as I have been able to ascertain, were happy to join them and did not engage in sabotage or other oppositional activities. Yet the Service has never been able to win over the hearts of the population. The people continue to look upon it as the main cause behind the disappearance of their old way of life, pastoralism, and they see the consequence of this change as the main driving force behind massive emigration during the 1960s.

In this manner, the concept of complicity helps to understand the contradictory nature of state formation and the role of the Forestry Service in that process. On the one hand, the afforestation of the commons was coercive; it entailed planting power. On the other, there was a lack of complicity among the population. The strata of the population the Forestry Service needed to enlist, were not supportive and their resentment of the Forestry Service's actions made the expansion of state control over the countryside more difficult. Through forestry, the State became more present and tangible in the countryside, but it also became more contestable.

### Law as a Political Construction: The Legal Status of the *Baldios*.

Law plays an important part in this book. It underlies most of the discussions in chapter 4, 5, and 7 and is central to chapters 8 and 10. The material I have presented leads to two conclusions regarding law in general and the legal status of the *baldios* in particular. The first conclusion is that law is socially constructed. Specifically, it is the product of *political* struggle. Conversely, political struggles are restated in terms of normative claims. Law is also a

resource in that straggle. The second conclusion is that statutory state law is only one of the normative frameworks that influence social action. There is legal pluralism.

The forestry officials justified their actions with the statements made by politicians, and, in particular, with the laws into which these politicians had translated the foresters' projects. This type of legislation, e.g., the law that approved the *Piano do Povoamento Florestal*, is overtly political. It is nothing but the adornment of an administrative decision with the rubber stamp of parliamentary approval. But even more fundamental and less administrative edicts such as the regulation of property are ultimately political statements.

Laws also have normative grounds. They are legitimated by references to an intangible (and socially and politically constructed) notion of justice. In particular, with respect to the relation between the State and the commoners and the consequent legal stature of the *baldios*, this basic notion of "what is right" plays an important political role.

In the case of the commons, it is possible to observe two concrete positions with respect to what is just. The first position entails the claim that the commons belonged to the village communities *desde o mundo é mundo*, (ever since the world began; the phrase is by Aquilino Ribeiro), or since the beginning of time. This idea of original communal property can, for instance, be found in the work of anthropologists such as Dias (1948, 1953) and presently still underpins the actions of the Communist Party and the regional secretariat of *baldios* commissions in Vila Real. It is not typical in Portuguese discussions on common-property regimes, but can also be found in the work of authors such as Engels and Eckardt, and in many contemporary studies on communal land management (for example, Acharya 1989; Berkes *et al.* 1989; Bunyard 1994; Editors 1994; contrast with Fisher 1989).

The second interpretation of what is just, is exactly the opposite. At the beginning of a nation's history, everything belonged to the king. He held the paramount ownership of all resources within his realm and could hand these rights to his vassals and subjects. This approach can be found in Buis's work. In Portugal, it has sustained the PSD's and the CDS's campaign against the 1976 legislation. The present political relevance of both claims is obvious. Saying that the *baldios* originally belonged to the king means that the State, as the king's lawful successor, can take them back. If one assumes the opposite position, any claim made by a king or a State to the *baldios* is an act of robbery.

There is no empirically motivated correct stand possible in this debate between "communists" and "statists". Both claims are mythical in the sense that they are presented as rooted in historical facts, although they cannot be sustained or falsified empirically. Basically, they are assumptions. There is no original owner, one can almost always identify a predecessor. In almost all cases, other people and other (S/s)tates occupied the area before the present ones. Thus, in a historical perspective, all property is theft.

Theft and appropriation are acts in an ongoing social struggle. The redefinitions of the legal status of the *baldios* should be seen within this perspective. They followed the shifts in the balance of power between the central state and rural communities. The present *baldios* began in the Middle Ages as formal property of the Crown (*reguengos*), the nobility or the Church (*maninhos*), or the municipalities or the communities (*baldios*). But their juridical status became increasingly nebulous as a result of a constant mixing of different forms of dominion and use. In the eighteenth century, Tomaz Vila Nova de Portugal reclassified the commons as private property (*maninhos*), as municipal property (*bens do concelho*), or as land which belonged to village communities (*logmdouros comuns* or "true" *baldios*). In the nineteenth century, after the institution of the parish as an administrative body within the state hierarchy and the abolition of feudal rights, the concept of *maninho* lost its juridical significance, and the commons were divided into either land belonging to the municipalities or land belonging to the parishes. At the same time, the civil code attributed a separate legal status to communal property. Hence, even then, the *baldios* were neither public nor private property of these administrative bodies, although these entities were responsible for their administration. In 1966 the juridical confusion over the legal status of the commons was resolved by erasing the concept of common property from the civil code. The commons officially became the private property of the local administrative bodies, the parishes and the municipalities. They remained, however, subject to certain communal exploitation rights. This situation changed again in 1976, when the constitution attributed a separate legal status to the commons as part of the sector of collective means of production and the 1976 law on the commons reinstalled the commoners as the rightful managers and users of the land. Although common property itself was not formally re-created, the subsequent jurisprudence confirmed that these legal formulas together resulted into the commoners' property rights.

The persistence and re-creation of the *baldios* as a separate legal category within a context of capitalism indicates that Brandão and Rowland (1980) and Hespanha (1980) were wrong when they assumed that there was a direct relation between the economy and law. This research has supported Renner's (1979:109-110) postulate that such a relation does not exist.

This review of the evolution of formal legal arrangements regarding the commons shows that under the ancien régime, the administrative and judicial arrangements were confusing because of the enlacement of communal, feudal, ecclesiastical, and royal (statal) responsibilities. This confusion was resolved only in 1911, when, after the abolition of feudal privileges with respect to judicial and administrative matters, State and Church were finally separated. In 1976, it reemerged in a new form because of the so-called parallelism of powers between parish councils and commoners' assemblies. This new ambiguity was also the cause of new political struggles. Furthermore, the

ongoing process of change in the formal status of the commons has led to a situation in which actors appeal to different concepts from different epochs.

This appeal to different normative frameworks can be understood by the concept of legal pluralism. The quintessence of legal pluralism is that within a society different groups develop their own normative frameworks. The state legislators form only one of these groups. Their norms are among many sets which influence human action. The case of Vila Verde shows that past institutional arrangements still may influence present situations. The claims of the Parish Council of Parada de Pinhão over commons in Vila Verde were based upon the ancient concept of *maninho*, and the population of Balsa and Vale de Agodim's initial acquiescence was based on an incomplete secularization. Because they still accepted the authority of the ecclesiastical parish, they also consented to the civil parish's claims over their commons (see chapter 10).

The concept of legal pluralism may suggest that the different normative frameworks can be separated empirically and analytically. Santos (1987) makes this very clear with his comparison of laws and mapping: different legal systems refer to different scales and forms of projection. In reality, however, the different legal systems are mutually dependent and shape each other. They are only distinguishable in the sense that they refer to different sources of authority. In daily life, to agents who are acting with and within these different normative sets, they may well appear as one system. The Vila Verde case is a case in point. It shows how in a certain setting rules are maintained which no longer correspond to the statutory state law, but are based on elements of previous legislation. Another example is the *juiz de vintena*, who was both a royal functionary installed at the local level, and a *vizinho* who looked after locally defined rules and customs. In the daily practice of village life, it did not matter whether the state or the community had created the caretaker's office. What really counted was that the office holder was a community member with a specific task and authority acknowledged by both the local community and the state.

Until 1976, the evolution of the formal arrangements of the commons as they have been developed by the law, clearly pointed towards privatization and statization of the commons. This evolution was reflected in social reality. There was a gradual decrease in the area submitted to communal exploitation rights. Next to the usurpation of communal land by local proprietors, the parish and municipal councils sold parcels of land to inhabitants for growing brush, for cultivating, or for construction purposes. From the late nineteenth century on, this policy was accompanied by measures leading to the statization of the land through its submission to the forestry regime. The ownership (*posse*) of the commons was transferred to the state Forestry Service under the continuation of municipal or parish proprietorship (*propriedade*); the population's traditional usufructuary rights were to be respected as far as forest management permitted.

## The Future of the Forestry Service

The great tactical miscalculation that the Forestry Service committed, was that it did not effectively try to engage the local population in its programme. Hence, in 1974, the people from the Vouga area threatened to expel the Service from their *baldios*. Nevertheless, after 1976, the Forestry Service continued to operate in the same manner as before. Although it officially had members on the majority of the commoners' management commissions, the forest officials did not attend meetings except when there were specific conflicts such as the election in Bragado. The officials also failed to enlighten the commoners on the technical aspects of forest management. Instead, the Forestry Service stayed where it was, behind the protective borders of the forestry regime and continued to administer these areas without really involving the local population.

This mistake was extremely significant as the Service did not bring tangible benefits to those living in the areas where it intervened. During the afforestation, it offered only a limited number of jobs, and employment decreased when tree planting was completed. Within the local social constellation, the Service had no official political affiliation representative of the class differences. If it had sided with the wealthy, it could have had more opportunities to mobilize support from the population by capitalizing on the existing traditional power relations and loyalties through which the elite controlled its subordinates. The Forestry Service would have avoided the opposition it met in places such as the Vouga area if it had obtained the complicity of the elite. The local elite played a key role in the opposition movement in that region. If the Forestry Service had sided with the poor by offering better wages or creating more jobs, it would have improved the living conditions of the destitute population of the areas in which it worked. In doing so, the Service would have obtained a better reputation. In that manner, the Service would have created broader support from the people. If the Service had sided with the elite or with the destitute strata, it might have avoided its near- eviction from the *baldios* between 1974-1976.

The Service's behaviour can be explained in several ways. One is related to the general political structure (state form), another concerns the particular character of the Service and of forestry itself. During the *Estado Novo*, popular participation was not encouraged. Salazar's power in the countryside rested primarily on the fact that he protected the elite and conserved the traditional loyalty structure within the parish. Hence, it was almost unthinkable that a state agency would undertake actions such as paying higher wages than employer-farmers, thereby undermining that traditional loyalty structure. This is also why the Forestry Service, allegedly under the personal instructions of Salazar himself, would suspend its activities during the agricultural season. Afforestation was not to disturb the market for agricultural labour. Furthermore, the Service began as a paramilitary organization. Initially, its guards were former military servicemen with sweeping policing powers. In this respect, it

was a coercive state apparatus, and by its rigid, regulated nature unsuited to a more open attitude towards the local population.

Although the Forestry Service's behaviour can be understood from its history, it is quite clear that its failure to adapt itself to new conditions can pose a serious threat to its future. Just as the *baldios* have been contested, the future of the Forestry Service is also debatable. The 1993 law on the commons was a defeat for the Service, since it lost the right to its primary role in *baldios* matters. This defeat was translated into changes in the Service's status. Also in 1993, it lost its position as a Directorate-General within the Ministry of Agriculture and was turned into a semi-private institution, the *Instituto Florestal* (*Decreto-Lei* 94/93 of 2 April 1993). Thus far, this change has had little effect except that some boundaries of circumscriptions were changed, and that forestry administrations were grouped into large sections and placed in a hierarchical order with a new administrative tier created between the circumscription and the administration. Moreover, some additional administrations in the south were opened. The 1993 law on the *baldios* has created many more openings for commoners to concede (delegate) the administration of their *baldios* to third parties, e.g., the forestry subsidiaries of paperpulp companies. Consequently, in the future, the Service is likely to lose its monopoly on the management of the *baldios* to other forestry agencies and enterprises. The loss of that monopoly will necessarily lead to a qualitative change or even reduction in the Service's apparatus.

The 1993 transformation of the forestry bureaucracy is part of these more general developments. It was correlated to its reorientation toward a service organization instead of an administrative apparatus. This reorientation could be beneficial to the commoners. It could imply that the Service will begin to consider the commoners as clients instead of as landlords. It is possible that in the future, the Forestry Service will do what it has failed to do in the past; help the commoners and make the population committed to forestry. However, it is more likely that the Service will orient itself more towards powerful and resource-rich patrons such as large landowners and industries, and to more lucrative forest species such as fast-growing broadleaves. This would not only lead to a further abandonment of the commons, but also result in a supplementary submission of the forests in Portugal to the interests of the pulp producers. As long as the paperpulp companies and their forestry subsidiaries do not succeed in cultivating eucalyptuses that are resistant to the cold of the higher mountain ranges, the people in Campeã will hardly notice the difference. But if the industry succeeds in producing such new varieties, it is likely that areas such as Campeã will also become the object of the pulp industry's intervention as well.

## The Future of the Commons

The commons have often been depicted as a relict of a primitive social and economic organization. My analysis of the evolution of the economy of Campeã has shown that such an assumption is incorrect. Instead, the *baldios* were part and parcel of a commoditized and proletarianized economy and society. This point is not only relevant for understanding commoners' communities better, but also for seeing a future for the commons. If the commons could persist for the last two centuries within a capitalist society, one cannot dismiss them as obsolete or antiquated. It is true that traditional forms of exploitation such as shepherding and collecting brush have declined. However, modern forms of exploitation on a communal basis have proven viable and important. One is forest management. Communities such as Cidadelha de Aguiar prove that villages may well be able to use their tree stands in a expedient manner if expertise is present or can be called upon. Furthermore, other forms of exploitation such as mining, the exploitation of mineral water (for example, in Ansiães), or commercial hunting may be developed. All these modern forms of exploiting the *baldios* involve a high degree of commoditization. The commoners thus collectively act as an entrepreneur.

What will be the future of the *baldios*? Will they persist as a different category of property and organization of access to resources? This question calls for a brief enumeration of different factors that are likely to influence the development path that will prevail. These factors are general tendencies such as labour migration, the policies related to the commons themselves and to the economic (agricultural) development of the regions in which they are located, and the political struggles waged by the local people themselves.

The most direct policy measure which affects the future of the commons is the legal status of the *baldios*. The 1993 law (*Lei* 68/93) maintains the commons and the management commissions but creates several obstacles for their persistence in the future. The new law, unlike earlier bills, leaves intact the idea of local administration in the hands of the commoners. The commissions are to consist of community members only, without a member appointed by the State (art. 20). However, all commissions in which the State and communities cooperate (modality b of art. 9 of *Decreto-Lei* 39/76) will continue to function as long as both parties agree to perpetuate their relationship (art. 37). The most important change in administration structure, is the creation of an auditing committee charged with supervising the management commission's financial administration (art. 11). This new element in the local organizational structure means that the burden on the community of managing the *baldios* is increased.

Other important modifications concern the protection of communal property from privatization and control by state institutions. Whereas the previous law prohibited any alienation of communal land, the new law allows the delegation of administration to another entity, such as the parish council or a relevant state bureaucracy (for instance, the Forestry Service) (art. 22). The new law also

enables the expropriation of *baldio* land by the State for the public good, and privatization on behalf of housing or industries (art. 29). Finally, the new law allows a *baldio* to become extinct through a unanimous decision by the commoners themselves or after ten years of "unjustified abandonment" (art. 29). (The law does not define the contents of this notion.)

However, the law does however also facilitate local management. The restriction that commission members may not be reelected is lifted. Now, enthusiastic *baldios* managers are not hindered by the formal obligation to step down. Of course, a drawback of this new regulation is that compared with the 1976 edict, it becomes more easy for a few influential community members to monopolize the commons.

Furthermore, the law is only one aspect of the policies which shape the future of the commons. The European Union's Agricultural Policy and the way in which this is translated at the national and regional levels is another and at least as important development which conditions the evolution of rural societies in northern Portugal and with them, the future of the commons. This policy is geared towards the gradual liquidation of so-called marginal farms. Farmers are encouraged to plant trees on their lands instead of cultivating crops such as maize and potatoes, or grazing cattle. The consequence of this policy is that the best farm land will be concentrated in the hands of a much smaller number of what according to European standards are modern and viable farms, whereas the majority of the land will be afforested. Consequently, "obsolete" farming practices will gradually fall into disuse, and the *baldios* will lose their role as supplier of green manure. As a result, the bushes on the *baldios* will continue to grow, and the area will become more prone to fire. Even today, this tendency is causing concern within the Forestry Service. Additionally, farmers willing to quit farming are likely to leave the rural areas. The countryside will increasingly become abandoned as the former farmers and present forest owners do not need to remain on their land in order to manage it. This development can already be seen in demographical statistics such as those presented in chapter 11. The departure of the population will undermine the capacity of villages to manage their *baldios*. As a result, it is highly probable that eventually through delegation or extinction due to "unjustified abandonment", the *baldios* will be administered by parish and municipal authorities, and disappear as a separate form of ownership and social organization.

There are, however, countertendencies to this process. As a strategy to counter the gradual depopulation of the countryside as a result of the liquidation of marginal farms, farmer movements try to develop quality production according to locally defined "traditional" production standards. In this manner, the farmers could find a new niche in the market, and sell their produce at higher prices than the bulk products produced by their modern and viable counterparts. An example of such a strategy is the promotion of local cattle varieties for meat, such as the *maronesa* and the *barosã*. This strategy also aims to protect these varieties through an association of farmers which looks after the

livestock's genetic purity, and checks whether the way in which the cattle are kept is sufficiently following tradition. Grazing the animals on the *baldios* is part of that tradition. At the political level, this strategy has obtained a certain amount of support. It has, for instance, become incorporated in the European agricultural policy (Reg(EEC) 2078/92, in particular art. 1.c, 2.d and 4.2).

It is too early to say which of these tendencies will prevail: the substitution of forestry for farming, or the revival of traditional, quality-oriented, production systems. In the case that the liquidation of farming takes place, this will probably lead to a further depopulation of the countryside. Forest management is labour extensive, and because of the concentration of forest-related industries in other areas, rural employment in the district of Vila Real will likely decrease. In such a context, the administration of the (afforested) *baldios* by village communities may, in specific cases such as Cidadelha de Aguiar, help to slow down the depopulation process. In the cases of communities which, like those in Campeã, control relatively small areas, the funds created through the management of the *baldios* will probably be insufficient to create the necessary infrastructure and amenities. As a result, the population will continue to depart from these communities. In the case that the development of the new traditional farming will be successful, the *baldios* will play a novel role in the economic system, not only as timber production areas, but also as the areas on which high quality meat is produced for the European market.

The type of development path northern Portugal is going to witness in the future depends on the outcome of the struggle around the national and European agricultural policies. It also depends on the struggles within the country and the region itself. Local leaders, political parties as well as the district's secretariat of *baldios* commissions play an important part in this battle for alternative futures. In reaction to 1993 law, the secretary of *baldios* commissions doubled its efforts to create new management commissions. As a result, in 1994 the district of Vila Real had more commissions than in 1990. However, whether these efforts will have a lasting result depends largely upon who will prevail in the dispute over the European agricultural policy. That will determine whether the commons and commoners of northern Portugal survive into the twenty-first century, or, like Gesteira in João Manuel Grilo's motion picture, face the threshold of their end.

## Glossary

<i>Alqueire</i>	Unit; circa 17 litres.
<i>Baldio</i>	The formal (legal) term for communal land.
<i>Câmara Municipal</i>	Municipal administrative body. Each <i>Câmara</i> exists of a president and members. The number of its members varies according to the status of the municipality (rural or urban) and t, art. 53). The size of its population between 2 and 6 members (Lei 79/77). Presently, all members are elected, but during the Estado Novo, the president and the vice-president were appointed by the central government (Administrative Code, art. 36).
<i>Casal de Família</i>	Land attributed to a household by the state for the establishment of a homestead. In order to acquire the land, the recipient had to satisfy certain conditions, such as to guarantee procreation; the land could not be sold nor divided upon inheritance. The legal basis for this type of homestead was created in 1920.
<i>Comarca</i>	Jurisdiction, area resorting under a court.
<i>Comissão Política</i>	Commission of parishioners. The lowest level of the <i>União Nacional</i> (UN, National Union), the single party during the Estado Novo
<i>Concelho</i>	The area administered by the <i>Câmara Municipal</i> . Each <i>concelho</i> or municipality consists of several <i>freguesias</i> or parishes.
<i>Conselho</i>	Literally: council. The word is used for the village councils held prior to 1976. During these councils among other things the management of the commons was arranged.
<i>Conto</i>	One thousand escudos.
<i>Coutada</i>	A preserve. In this book the term is particularly used for the royal hunting preserves, the <i>coutada real</i> .
<i>Couto</i>	An area reserved for a certain aim in which other forms of exploitation are forbidden. The term was particularly used for parts of the commons in which it was forbidden to collect brush.
<i>Escudo</i>	The present currency in Portugal; in 1995, 100 escudos (written as: 100\$00) equalled circa Dfl. 1.00.
<i>Estado Novo</i>	Corporatist and autocratic regime ruling the country between 1933 and 1977 under the leadership of António de Oliveira Salazar (until 1968) and Marcello Caetano (from 1968 till 1974). The official beginning is dated in 1933, when the corporatist constitution was

accepted. Salazar came however to power already in 1929. Autocratic rule had been installed three years earlier, after a military coup in May 1926.

<i>Estrume</i>	Fertilizer. Used for green and brown manure.
<i>Freguesia</i>	The present name for the secular parish. Several parishes together constitute a municipality or <i>concelho</i>
<i>Gleba</i>	Farm land, in the feudal system the land through which the serf was tied to his lord. The term was used for plots of <i>baldio</i> land which were attributed by the JCI to individual farmers.
<i>Jornaleiro</i>	Day labourer
<i>Juiz de Vintena</i>	Literally: 'judge of twenty'. The name stems from the royal regulation which determined that communities of over twenty households and more than one <i>légua</i> away from the capital of the <i>concelho</i> would elect a 'peace judge'. This peace judge would settle minor conflicts and crimes.
<i>Lavrador</i>	Literally: ploughman, i.e. a farmer with enough land to sustain a pair of oxen which can pull a plough. In this book the term is used for 'agriculturalist' and for 'middle farmer'.
<i>Léguas</i>	Unit; varying between 5 and 6 kilometres.
<i>Leira</i>	Land between two marks. Used for the strips of <i>baldio</i> land which during the <i>partilhas</i> were attributed to individual households for the collection of brush.
<i>Logradouro comum</i>	Land subjected to communal use; sometimes also for the communal use itself.
<i>Maninho</i>	Literally: uncultivated area. Estate of which the private owner(s) held the <i>dominium directum</i> and on which a community had communal usufruct rights through the <i>dominium util</i> .
<i>Mato</i>	Brushes, brush land. The brushes are used for green manure.
<i>Monte</i>	Popular term for a common.
<i>Montado</i>	An area covered by an open forest, generally of cork and stone oaks. Under the tree cover, often animals are grazed, or cultivation is practised.
<i>Mordomo</i>	An elected village official. In Rio de Onor this office was apparently similar to the <i>zelador</i> (Dias 1953). In Campeã,

presently the term is applied for the commission of young men who are responsible for the organization of the parish's annual *feira* ('feast') in honour of Saint Ann and Saint Andrew.

<i>Partilha</i>	Division. The term is used for all kinds of apportionment, such as of inheritances. With regards to the commons, the term applied for the apportionment of brush to the individual commoners' households. Presently it is used in Avegãozinho for the allocation of fuel wood.
<i>Posturas</i>	By-laws. In Campeã, these <i>posturas</i> regulated primarily which village was entitled to which <i>baldio</i> .
<i>Proprietario</i>	Landowner, wealthy farmer.
<i>Reconquista</i>	The reconquest of the Iberian peninsula from the Moor 'invaders' during the tenth until the fifteenth century.
<i>Réis</i>	Plural of ' <i>real</i> ': royal. Old currency unit. After the abolition of the monarchy in 1910, the <i>real</i> was supplanted by the escudo and 1000 <i>reis</i> was equalled to one escudo.
<i>Regedor</i>	Official appointed by the municipality who was charged with looking after the public order. He also had to supervise the functioning of the parish council, but he was not a member of this body.
<i>Reguengo</i>	Royal estate.
<i>Vara</i>	Unit; circa 1.1 meter.
<i>Vezeira</i>	Herds to which the different member households of a community contributed their individually owned animals. The animals were shepherded either by appointed (paid) persons, or by the owners themselves in turns (from: <i>vet</i> : turn). In Campeã, each household had to take turns according to the number of animals it had in the herd.
<i>Vila</i>	Literally: town. Normally it refers to the administrative of a <i>concelho</i> .
<i>Vizinho</i>	Literally: neighbour. In practice, the term refers to a member of a village community and/or to whom was entitled to participate at village council meetings, i.e. the (generally male) head of households.
<i>Zelador</i>	Elected villager who until 1976 was responsible for the management of the commons in his village.

## Abbreviations

ACM	Minutes of the Municipal Council (of Vila Real).
ADB	<i>Arquivo Distrital de Braga</i> ; Braga District Archive.
AJF	Minutes of the Parish Council (of Campeã).
AJP	Minutes of the Parish Council (of Campeã).
ANTdT	<i>Arquivo Nacional da Torre do Tombo</i> ; National Archive.
CDS	Central-Social-Democratic Party.
CFP	<i>Circumscripcao Florestal do Porto</i> , Forestry Circumscription of Porto.
CFVR	Forestry Circumscription of Vila Real.
DG	Director-General.
DGSFA	<i>Direcçao-Geral dos Servicos Florestais e Aquicolas</i> , Forestry Service.
EC	European Community. Presently known as European Union (EU).
ECU	European Currency Unit (circa Dfl. 2.10).
FFF	<i>Fundo do Fomento Florestal</i> , Forestry Development Fund. Fund created in 1945 to support forestry activities by private landowners.
fn.	Footnote.
int	Interview with one of the informants referred to below (followed by date).
JCI	<i>Junta da Colonizacão Interna</i> , Internal Resettlement Board. Organism created in 1937 to promote the reclamation of the <i>baldios</i> for farming and forestry.
JDF	<i>Junta da Freguesia</i> , Parish Council.
obs	Observation of a certain event (followed by date).
PCP	Communist Party.
PS	Socialist Party.
PSD	Social-Democratic Party.
UN	<i>União Nacional</i> , National Union, the ruling party during the <i>Estado Novo</i> .

## Appendices

### Appendix 1: Communal Land Management Commissions in 1990 According to the Forestry Circumscription of Vila Real

The management commissions of modalities a and b are alphabetically ordered according to the Forestry Administration, the parish and the name of the village/community. The list reflects the situation as of 17 September 1990.

<u>Village or cluster of villages</u>	<u>a/b</u>	<u>Parish</u>	<u>Remarks</u>
<i>Forestry Administration of Boticas</i>			
Quintas e Serraos	b	Beça	
Torneiros	b	Beça	
Mosteirao	b	Curros	
Valdegas	b	Pinho	
<i>Forestry Administration of Bragança</i>			
Vilarinho da Cova da Luz	b	Espinhosela	
Montesinho e Portelo	b	França	Visited
S. Juliao de Palzeios	b	S. Juliao de Palzeios	
Martín	b	Zoio	
<i>Forestry administration of Chaves</i>			
Casteloos	b	Calvao	
Eiras	b	Eiras	
Pastoria	b	Redondelo	
Aveleda	b	S. Vincente de Raia	
S. Juliao	b	S. Juliao	
<i>Forestry administration of Mondim de Basto</i>			
Tijao	b	Campanhó	
Vilar de Viande	b	Vilar de Viande	
<i>Forestry administration of Montalegre</i>			
Ferral	b	Ferral	
Nogueiró	b	Ferral	
Sacoselo	b	Ferral	
Sta. Marinha	b	Ferral	Visited
Lamas	b	Fervidelas	
Lamacha	b	Negroes	
Ladruaes	b	Reigoso	
Reigoso	b	Reigoso	
Amiar	b	Salto	
Beços	b	Salto	
Corva	b	Salto	
Lodeiro d'Arque	b	Salto	
Seara	b	Salto	

Antigo de Serraquinhos	b	Serraquinhos	
Codeçoso	b	Venda Nova	
Padroes	b	Venda Nova	
<i>Forestry administration of Murça</i>			
Sarapie	b	Valongo de Milhais	
Valonga de Milhais	b	Valonga de Milhais	
Balsa e Valde de Agodim	b	Vila Verde	Visited
Fundoes	b	Vila Verde	
Mascanho	b	Jou	
Vila Verde	b	Vila Verde	Contacted
<i>Forestry administration of Pedras Salgadas</i>			
Rebordocho	b	Bornes	
Lagobom	b	Bornes	
Vila Meã	b	Bornes	
Pensalves	b	Pensalves	
Soutelo de Matos	b	Pensalves	
Fontes	b	Soutelo	
Teloos, Ponte e Castelo	b	Teloos	
Soutelinho de Monte	b	Teloos	
Cidadelhe de Aguiar	a	Vila Pouca de Aguiar	Visited
Sabrosa de Aguiar	b	Vreia de Bornes	
<i>Forestry administration of Ribeira da Pena</i>			
Seirós	b	Canedo	
Agunchos	b	Cerva	
<i>Forestry administration of Vila Pouca de Aguiar</i>			
Cidadela de Jales	b	Alfarela de Jales	Visited
Moreira de Jales	a	Alfarela de Jales	Visited
Tinhela de Cima	b	Bornes	
Tinhela de Baixo	b	Bornes	
Lagoa	b	Bornes	
Valugas	b	Bornes	
Bornes de Aguiar	b	S. Martinho de Bornes	
Parada de Aguiar	b	Soutelo de Aguiar	
Barbadaes de Baixo	b	Vreia de Bornes	
Eiriz	b	Vreia de Bornes	
Cerdeira de Jales	b	Vreia de Jales	
Raiz do Monte	b	Vreia de Jales	
<i>Forestry administration of Vila Real</i>			
Avecãozinho	a	Campea	Appeared to b.
Cotorinho	b	Campea	
Montes	b	Campeã	
Justos	a	Fontes	
Póvoa da Serra	a	Fontes	

Soutelo	b	Fontes	
Paradela do Monte	a	Paradela do Monte	
Fortinho	b	S. Tomé de Castelo	
Linhares	b	S. Tomé de Castelo	Unclear status
Leirós	b	S. Tomé de Castelo	
Galegos	a	Valnogeiras	
Vilarinha de Samardã e Covêlo	a	Vilarinho de Samarda	
Ernida	a	Vinhós	
<i>Forestry administration of Vinhais</i>			
Prada	b	Vila Verde	

## Appendix 2: Legislation from the Eighteenth and Nineteenth Century with Respect to the *Baldios*

Source: JCI (1939:1-12), Rodrigues (1987:32-48), Gralheiro (1990:32-36) and Nunes & Feijó (1990:65-74).

- a decree of 15-7-1744 which annulled illegal alienations of communal waste lands by Municipal Councils;
- a decree of 23-7-1766 which enabled privatization after hearing the commoners and with approval by the crown;
- a decree of 11-12-1804 which allowed partitioning of the commons without interference by the crown;
- a law of 3-6-1822, which installed the municipalities as owners of the commons;
- a decree of 1832, which in one of its clauses legalized the usurpation of communal land and protected the usurpators against usufruct by the original owning community;
- a law of 28-8-1869 (*lei da desamortizacao*, published on 6-9-1869), which ordered the disentanglement of the commons.
- a law of 1893, which allowed the creation of agrarian colonies on the *baldios*. This law however had no effect.

Until the military coup of 1926 the following decrees were published:

- in 1918, a decree which allowed the partitioning of *baldios* by local authorities (municipalities and parishes) when requested by a majority of the commoners. In order to stimulate this programme, the central government offered a premium of 15\$00 for each hectare which in this way was cultivated, 5\$00 for the municipality or parish council concerned, and 10\$00 for the cultivators. These also would receive seeds and fertilizer for half the price which as an extra incentive would be paid only at harvest.
- in 1920, a decree which was directed at the creation of new settlements on *baldios*.
- in 1922, a decree which enabled individual commoners to claim a share. Those *baldios* which remained unclaimed and were not necessary for communal use, would be sold in public sale by the municipalities.
- in 1924, a decree which determined that 2/3 of the total area was to be dispensed from communal exploitation.
- *Decreto* 10,522 of 14-2-1925 which changed some details in the earlier legislation.

In the following eight years, about 16,000 hectares was divided among 7,336 families. Also, a considerable but not specified area was sold by the municipalities, mainly as a means of getting money for investments in infrastructure (roads, schools, water supply, etc.).

### Appendix 3: Legislation with Respect to Reorganization of the Forestry Service and the Reclamation of the *Baldios* prior to and during the *Estado Novo*

Based on Cardoso (1956);

<u>Date</u>	<u>Subject</u>
01-07-1802	Forestation of the dunes in the Couto de Lavis near Aveiro and the margins of the river Vouga.
27-07-1824	Creation of the <i>Administração Geral das Matas</i> for the management of 14,864 ha of state forest property under the responsibility of the Secretariat of Marines.
07-07-1847	Reform of the Forestry Service.
05-03-1857	All municipalities are ordered to afforest their <i>baldios</i> . The aim is to plant 19,000 ha in 5 years: 1 ha in each of the 3800 parishes.
16-07-1842	Last law in which reference is made to afforestation laws of 1623 and 1633.
30-08-1853	Creation of the Ministry of Public Works, Commerce and Industry and the creation of the agrarian secondary education and a forestry discipline.
02-01-1865	Creation of scunday forestry education within the <i>Institute Superior de Agronomia</i> .
28-08-1869	Law of the Liquidation of the <i>Baldios</i> (published 6-9-1869).
21-09-1869	Decree ordering a forest inventory.
11-05-1872	It is decided to afforest for the public benefit the public areas belonging to the state, the municipalities, parishes and the Corporations of the Dead Hand; the task is delegated to foresters; reform of the forestry service.
28-07-1881	Forestry Service's competencies are transferred to the Directorate-General of Agriculture.
25-11-1886	The Forestry Service's new organisation structure is published.
26-12-1888	Law regulating the afforestation of Gerêz and Estrela.
19-10-1892	Reorganization of the Forestry Service.
01-12-1892	Reorganisation of the Forestry Service.
09-12-1898	Reorganisation of the Forestry Service.
28-12-1899	Reorganisation of the Forestry Service.
24-12-1901	Reorganisation of the Forestry Service; description of forestry regime.
24-12-1903	Regulation forestry regime
25-04-1918	Creation of the Ministry of Agriculture and the integration of the Service in this Ministry.
08-05-1918	Creation of the <i>Direcção-Geral dos Serviços Florestais</i> .
16-10-1920	Creation of the the so-called <i>casal de família</i> . A <i>casal de família</i> is land which is undividable and unalienable, and which cannot be morgaged. The recipient has to guarantee the continuation of the household into the next generation by procreation or child adoption. This concept was later applied on the division of the <i>baldios</i> by the JCI.
14-02-1925	Regulation of the <i>baldios's</i> alienation for agricultural or forestry aims. Main conditions: approval by 2/3 of the adult population of the parish(es)

involved; costs of division are paid by those who receive a plot of the *baldios*; plots (*glebas*) are indivisible and can be attributed freely to one of the heirs.

14-02-1925 *Junta do Fomento Agricola* assigned with the task of improving the exploitation of the waste lands.

10-05-1926 Dissolution of the Ministry of Agriculture and transfer of the Forestry Service as *Direcçao-Geral dos Servicos Florestais e Aquicolas* to the Secretary of State for Agriculture in the Ministry of Economy.

#### Appendix 4: Forestry Legislation of the *Estado Novo*, Excluding the Decrees through which Areas Were Submitted to the Forestry Regime

Based on Estêvão (1983) and Azevedo Gomes (1988)

##### Abbreviations

L = *Lei* (Legislation by the *Assembleia da República*);

DL = *Decreto-Lei* (Legislation by the government);

D = *Decreto* (Government decree).

##### Legislation with respect to the Forestry Service

<u>Date</u>	<u>Number</u>	<u>Subject</u>
03-11-1926	D 12,625	Reorganization of the forestry police; regulates duties and powers of forest guards, defines forest crimes, fixes fines, etc..
20-05-1927	D 13,658	Restrictions on fellings in order to stop the decrease of the forest area. A licensing system is introduced. Certain restrictions are put on planting of eucalyptus trees; felled trees have to be re-placed (art. 13).
23-05-1927	D 13,658	Restriction of fellings, and on goat keeping: " <i>goat keeping is only allowed if the goat herder possesses or rents enough land to graze them and only with a municipal licence</i> " (art. 23). After a fire on a <i>baldio</i> the area may not be used for grazing during two years (art. 19).
13-11-1929	D 17,714	Statements of forest guards are trustworthy; witnesses not needed; capturing trespassers allowed.
18-11-1931	D 20,526	The <i>regencias florestais</i> are renamed <i>administrações florestais</i> .
24-04-1937	D 27,667	"Approves the afforestation plan.
24-05-1938	L 1,971	<i>Lei do Povoamento Florestal</i> ; legal basis for the execution of the Plano do Povoamento Florestal.
19-09-1942	DL 32,271	Regulating the economy during war time; allowing for compulsory requisition of wood and fuel wood from private forest owners.
27-01-1945	DL 34,394	Creation of the <i>Fundo de Fomento Florestal</i> in compensation of forest owners who suffered from requisitions under DL 32,271.
24-11-1954	DL 39,931	Revision simple forestry regime on private property.
24-04-1954	L 2,069	Compulsory afforestation of private land in cases of severe erosion.
06-06-1959	L 2,097	The Forestry Service and Forestry Development Fund are charged with the development of in-land fishery.
02-08-1956	DL 40,721	Reorganization of the Forestry Service.
16-12-1964	DL 45,443	Reorganization of the <i>Fundo de Fomento Florestal</i> .
06-07-1964	DL 45,793	dem.

06-07-1964 DL 45,795 Regulation of subsidies to afforestation by private landowners through the *Fundo de Fomento Florestal*.

**Some relevant legislation with respect to the *baldios***

<u>Date</u>	<u>Number</u>	<u>Subject</u>
07-03-1927	D 13,229	Municipalities enabled to sell <i>baldios</i> which are not strictly necessary for the <i>logradouro comum</i> in order to raise funds for the construction of dwellings for judges. Alienation of <i>baldio</i> land has to proceed in public sales.
20-05-1927	D 13,663	Repeats <i>decreto</i> 10,552 of 14-2-1925 which had never been implemented. Parish and municipal councils allowed to sell <i>baldios</i> which are (a) too small to be subdivided in plots, (b) cannot be reclaimed for agricultural aims (conform D 10,552 and D 10,553 of 14-2-1925) and (c) which cannot be easily afforested. The sale's revenues are to be used for objectives with "a social character".
18-11-1931	D 20,526	Creation of a <i>baldios</i> , waste lands and colonization division with the tasks to divide and exploit these lands and promote new settlements.
28-02-1932	D 20,968	Demands a list of the <i>baldios</i> by parish and municipal councils.
08-12-1932	D 21,956	All alienations of parish or municipal <i>baldios</i> are suspended.
01-04-1933	D 22,390	The inquiry following <i>decreto</i> 20,526 results in an inventory of 140,000 ha of <i>baldios</i> .
16-11-1936	DL 27,207	Creation of the <i>Junta da Colonizacao Interna</i> .
03-04-1937	DL 27,620	Parish councils may alienate 300 m <sup>3</sup> of <i>baldio</i> land for the building of a house for the <i>guarda fiscal</i> (fiscal border police).
12-05-1959	DL 42,258	Regulates the alienation of <i>baldios</i> . The JCI has to grant dispensation of the <i>logradouro comum</i> (hearing the DGSFA) and the land has been sold in a public sale in one part or in plots larger than 1 ha. Land that has been freed of the <i>logradouro comum</i> enters into the dominion of available private property of the municipality or parish.

**Appendix 5: Results of a survey in the village of Aveçãozinho** (with thanks to Carmen Maio)

HH nr.	HH size	Ages of the household members	Land (ha)				Emigration			At least one member drawing a pension	Cattle		Sex farmer	Off-farm employment	
			farm land		brush	rented or leased	child	brother or sister	self		milk	labour or meat		nr.	in
			dry	wet											
01	4	50,50,20,18	0.5	2.5	2	0	-	-	-	-	4	4	♀	-	-
02	2	67,64	0.0	1.0	0.5	0	-	-	-	yes	0	0	♂+♀	-	-
03	4	47,45,17, 12	1.0	1.0	n.a.	2.0	-	-	-	-	2	4	♀	-	-
04	1	59	0.5	1.5	0.5	0	-	yes	-	-	2	0	♀	-	-
05	4	29,27,6,3	0	1.5	0	1.5	-	yes	-	-	4	0	♂+♀	1	VR
06	3	52,57,23	0.5	3.5	0.5	2.5	-	yes	-	-	6	0	♂+♀	1	VR
07	4	29,27,10,3	0	0	0	0	-	-	-	-	-	-	-	-	-
08	2	64,60	0.5	2.5	0.5	0	-	-	-	yes	4	0	♂+♀	-	-
09	7	42,36,15,4,12,10,5	1.0	9.0	0.5	10.5	-	yes	-	-	25	0	♀	2	VR
10	5	47,37,19,16,14	0	1.5	0.5	0.5	-	-	yes	-	4	0	♀	1	VR
11	3	63,56,20	0	2.0	0.5	0	-	yes	-	yes	0	4	♂+♀	1	VR
12	5	50,42,19,15,12	0	0	0	0	-	-	-	yes	-	-	-	-	-

HH nr.	HH size	Ages household members	Land (ha)				Emigration			Drawing a pension	Cattle		Sex farmer	Off-farm employment	
			farm land		brush	rented or leased	child	brother or sister	self		milk	labour or meat		nr.	in
			dry	wet											
13	5	48,44,21,14,10	0	0	0	0	-	-	-	yes	-	-	-	2	Port.
14	3	29,29,5	0	0	0	0	-	yes	-	-	-	-	-	2	VR
15	3	66,64,22	0	1.5	1	2	-	-	-	yes	2	0	♂+♀	1	Camp.
16	1	69	0	0	0	0	yes	-	-	yes	-	-	-	-	-
17	3	70,68,13	0	0.5	0	0.5	yes	-	-	yes	-	-	♂	-	-
18	2	68,46	0	0.5	0.5	0	-	-	yes	yes	0	0	♂	1	VR
19	3	63,64,8	0	1	1	0	yes	yes	yes	-	3	0	♂+♀	-	-
20	4	34,30,6,3	0	0	0	0	-	yes	yes	-	-	-	-	1	EU
21	2	67,60	0	2	2	1	yes	-	-	yes	-	-	-	-	-
22	1	60	0	1	1	1*	-	yes	yes	yes	-	-	-	-	-
23	2	73,73	0.5	2.5	2	2.5*	-	yes	yes	yes	-	-	-	-	-
24	2	61,63	0	0.5	2	0.5*	-	yes	yes	yes	-	-	-	-	-
25	3	62,62,33	1.0	1.0	0	0	-	yes	yes	yes	-	-	♂+♀	-	-
26	1	78	0.5	3.5	1.0	5.0*	-	yes	-	yes	-	-	-	-	-
27	7	79,43,42,17,15,13,9	2.0	3.0	3.0	1.5	-	yes	-	yes	5	4	♂+♀	-	-
28	1	75	0	0.5	1	0	-	yes	-	yes	-	-	-	-	-
29	5	50,45,20,6,4	0	2.0	0	2.0	yes	yes	yes	-	3	1	♀	2	Camp.

30	3	75,75,42	0	1.5	1	1.5*	yes	yes	-	yes	-	-	-	-	-
31	5	40,37,14,10,½	0	2	1	n.a.	-	yes	-	-	4	0	♀	1	Camp.
32	5	30,28,2,30,65	0	3	1	n.a.	-	-	-	yes	6	0	♀	1	Camp.
33	4	53,50,23,17	0.5	3.0	1.0	2.0	-	yes	yes	yes	3	3	♂+♀	2	VR
34	4	44,28,6,4	0	2.0	0.5	2.5	-	-	-	-	6	0	♀	1	Swits.
35	4	46,43,20,16	0	1.5	0.5	2.0	-	yes	-	yes	4	0	♀	2	Camp.
36	1	69	-	-	-	-	yes	-	-	yes	-	-	-	-	-
37	5	44,46,14,10,8	-	0.5	0	0	-	yes	yes	-	-	-	♀	-	-
38	3	50,43,20	-	-	-	-	-	yes	yes	-	-	-	-	-	-
39	4	67,60,24,17	2.0	6.0	3.0	3.0	-	yes	-	yes	5	0	♀	2	Camp.
40	2	??,??	0	1.5	1.0	1.5*	yes	yes	-	yes	-	-	-	-	-
41	6	??,??,??,??,??,??	-	-	-	-	-	yes	yes	-	-	-	-	1	Camp.
42	2	69,71	-	-	-	-	-	-	-	yes	-	-	-	-	-
43	4	50,45,22,14	0.5	2.5	0.5	3.5	yes	-	-	-	2	0	♀	2	Port.

HH = Household; leased areas are marked with an asterisk; Camp. = Campeã; EU = Europe; Port. = Portugal; Swits. = Switzerland; VR = the *concelho* of Vila Real

**Appendix 6: Landlords and Tenants, and the Number of Heads of Cattle Owned by the Same in Aveçãozinho in 1991 (based on appendix 5).**

Tenants				Landlords			
Household	Age chief	Percent rented	# cattle	Household	Age chief	Percent leased	# cattle
05	29	100	4	22	60	50	0
09 <sup>a</sup>	42	100	25	24	63	20	0
34	44	100	6	23	73	60	0
35	46	100	4	30	75	60	0
03	47	100	6	26	78	100	0
10	47	25	4	40	??	60	0
43	50	100	2				
29	50	100	4				
06	52	56	6				
33	53	44	6				
15	66	80	2				
39	67	27	5				
17	70	100	0				
27 <sup>b</sup>	79	19	0				
Average	53.0				69.8		

<sup>a</sup> The estate of the household head's deceased father had not yet been divided and was still managed by his brother, his sister and her husband. Partitioning of the inheritance would imply that he would acquire some land of his own.

<sup>b</sup> This family consists of an elderly mother, her daughter Joana, her son-in-law and their children. It was not the 79 old grandma but rather her 43 year old son-in-law who had acted as the household's chief. I have put the family on the last ranking as the division of the inheritance had not yet taken place. This *partilha* was to be executed in 1992, and implied the division of the landed property by the three daughters, so that the house would lose two thirds of its property. The percentage of rented land thus would increase to 40% (*ceteris paribus*) and it would be located between 09 and 34.

**Appendix 7: Tax Payment in Aveçãozinho in 1831 (in Réis)**

<u>Name</u>	<u>Rústico</u>	<u>Urbano</u>	<u>Maneio</u>	<u>Juros</u>
Anna Maria Valeria	500			
Antonio Alves	600	40		
António Alves Carujo	200			
António Lourenço	100			
António Teixeira de Aveçãozinho	400			
Eleulerio Ramalho	1500			
Emigracia Alves Valeria de Joao de Torgueira	300			
os Filhos de Manuel Gonçalves da Fonte	120			
Feliciano Pires	700	100	120	
Francisco Gaspar de ....	240			273
Francisco Martins Granado	100			
Joaquim Miguel	1000	80	120	
Joaquim Ondas	50			
Joaquim de Sequeira	500	100	400	
Joaquim Dinis	100			
Captain José da Costa	1000			
José Dias	300	100	120	
José do Oiteiro (?)	300			
José de Sequeira do Pereiro	80			
José Mateto (?) de Mascosello	400			
Lourenço Martins (Rebello)	700	50		586
Luis Rodrigues Bernardino Gaspar	300			
Luis (Dinis) da Fonte	500	100		
Manuel Martins Granado	1000	100		
Manuel Rodrigues	700	100		383
Manuel Dinis & Francisco Alves	500	100		117
Maria Martins Rabiça	700	100		
Maria Dinis Valeria	42			
Joao Folha		100		
Francisco Alves Ondas		100	120	
Manuel Gonçalves		100		
Josefa Valeria		40		
Maria Alves Valeria		50		
Joao Peixoto			200	
José Alves Ondas				257
<i>Averages</i>	<i>475</i>	<i>85</i>	<i>180</i>	<i>323</i>

### Appendix 8: Crimes Mentioned in the Campeã Parish Records between 1922 and 1974

<u>Date</u>	<u>Crime</u>
09-04-1922	Inhabitants of Pepe and Aveçaozinho caught on <i>baldio</i> of Viariz da Poça.
04-02-1923	People from Chão Grande and Viariz da Santa fined for cutting brush on common of Vendas.
18-02-1923	Illegal construction on <i>baldio</i> .
03-06-1923	Inhabitant of Viariz da Santa grazes cattle on <i>baldio</i> of Pousada.
17-06-1923	Inhabitants of Ansiães (neighbouring parish in the municipality of Amarante caught preparing charcoal on the <i>baldios</i> of Vila Nova, Viariz da Poça en Viariz da Santa.
17-06-1923	Somebody from Parada caught with 40 goats and 40 sheep on the common of Montes. Fine of 20\$00.
21-06-1923	Robbery of charcoal; fines of 10\$00, 30\$00 and 50\$00.
05-07-1923	Fine for unknown offence of 21\$15.
04-04-1926	A shepherd with 3 goats and 2 sheep in <i>monte</i> Aveção do Cabo fined with 4\$00.
04-04-1926	A fine of 5\$00 for selling firewood outside of the village.
04-04-1926	A fine for of 5\$00 for ordering the cutting of firewood outside the <i>monte</i> of one's own village.
05-09-1926	Inhabitant of Fontes (neighbouring parish) made charcoal in <i>monte</i> of Cotorinho.
21-11-1926	By an adult and some children. The parents have to pay for their children. Later (5-12-26) it appears that there was no trespassing at all.
19-12-1926	Cutting half a cart of brush; fined by 2\$50.
17-06-1928	Grazing of five sheep on <i>monte</i> Aveçaozinho.
17-06-1928	Cutting of brush and driving against a tree.
02-12-1928	Discussion about fining baker from Aveçaozinho: had he collected fuel wood for industrial or domestic use?
02-12-1928	People seen in Vila Nova cutting brush and collecting fuel wood; the man cutting brushes proved to be unguilty on 16-11-28, the others each paid 1\$00.
19-01-1930	Collecting fuel wood in Cotorinho.
16-02-1930	Goats from Cotorinho grazed in Parada; inhabitant of Parada committed another unspecified crime; total fines: 30\$00 of which half goes to the <i>zelador</i> .
20-12-1931	People punished for tearing heather out (for charcoal?) in Cotorinho.
17-01-1933	Illegal collection of fuel wood in Cotorinho: 2\$50 fine.
19-03-1933	Wood cut in Tráz do Val (Pousada) by someone from Viariz da Santa.
21-02-1937	Somebody from Vendas collected a cart of wood in the <i>monte</i> of Vila Nova. Later he proves to be innocent.
07-03-1937	Someone from Parada fined 12\$50 for illegal wood gathering.
06-06-1937	Illegal collection of brush in Pousada, fine 63\$00.
06-02-1937	Illegal brush and oak cutting in Viariz da Poça.
03-03-1940	Fine for collecting brush (2\$50) and grazing goats and/or sheep (5\$00) in Pousada. The latter proves himself innocent.

<u>Date</u>	<u>Crime</u>
07-12-1941	Inhabitants of Cotorinho accuses three men from the village of collecting brush which had been reserved for grazing; the involved only pay the costs.
01-02-1942	Illegal cutting of brush in Aveçao do Cabo.
05-04-1942	Illegal gathering of wood in Cotorinho.
07-06-1942	Illegal collection of fuel wood in Aveçao do Meio.
01-11-1942	Fines paid for unspecified crimes by inhabitants of Montes: 30\$50
07-02-1943	People from Montes on the <i>monte</i> of Parada with 25, 20 and 19 heads of goats and/or sheep. They are fined with 10\$00, 9\$00 and 7\$50. Also in Parada 6 persons from Viariz da Santa collecting fuel wood. These are fined with 2\$50 each. There were witnesses.
04-04-1943	Two times illegal gathering of fuel wood in Parada.
01-08-1943	Felling of an oak in Aveçãozinho: 20\$00 fine; three times grazing in Lagoa de Pepe; collecting fuel wood in Cotorinho: 2\$50; and cutting fuel wood in <i>monte coutado</i> of Aveçãozinho: 20\$00.
05-12-1943	Three persons gathered fuel wood illegally; fines of 5\$00, 5\$00 and 2\$50, respectively.
03-06-1945	Two persons from Cotorinho gathered fuel wood on the common of Montes.
03-02-1946	Two persons from Aveção de Cabo gathered fuel wood in a <i>zona coutada</i> for industrial aims.
05-01-1947	Thirty goats from Montes on the commons of Parada; fined with 30\$00.
02-05-1948	Someone from Cotorinho gathered fuel wood in Montes, others cut brushes in Viariz da Poça.
01-05-1949	Illegal gathering from brushes in Vila Nova and Viariz da Poça; the fine (85\$00) was ind by the GNR.
05-06-1949	Inhabitant of Cotorinho collected fuel wood in Montes.
01-07-1951	Unauthorized cutting of pines on the commons of Aveçãozinho.
02-09-1951	Unauthorized cutting of fuel wood in Aveção de Cabo: fine of 20\$00.
04-11-1951	Illegal felling of pines in Aveçãozinho; fine of 200\$00.
03-02-1952	Sheep and goats spotted on the <i>baldo</i> of Vila Nova.
06-07-1952	Sheep on the commons of Chão Grande and Vendas.
06-06-1954	Sheep and goats on the <i>monte</i> of Vila Nova.
05-12-1954	GNR fines people who washed clothes in animal drinking basins.
<b>1954-1958 MISSING</b>	
07-12-1958	A fine of 10\$00, 25% is paid to the <i>contribuição industrial</i> .
01-02-1959	Payment of 8\$00 to the state, 7\$50 <i>albergaria districtal</i> , 15\$00 GNR. Reason and exact size of the fines unknown.
05-06-1960	Four sheep on the <i>monte</i> of Vendas: fine: 30\$00.
31-12-1961	In 1961 95\$00 was paid to the <i>albergaria districtal</i> . This indicates that the total amount of fines over 1961 was 380\$00.
04-03-1962	Payment of 25% of the fines to the <i>albergaria districtal</i> : 22\$50.
02-05-1965	GNR asked to intervene after cutting of pines in Aveçãozinho.
07-08-1966	Cutting of pines on the <i>leiras</i> of Pepe; GNR informed.
03-12-1967	Changes in the <i>Código de Posturas</i> because of water supply problems; grazing of sheep and goats prohibited "because these affect the valorization of the <i>logradouro</i> ".

<u>Date</u>	<u>Crime</u>
02-03-1969	Inhabitants of Montes complain about inhabitants of Cotorinho who trespass; Montes gets a <i>zelador</i> .
03-05-1970	Illegal house building in the <i>balديو</i> Tapada Nova, Pepe.
04-07-1971	Inhabitants of Montes accused of collecting fuel wood in Cotorinho.

### Appendix 9: Sales of *baldios* mentioned in the Campeã parish records between 1922 and 1974.

Source: minutes of the Campeã parish council

<u>Date</u>	<u>Area (m<sup>2</sup>)</u>	<u>Price</u>	<u>Description</u>
11-10-22	100 m <sup>2</sup>	5\$00	Bought by parish councillor for the construction of a water well.
03-08-24	..	..	Alignment.
20-09-25	16 m <sup>2</sup>	0\$00	Alignment.
21-08-27	..	10\$00	Alignment by a landowner in Pepe.
04-03-28	..	..	Area for the construction of a house in Tráz do Val, Viariz da Santa.
18-03-28	..	10\$00	Land for the construction of an <i>eira</i> (threshing floor).
04-11-28	40 m <sup>2</sup>	24\$00	Bought by a landowner in Pepe; alignment of a road. Effect on the public good and the value of the land is established by a commission of two experts.
20-01-29	..	20\$00	Correction of road in Montes.
25-05-30	1500 m <sup>2</sup>	500\$00	Public sale in Viariz da Santa, but with only one bidder.
15-06-30	..	2\$00	Alignment.
02-12-30	144 m <sup>2</sup>	86\$40	Tráz do Val for cultivation (value estimated by a commission of experts).
05-04-31	<i>eira</i>	10\$00	A threshing floor (value estimated by commission of experts).
17-01-31	330 m <sup>2</sup>	10\$00	Because of better passage of cattle; condition is enclosed within one year.
17-05-31	..	10\$00	Alignment in Vila Nova (value estimated by commission of experts).
06-12-31	1000 m <sup>2</sup>	10\$00	For state-appointed road guard for horti- and agriculture.
17-03-32	576 m <sup>2</sup>	15\$00	Border correction benefiting an inhabitant of Montes who got the land because of the fact that it was located between other fields he owned under the condition of cultivation within one year.
21-07-35	300 m <sup>2</sup>	100\$00	Land bought by medical doctor A.A. Barria Maio for the construction of a school after public sale organized at his request but for the price set by the parish council.
05-12-37	80 m <sup>2</sup>	50\$00	Alignment.
07-03-43	..	..	Alignment, adjoining to the house, in Boavista.
04-07-43	..	220\$00	Alignment.
02-04-44	..	150\$00	Sale for construction of a house in Cruz.
12-11-44	..	..	Alfredo António de Conceição Costa from Vila Nova, receives a plot for the construction of a house with yard in the <i>limite</i> of Aveçozinho.

Date	Area (m <sup>2</sup> )	Price	Description
12-11-44	..	200\$00	Manuel Mourao from Pepe, housing.
10-12-44	..	..	<i>Proprietário</i> Freixo, several lots.
10-12-44	..	..	Dr. Júlio da Fonte (through his tenant) an alignment.
11-03-45	..	210\$00	Albino Jorge Correia in Viariz da Santa for cultivation.
11-03-45	..	20\$00	Land for a water captation in Carvalhal de Baixo.
06-05-45	..	260\$00	Anibal Augusto Diniz in Viariz da Santa for a house and a garden.
02-09-45	20 m <sup>2</sup>	50\$00	Albino Barria Maio from Pepe, alignment.
02-09-45	124 m <sup>2</sup>	300\$00	Dr. dos Santos from Balsa, alignment with a property in Viariz da Poça.
05-08-45	..	..	Joaquim Ribeiro Peixoto from Pereiro
07-11-48	..	16771\$00	Brush ( <i>torgo</i> ) on a <i>baldio</i> called Monte de Nogueiras; the text seems to refer only to the heather, but because of the price and because one of the conditions is the cleaning of the land for cultivation in order to meet a conditions set by the JCI, I assume that the land was sold as well.
06-02-49	-	-	Manuel Diniz Machado, alignment.
31-12-54	1000 m <sup>2</sup>	80\$00	Manuel Joao Paredes from Viariz da Santa.
<b>1954-1958 MISSING</b>			
07-04-57	9676 m <sup>2</sup>	33490\$00	Parts of the Lagoa de Pepe; the buyers were at least 14 <i>proprietários</i> .
07-09-58	186 m <sup>2</sup>	..	Landowner and merchant from Pousada.
05-04-59	1200 m <sup>2</sup>	gift	For the construction of a <i>Casa do Povo</i> .
05-02-61	23000 m <sup>2</sup>	46000\$00	'public sale' to the mining company Vicominas for the construction of dwellings for its labourers, a <i>bairro operário</i> .
03-09-61	285 m <sup>2</sup>	570\$00	Tráz do Vale, for the construction of a house.
07-06-63	21600 m <sup>2</sup>	18350\$00	Alberto Barria Maio, Joaquim Jorge Alexandre and another unknown <i>proprietário</i> buy parts of 0.78 ha, 0.345 ha, and 1.035 ha respectively of Carqueijedo and Chao Velho in Aveçaozinho at a public sale.
01-05-66	5.1 ha	360150\$00	Lagoa de Pepe, by Alberto Barria Maio, <i>proprietário</i> from Pepe.
05-03-67	50 m <sup>2</sup>	100\$00	Alingment in Viariz da Poça.
02-07-67		4428\$00	In Tráz do Val & Viariz da Poça, housing.
	3*270 m <sup>2</sup>	3240\$00	In Tráz do Val, for housing.
	1*247 m <sup>2</sup>	988\$00	In Tráz do Val, for housing.
	..	200\$00	In Viariz da Poça, for housing.
11-01-70	300 m <sup>2</sup>	..	<i>Proprietário</i> from Pepe, Tapada Nova.
01-03-70	270 m <sup>2</sup>	1080\$00	In Tráz do Val.
07-08-72	250 m <sup>2</sup>	1875\$00	<i>Jornaleiro</i> from Viariz da Santa in Tráz-do-Val.
05-11-72		0\$00	Exchange of <i>leiras</i> in Pepe for the building of a house for a man who had emigrated to Germany.

<u>Date</u>	<u>Area (m<sup>2</sup>)</u>	<u>Price</u>	<u>Description</u>
05-05-73	345 m <sup>2</sup>	2587\$00	People from the 'poorer classes' buying land in Tráz do Val for the construction of a house. (Paid at the meeting!)
01-07-73	500 m <sup>2</sup>	7500\$00	Public sale of <i>baldio</i> land in Viariz da Santa to somebody from Vila Real for housing.
05-08-73	3*350 m <sup>2</sup>	10500\$00	Poor people (one emigrated) in Cotorinho, by <i>baldio</i> land for housing.
02-09-73	310 m <sup>2</sup>	3100\$00	Tráz do Vale, sale of land for a house for a man who was working in France.
07-10-73	<i>leira</i>	0\$00	Gift of a <i>leira</i> to a poor inhabitant of Pepe for housing.
04-04-73	600 m <sup>2</sup>	6000\$00	Tráz do Val for construction; conditions set by <i>Câmara Municipal</i> .

**Appendix 10: Review of Parish Income from the Exploitation and Alienation of *Baldios* in Comparison with The Parish Council's Income and Expenditures from 1927 until 1974**

<u>Book-year</u>	<u>Income</u>	<u>Total values in escudos</u>		<u>% (see below)</u>			
		<u>Expenses</u>	<u>Specification</u>	<u>(1)</u>	<u>(2)</u>	<u>(3)</u>	<u>(4)</u>
1927	559\$25	332\$50	Last years balance: 328\$20 Taxes of use <i>baldios</i> : 46\$00 Fines related to <i>baldios</i> : 2\$50 Privatizations: 10\$00 Specified: 386\$70	69	57	83	17
1928	285\$75	98\$20	Last years balance: 226\$75 Taxes over use <i>baldio</i> : 40\$00 Specified: 266\$75	93	79	100	0
'28/29	480\$55	215\$50	Last years balance: 187\$55 Taxes: 80\$00 Fines: 4\$00 Sales from fruits of <i>baldios</i> : 20\$00 Privatizations: 152\$00 Specified: 443\$50	92	39	41	59
'29/30	3138\$05	311\$80	last years balance: 265\$05 Money for forestation: 2165\$00 Fines: 30\$00 Privatization: 502\$00 Specified: 2962\$05	94	8	81	19
'30/31	3183\$25	396\$60	Last years balance: 2826\$25 Taxes 12\$00 Fines: 125\$00 Privatizations: 106\$00 Specified: 3069\$25	96	89	56	44
'31/32	3375\$15	1208\$50	Last year's balance: 2786\$65 Taxes: 0\$00 Fines: 2\$50 Privatizations: 35\$00 Specified: 2824\$15	84	83	7	93
'32/35	2376\$25	729\$00	Last year's balance: 2071\$65 Taxes: 0\$00 Privatizations: 100\$00 Specified: 2171\$65	91	87	0	100

<u>Book-year</u>	<u>Income</u>	<u>Total values in escudos</u>		<u>% (see below)</u>			
		<u>Expenses</u>	<u>Specification</u>	<u>(1)</u>	<u>(2)</u>	<u>(3)</u>	<u>(4)</u>
'35/36	2557\$25	2167\$60	Last year's balance: 1647\$25 Taxas: 0\$00 Sale of <i>torgo</i> (heather): 390\$00 Subsidy <i>Câmara Municipal</i> : 500\$00 Specified: 2537\$25	99	64	44	0
until 1-1-37	389\$65	265\$00	Last year's balance: 389\$65 Specified: 389\$65	100	100	0	0
1937	740\$15	544\$30	Last year's balance: 124\$65 Taxas: 190\$00 Fines: 80\$00 Privatizations: 50\$00 Specified: 444\$65	60	17	84	16
1938	1107\$35	1063\$45	Last year's balance: 95\$85 Taxas: 536\$00 Fines: 10\$25 Sale of <i>torgo</i> (heather): 108\$00 Sale of <i>estrume</i> (brush/dung) of Feira: 31\$00 Specified: 808\$10	73	9	100	0
1939	455\$80	307\$50	Last year's balance: 43\$90 Taxas: 179\$50 Specified: 223\$40	49	10	100	0
1940	1031\$80	920\$90	Last year's balance: 148\$30 Taxas: 268\$00 Fines: 2\$50 Subsidy from <i>Câmara Municipal</i> : 350\$00 Specified: 768\$80	75	14	33	0
1941	611\$40	580\$50	Last year's balance: 110\$90 Taxas: 101\$00 Specified: 211\$90	35	18	100	0
1942	1700\$40	1057\$05	Last year's balance: 30\$90 Taxas: 144\$50 Fines on <i>baldios</i> : 55\$75 Other fines: 30\$00 Sale of fruits <i>baldios</i> : 94\$00 Specified: 355\$15	21	2	91	0

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Book- year	Income	Total values in escudos		% (see below)			
		Expenses	Specification	(1)	(2)	(3)	(4)
1943	3056\$35	1606\$20	Last year's balance: 643\$35 Taxes: 267\$00 Fines: 93\$50 Rent part of arable <i>baldio</i> : 1000\$00 Sale fruits from <i>baldios</i> : 40\$00 Privatizations: 220\$00 Subsidy <i>Câmara Municipal</i> : 50\$00 Specified: 2313\$85	76	21	84	13
1944	5113\$15	3648\$00	Last year's balance: 1450\$15 Taxes: 326\$00 Rent from <i>baldios</i> : 2000\$00 Privatizations: 150\$00 Specified: 3926\$15	77	28	94	6
1945	6072\$65	5665\$30	Last year's balance: 1467\$15 Taxes: 623\$00 Sale of fruit from <i>baldios</i> : 623\$00 Rent from <i>baldios</i> : 600\$00 Fines: 170\$50 Privatizations: 840\$00 Specified: 3952\$65	65	24	66	34
1946	1823\$68	1124\$30	Last year's balance: 407\$35 Taxes: 40\$00 Licenses of sheep and goats: 675\$50 Sale of brushes ( <i>estrume</i> ): 301\$00 Specified: 1423\$85	78	22	100	0
1947	1475\$28	1190\$50	Last year's balance: 699\$38 Taxes: 40\$00 Auction of one <i>leira</i> of brush: 30\$00 Licenses of sheep and goats: 568\$30 Unknown: 16\$50 Specified: 815\$88	55	47	86	0
1948	22091\$58	18080\$90	Last year's balance: 284\$78 Taxes: 310\$00 Fines: 83\$00 Sale of 'Torgo': 16771\$00 Specified: 17448\$78	79	1	2	98
1949	4615\$68	3506\$20	Last year's balance: 4010\$68 Taxes: 450\$00 Fines: 85\$00 Specified: 4545\$68	98	87	100	0

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<u>Book-</u> <u>year</u>	<u>Income</u>	<u>Total values in escudos</u>		<u>% (see below)</u>			
		<u>Expenses</u>	<u>Specification</u>	<u>(1)</u>	<u>(2)</u>	<u>(3)</u>	<u>(4)</u>
1950	32121\$48	31835\$50	Last year's balance: 1109\$48 Taxes: 0\$00 Privatizations ( <i>glebas</i> ): 6451\$00 Specified: 7560\$48	24	3	0	100
1951	2594\$68	2114\$70	Last year's balance: 286\$18 Fines: 200\$00 Sales of fruits from <i>baldios</i> ( <i>estrume</i> ): 102\$00 Privatizations ( <i>gleba</i> ): 35\$00 Subsidy <i>Câmara Municipal</i> : 728\$00 Specified: 1351\$18	52	11	28	3
1952	2689\$48	1824\$00	Last year's balance: 479\$98 Taxes: 10\$00 Licences for sheep and goats: 671\$00 Fines (not related with <i>baldios</i> ): 20\$00 Subsidy <i>Câmara Municipal</i> : 230\$00 Specified: 1503\$98	56	18	76	0
1953	2371\$48	1465\$65	Last year's balance: 865\$48 Taxes: 103\$00 Licences sheep, goats and bovines: 856\$00 Sale of pines: 315\$00 Fines (not related with <i>baldios</i> ): 25\$00 Specified: 2161\$48	91	36	98	0
1954	4859\$63	2226\$20	Last year's balance: 906\$48 Licences for goats, sheep and bovines: 639\$50 Fines: 31\$00 Fines (not related with <i>baldios</i> ): 30\$00 Privatizations: 80\$00 Specified: 2414\$98	51	19	49	5
1960	78527\$00	4859\$00	Last year's balance: 65462\$00 Sale of fruits from <i>baldios</i> : 1135\$00 Fines: 30\$00 Specified: 66627\$00	85	83	100	0
1961	133844\$10	17503\$20	Last year's balance: 73668\$00 Sale of fruits from <i>baldios</i> : 350\$00 Privatizations: 46883\$00 Subsidy from <i>Câmara Municipal</i> : 3000\$00 Specified: 123901\$00	93	55	1	94

Book- year	Total values in escudos		Specification	% (see below*)			
	Income	Expenses		(1)	(2)	(3)	(4)
1962	125513\$20	81979\$70	Last year's balance: 116340\$90 Fines: 600\$00 Income from grazings: 200\$00	93	93	100	0
1963	72098\$10	63539\$50	Last year's balance: 43583\$50 Rent (Lagoa de Pepe) 5267\$00 Privatizations: 18350\$00 Specified: 672005\$50	93	60	22	78
1964	25829\$80	10088\$40	Last year's balance: 8538\$60 Fruits from <i>baldios</i> : 1070\$00 Specified: 8608\$760	37	33	100	0
1965	..	...					
1966	379752\$60	13240\$70	Last year's balance: ?? Privatizations (sale Lagoa de Pepe): 360150\$00 Sale of brush: 340\$00 Fines: 585\$00 Gifts: 1677\$00 Specified: 362752\$00	96	??	99	02
1967	380716\$20	16925\$50	Last year's balance: 366427\$90 Sale of brush: 700\$00 Privatizations (incl. <i>glebas</i> ): 4545\$08 Specified: 371672\$98	98	96	13	87
1968	389116\$60	15343\$40	Last year's balance: 363790\$70	93	93	0	0
1969	388295\$15	85088\$35	Last year's balance: 374273\$40	96	96	0	0
1970	319987\$90	244626\$90	Last year's balance: 303206\$30 Sale of firewood: 100\$00 Privatizations: 1080\$00 Specified: 3043863\$00	95	95	8	92
1971	..	...					
1972	37312\$70	13789\$20	Last year's balance: 6468\$20 Privatizations: 1875\$00 Specified: 8343\$20	22	17	0	100
1973	85407\$50	63432\$40	Last year's balance: 23523\$50 Sale of fruits from <i>baldios</i> : 8573\$00 Privatizations: 29687\$00 Specified: 61783\$50	72	28	22	78

## Remarks

- (1) Percentage of the income covered by the specification in this appendix.
- (2) Percentage of the income covered by the last year's balance.
- (3) Percentage of the specified income realized in a financial year (i.e. minus the last year's balance) originating from 'rents' of *baldios* disregarding whether after the JCI's intervention they had been transferred to the parish council's private domain or whether they had remained within its public domain.
- (3) Percentage of the specified income realized in a financial year (i.e. minus the last year's balance) originating from the sales of *baldio* land.

Comparison with coeval data demonstrates that during the *Estado Novo* the parish councils were hardly equipped with financial means. In 1930, parish council budget amounted 3183\$25 as a result of the 2165\$00 the inhabitants had contributed for afforestation. Its expenditures amounted circa 400\$00. In the same year, the municipal authorities could spend 543,000\$00, of which 80,000\$00 was distributed over the 26 rural parishes (ANTdT, Arquivo Salazar, AOS/CO/IN-2A). In 1937, the parish council spent 740\$15. In that year, the salary of the president of the Internal Resettlement Board (JCI) was 4,000\$00 (DL 27,207 16-11-1936).

Between 1955 and 1958 there are no minutes available and the information for 1959 is incomplete. However, the part of the records about the sale of Lagoa de Pepe have been kept separately. These records show that in 1957 the parish council raised 33490\$00 by sale of parts of the Lagoa de Pepe, and in addition raised 30500\$00 by a six years lease of the remainder of the Lagoa; these arrangements together (value: 63990\$00) probably explain most of the 1959 balance of 65462\$00 (98%, of which 53% by privatization and 47% by rent).

## Appendix 11: proposal for a New Legal Status of the Commons as Elaborated by the Forestry Service on 15 November 1974 and Presented to the Population in December 1974

### Preamble

The mountain population's economy had as an essential support the *baldios* where under difficult conditions grain could be cultivated, cattle could be grazed, the pastures were rejuvenated by burning, and brush was cut. These activities were executed without any rule and in the majority of the cases provoked accelerated impoverishment of soil, flora and fauna.

With the execution of the *Piano de Povoamento Florestal* on the *baldios*, which were obligatorily submitted to the partial forestry regime, the mountain economy was forcefully shocked because, inevitably, in the face of the pronounced environmental degradation which had previously occurred, the benefits resulting from the Forestry Service's acting compensated only part of the prejudices caused by the forestry intervention.

However, in a impartial balance one will have to recognize that the material prejudices were not as high as has been claimed. But nobody will dare to deny that there have been psychological, sometimes really dramatic, traumas.

Today it becomes easy to comprehend that the principal fault of the *Piano de Povoamento Florestal* was that it was not integrated in whatever regional or local policy. In fact, it was restricted to activities in the field of territorial planning, and only very marginally identified with the social problems it was going to determine.

*Lei* 1971 of 15-6-1938 was written in very general terms, at times imprecise or even contradictory: certain clauses allow for wider interpretations, while others put on an extremely rigid corset. Perhaps for these motives, it has been never possible to promote its regulation, which passing the years has obviously conveyed successive and inevitable difficulties.

The law is particularly unsatisfactory with respect to the definition of the relations between the Forestry Service and the local authorities and it is absolutely impracticable concerning the division of the revenues between the state and the administrative bodies.

Under these conditions the complete revision of the law of concern and the promulgation of a new legal statement capable of solving the pending problems impose themselves.

Attempts have been made to see that the new text takes into consideration the aspirations of the village communities participating in the administration of the *baldios* and that it defends their legitimate interests in a concrete and dynamic way.

The indicated spectre of options is large because the role of the state can vary between the simple preparation of projects and the superintendence of undertakings, and the direct administration of particularly those *baldios* which have been classified as reserves or protection zones or zones producing predominantly services of collective interest.

And, if it is decided to maintain state intervention in a certain case, this is done because of imperatives of a geographical nature. The majority of the *baldios* are located in areas that are extremely sensible to destructive activities by erosive agencies. For the rest, as soon as the circumstances make it necessary, expansion of the obligatory forestry intervention zone is foreseen, — this is, the subordination of the utilization of the soil

and vegetation to state inspection — in the entire territory, whatever be its juridical status, in case the physical implications recommend so.

Art. 1

1. The *baldios* are areas collectively used by a community, according to consuetudinary rights and unsusceptible to individual appropriation.
2. Any parcel of a *baldio* can only pass to public or private property through acknowledgement by the Government, in request of the interested local administrative body, if the majority of its legitimate users agrees.

Art. 2

1. The reserves decreed legally in terms of nr. 4 of article 173 of *Decreto-Lei* 27207 of 16-11-1936 concerning the destiny of the *baldios* are revoked.
2. The appropriation of *baldios*, done in any form and under any title since 28-5-1926, can be declared nullius and without any effect, by force of a judicial action by the Public Prosecutor in request of the interested local administrative body as the mandate holder of the legitimate users of the *baldios*.

Art. 3

1. The communal lands with silvo-pastoral aptitudes are obligatory grouped in conveniently sized intervention units submitted to utilization forms according to the norms established in this law.
2. The *Direccao-Geral dos Servicos Florestais e Aquicolas* will immediately proceed with the revision of the afforestation and forest management plans in order to adapt these to the present conjuncture, bearing in mind the reconciliation of local and regional interests with those of the Country.

Art. 4

The legitimate users of *baldios* of one or more communities will have the faculty of organizing themselves in associations for the defense of their interests and the participation in the management of the intervention units. The relations of these associations with the administrative bodies will be object of Government legislation.

Art. 5

Each intervention unit of *baldios* with silvo-pastoral aptitude can be administered according to one of the following modes, to be chosen by the interested village communities:

- a) by the village communities through users' associations;
- b) by representatives of the village communities and of the State;
- c) by the State.

Art. 6

1. The administration of *baldios* by village communities is executed by means of a Management Commission in which will be represented all communities interested in the areas that constitute an intervention unit defined in the respective project, with legal personality and responsible in front of the State Secretary of Agriculture according to the norms established in this law.
2. It is incumbent on the commission to:

- a) look after the safeguarding of the rights and regalia of the village communities;
  - b) resolve problems derived from the delimitation of *baldios*, use and captation of water, exploration of rocks, gravel and minerals, use of communal grazings foreseen in the project, resorting to the Permanent Arbitration Commission foreseen in this law, ever when necessary;
  - c) resolve problems caused by the existence of private property engraved in or bordering on the *baldio*;
  - d) promote relations with administrative bodies;
  - e) mandate, in the terms of nr 2 of article 2, local authorities to start processes for the recuperation of *baldios*;
  - f) direct the application of funds for the concretization of plans;
  - g) elaborate budgets for the application of rents and revenues and submit these for approval to the intervening associations;
  - h) establish exploitation norms for improved pastures;
  - j) resolve minor problems related to the execution of approved projects and plans.
3. After approval by competent entities and subject to superintendence it is also incumbent to the management commission to:
- a) elaborate annual working programmes related to the installation and management of tree stands, the construction and conservation of infrastructures, the improvement of pastures, game management and pisciculture;
  - b) request credits for the implementation of working programmes;
  - c) promote the execution of tasks necessary for the implementation of the utilization plans;
  - d) promote the sale of the products of the exploitation.
4. The Management Commission is responsible for paying the state the amortization of investments already made for the afforestation, depositing in the financial departments the value equal to three per cent of the gross revenues of the sale of woody material until the end of the exploration.
- Revenues generated by the sale of woody material from stands installed before the date of submission to the forestry regime are free from the payment of any percentage to the State.

#### Art. 7

1. The administration of *baldios* by representatives of the village communities and the state is done by means of a Management Commission in which are represented the communities that are interested in the areas constituting the intervention unit in the respective project and the State with legal personality and responsible in front of the Secretary of State of Agriculture for the compliance with the norms established in this law, in particular with respect to the competencies attributed through the numbers 2 and 3 of article 6.

The representatives of the village communities are elected by the users' associations or by representatives of the administrative bodies of the respective administrative units in the case the associations do not exist or when these delegate this task to the former.

The representatives of the state are proposed by the *Direcçao-Geral dos Servicos Florestais e Aquícolas* and appointed by the Secretary of State of Agriculture.

2. It is essentially incumbent to the representatives of the State to support and promote the execution of the tasks mentioned in the sections f), i), and j) of nr 2 and a), b), and d) of nr 3 of article 6 of this law.
3. For the calculation of the rents and revenues and their distribution, the  *Direcção-Geral dos Serviços Florestais e Aquícolas*  will define in each nucleus the following strata:
  - A young stands in which management interventions do not result in marketable products;
  - B stand in the age of exploitation or in full growth, in which management intervention generates products with commercial value;
  - C stands with as their mean function the production of services: protection of recreation;
  - D unforested areas which are in need of protection.
4. The State will pay a rent for the following areas:
  - a) Areas included in section A of the previous number, starting from the year following the start of the installation works of the stand. The rent is calculated according to the potential value of the soil from the perspectives of its use for forestry and the locally dominant species. The rent is paid as advance to the future revenues and amortized when these stands become included in the stratum defined in section B.
  - b) The rent of areas included in the stratum defined in section C is calculated on the basis of the revenues obtained if the exploitation were solely directed to wood production.
  - c) The rent of areas included in the stratum defined in section D is calculated in accordance with previous utilizations.

The appraisals for the calculation of these rents are executed by technicians of the state and by delegates of the Management Commission, and are subject to periodical revision.
5. Of the revenues obtained by the exploitation of forest stands that constitute the stratum defined in section B of number 3 of this article the users' association will receive:
  - a) 60% of the gross revenues from the sales of trees of thinnings and final cuts;
  - b) 60% of the gross revenues from sales of trees of extraordinary fellings;
  - c) 80% of the gross revenues from sales of thinnings, extraordinary and final cuts of stands existing previously to the date of submission to the forestry regime;
  - d) the value of this percentages will be revised periodically.
6. The users' associations receive the net revenue of the other products, resin and other secondary products, improved pasture, quarries, gravel-pits or the exploitation of minerals, game, fish and other additional products.
7. The surpluses of gross revenues which are not distributed in the terms of number 5 of this article, are deposited in the State Treasury except for those referred to in section b which will be used to support the respective burdens.

#### Art. 8

1. The administration of the  *baldios*  included in intervention areas is the exclusive responsibility of the State in the cases that the village communities are not interested in any of the modalities foreseen in the articles 6 and 7.

2. The administration of *baldios* not included in intervention units managed in the terms of article 7 is obligatory the responsibility of the State when, in harmony with the *Ordenamento do Território*, these *baldios* are classified as reserve or protection zones of as zones predominantly producing services of collective interest.
3. The rents paid to the village communities by the State will be:
  - a) under the conditions foreseen in nr 1 of this article a percentage of the gross revenues from sales of primary, secondary and additional products, which is calculated for each case according to the conditions of the tenancy, always augmented by the rent foreseen in section a) of nr 4 of article 7 in the terms established there;
  - b) under the conditions foreseen in nr 2 of this article the rents defined in the sections b) or c) of article 7.
4. The state obliges itself to rigorously pay attention to the existing geographic and sociological conditions, to respect the consuetudinary rights of the village communities, without neglecting the directories imposed by a forest policy defined for the totality of the territory, while creating and defending the agro-silvo-pastoral equilibrium which is particularly relevant for the restoration and protection of the environment.

#### Art. 9

1. All privately owned areas with silvo-pastoral aptitude, afforested or not, which are located in areas included in intervention areas as referred to in the articles 6 and 7 can be integrated in these areas for management reasons.
2. The owners of the areas to which apply the conditions mentioned in the previous number have to create production cooperatives and have to agree with the management commission of the intervention units or with the State about the terms and process of joint administration.

#### Art. 10

In order to resolve possible disputes about land limits or divisions of revenues, in each intervention unit a Arbitration Commission will be created which is constituted by representatives of the users' association of the parishes, of the *Câmaras Municipais* and a representative of the State without the right to vote.

#### Art. 11

1. The law obliges the publication of new decrees which rectify old decrees of the submission to the partial forestry regime and in which are explicitly established the norms to be applied to *baldios* included in each intervention unit. These decrees have to contemplate the entire intervention unit which means that one has to wait until agreement has been achieved among all interested entities.
2. In the decrees will be considered the following:
  - a) the characterization of the *baldio* and an indication of the communities that usufruct it;
  - b) definition of the traditional rights and regalia of the village communities;
  - c) administration modality of the silvo-pastoral intervention unit;
  - d) approval of the respective management project;
  - e) creation of the Management Commission and the Arbitration Commission.

Art. 12

The service of forestry development and exploitation and of the protection of the public and private silvo-pastoral patrimonium is incumbent to a corps of specialized guards and to the administrative staff necessary for its functioning.

Art. 13

The burden resulting from the application of the norms of this law for the modalities foreseen in the articles 7 and 8 will be supported by the General Budget of the State.

## Appendix 12: *Decreto-Lei* n.º 39/76 of 19 January 1976

The handing over the *baldios* to the communities which were robbed of them by the fascist State corresponds to an old and continuous demand of the village communities (*povos*) and will concretize intentions which have been repeatedly announced by the various Governments that have followed after 25 April 1974.

At the moment that one puts in practice the foundations of a agrarian reform policy directed towards necessary social goals — destruction of the power of the large farmers and of the various mechanisms by which this power is affirmed; support to the small fanners and agrarian workers; stimulation of local and direct forms of expression and democratic organization which permit the rural workers to increase their control over the productive process and natural resources —, it becomes important to ensure that the transfer of the *baldios* is integrated in the framework of that policy.

In this way, one has tried to concretely associate the institutionalization of local democratic organisation to the restitution of the *baldios*. To these organisations are acknowledged vast decision making powers and wide responsibilities in the choose of the model of administration. And one has also adopted a more open and anti-bureaucratic orientation, through the admission of an independent form of administration in which the limits set to the competencies of the local assemblies are reduced to a minimum.

In the cadre of this law, the numerous questions following the appropriation of *baldios* by private individuals have remained to be resolved. The varieties of situations and beneficiaries and the complexity of the factors with which one has to work, in some cases decades have past since these areas were appropriated, make that this material has been left for a later law text, in order to be able to have the local assemblies which in the mean time have been created through this law look after these problems themselves.

In these terms, using the faculties conferred by article 3, nr 1 section 3 of the Constitutional law nº 6/75 in order to make value as law, the following:

### Art. 1

Land tracts used and fruited communally by inhabitants of a certain parish or parishes or part of it are called *baldios*.

### Art. 2

*Baldios* are excluded from commercial law; they cannot be object as a whole or in part or any form of private appropriation by whatever form or title, including usucaption.

### Art. 3

In the terms of this law are returned to the use, usufruct and administration of the respective commoners the *baldios* submitted to the forestry regime according to nr 4 of article 173 of *Decreto-Lei* 27207 of 16 November 1936, to which the *Junta da Colonização* has not attributed a destination or exploitation.

### Art. 4

Commoners of *baldios* are the inhabitants who execute their activities in the locality and who according to the usages and costumes recognized by the community have the right to its fruits.

## Art. 5

1. The commoners have equal rights to use and fruits of the *baldios*.
2. In order to facilitate the implementation of the disposition of the previous number, the services of the Ministry of Agriculture and Fisheries can elaborate projects for regulating of the use and usufruct of the various types of *baldios* which will serve as a basis for the work of the commoners' assemblies in harmony with the terms of section a) of the next article.

## Art. 6

The commoners are obliged to constitute an assembly to which it is incumbent to:

- a) Regulate and discipline the use and usufruct of the *baldio*;
- b) Decide about the form of administration;
- c) Elect and demit a management commission or the members elected to it, depending on the selected form of administration;
- d) Discuss and approve the plan of utilization of the resources of the *baldio* and the application of the revenues;
- e) Superintend the activities of the management commission.
- f) Discuss and vote the report and financial account of the management commission.
- g) Decide about the appeals made against decisions of the management commission,
- h) Deliberate about the resort to credits;
- i) Establish the criteria for sales and yielding of products;
- j) Deliberate about the litigation of any judicial act to the benefit of the community, in particular those that are aimed at the recuperation of *baldios* which have been illegally occupied or passed into private property;
- k) Resolve, upon proposal of the management commission, question related to the delimitation of *baldios*, their occupation for hydrological exploitation, the existence of private property bordering on or enclosed in *baldios*, the exploration of rocks, gravel and minerals, the exploitation of water captations, and the regulating of grazing and use of the communal lands;
- l) Assure in general the defense of the communitarian interests.

## Art. 7

The assembly's presidium (*mesa*) will be composed by a president and two secretaries, who are elected during the assemblies first meeting. It is incumbent to the president to direct the assembly's proceeding.

## Art. 8

Entitled to summon an assembly always with a minimal of five days before hand are:

- a) The management commission;
- b) Ten or more commoners;

## Art. 9

The *baldios* can be administered in one of the next forms, to be selected by the commoners' assembly:

- a) Exclusively by the commoners through a management commission composed of five commoners who are elected by the assembly.

- b) The commoners in association with the State, through a management commission composed of four commoners elected by the assembly and one representative of the Ministry of Agriculture and Fisheries.

Art. 10

1. Commoners holding the right to vote according to general legislation can be elected to the management commission.
2. The mandates of the members elected to the management commission are three years. Incumbents cannot be reelected for the next three years term.

Art. 11

It is incumbent to the management commission to administer the *baldio* in the terms and within the limits defined in the following articles:

- a) Look after the observance of the *baldio* regulation;
- b) Execute the assembly's decisions and considerations;
- c) Effectuate the ceding of products according to the criteria established by the assembly;
- d) Present to the assembly a report and financial account of its activity;
- e) Propose to the assembly a plan for the application of revenues;
- f) Look after the contacts between the assembly, the Ministry of Agriculture and Fisheries and other public entities;
- g) Represent the commoners if mandated by the assembly;
- h) Summon the commoners' assembly, look after the elaboration of minutes and the execution of all administrative work;
- i) Elaborate yearly and maintain up-to-date the register of the *baldio's* commoners according to the terms of article 4 and proceed to its placarding. The management commission is entitled to ask for the collaboration of the parish councils, *Câmaras Municipals* and the regional services of the Ministry of Agriculture and Fisheries.

Art. 12

In the cases in which the commoners' assembly chooses the administration modality foreseen in section a) of article 9:

- a) The management commission has the full powers of administration of the *baldio*, without prejudice of the disposition in the next section;
- b) The State, through the competent services of the Ministry of Agriculture and Fisheries, assures the necessary technical support, proposes and looks after the observance of the plan for the utilization of the resources and verifies the application of convenient techniques for the installation and management of tree stands.

Art. 13

In the cases in which the commoners' assembly chooses the administration modality foreseen in section b) of article 9:

- a) The management commission will exercise the administrative powers which are not included or prejudiced by the dispositions in the next section;
- b) It is incumbent to the State, through the respective services of the Ministry of Agriculture and Fisheries to manage the forests after having discussed and approved the plan for the utilization of resources:

The execution of annual working programmes related to the installation, management and exploitation of tree stands, the construction and maintenance of infrastructures, the improvement and exploration of pastures, game and fisheries and the exploitation of the other existing resources;  
Manage the application of funds, arrange credits for the concretization of the plans and execute the sale of products;  
Direct the forest personnel;  
Inform the management commission in all cases that this is requested about the management of the forest patrimony;  
Present the reports and financial accounts of its activities.

Art. 14

Interested persons may always appeal the acts and decisions of the management commission with the commoners' assembly.

Art. 15

The compensation for the costs supported by the State in the afforestation and management of the forest patrimony will be done according to the form defined in the next sections:

- a) In the case the commoners' assembly has chosen for the administration modality foreseen in section a) of article 9, the management commission will deposit to the State 30% of all gross revenues obtained by the sale of wood produced at fellings in stands installed by the state;
- b) In the case the commoners' assembly has chosen for the administration modality foreseen in section b) of article 9 the State will collect 40% of the gross revenues obtained by the sale of wood coming from fellings in stands installed by the state and 20% of the gross revenues obtained by the sale from wood coming from fellings in naturally regenerated stands or stands that existed already before the date of submission to the forestry regime. The remainder is made available to the management commission;
- c) In the case the commoners' assembly has chosen for the administration modality foreseen in section b) of article 9 and if the commoners' assembly decides so the distribution system established in the previous section can be substituted for an annual rent accorded by the State. The State will make the rent available to the management commission one year after the start of the afforestation.
- d) If in *baldios* areas classified as reserves, protection or producers of services to the public interest exist, the State will pay an annual rent accorded by the management commission independently from the chosen administration modality.

Art. 16

The choice of one the administration modalities foreseen in article 9 can be changed if the commoners' assembly decides to do so through an agreement with the Ministry of Agriculture and Fisheries, which will include the restitution of anticipated revenues, in particular those related to the application of the previous article.

## Art. 17

1. The deliberation of the commoners' assembly which approves the annual plan for the application of revenues cannot be executed if the *Governo Civil* and the regional services of the Ministry of Agriculture and Fisheries have not homologated it.
2. The homologation is conceded if after twenty days after having received the minutes of the meeting in which this deliberation is made, no message of the opposite has been emitted.

## Art. 18

1. The transfer of the use, usufruct and administration of the *baldios* to the commoners has to be executed in each case separately through the reception at the Ministry of Agriculture and Fisheries of an authentic copy of the minutes of the meeting of meetings of the commoners' assembly in which the administration form is chosen and the members of the management commission are elected.
2. Hereto the parish councils in cooperation with the regional services of the Ministry of Agriculture and Fisheries and the *Câmaras Municipals* have elaborate and placate in the customary sites a provisional list of the commoners of each *baldio* according to the determinations in article 4 within sixty days after the promulgation of this law.
3. The entities mentioned in the previous number have to look after the convocation of the commoners' assembly.
4. The choice of the administration form and the election of the management commission can only be effectively valid if the assembly is attended by at least 50% of the commoners included in the provisional list.

## Art. 19

If the *baldios* are not restored according to the terms foreseen in the previous article, 60% of the revenues of the sales of the products of the exploitation of tree stands installed by the state and 80% of those coming from existing or spontaneous stands will be provisionally transferred to the local authorities.

## Art. 20

The norms that will appear necessary for the execution of this law will be established through *portaria* of the Ministry of Agriculture and Fisheries, the Ministry of Finances and the Ministry of Internal Affairs (redaction 12 March 1976).

## Appendix 13: *Lei* 68/93 of 4 September 1993

### *Chapter 1. General Dispositions.*

#### Art. 1: Concepts

1. *Baldios* are terrains possessed and managed by local communities.
2. For the effect of this present law, a local community is the universe of commoners [*compartes*].
3. Commoners [*compartes*] are the inhabitants of one or more parishes or a part of these who, according to uses and custom, have the right to the use and usufruct of the *baldio*:

#### Art. 2: The sphere of action

1. The dispositions of the present law are applicable to the *baldios*, even if these consist of discontinuous areas, in particular of they satisfy the following conditions:
  - a. Grounds considered *baldios* and as such communally possessed and managed by the inhabitants of one or more parishes or part of these, even if these grounds occasionally are not the object, entirely or partly, of exploitation by these inhabitants, or if the lawfully constituted organs for the *baldios*' administration are lacking.
  - b. Grounds which can be used by a local community, but which, being previously used and exploited as *baldios*, were submitted to the forestry regime or to a non-used reservation under the conditions of *Decreto-Lei* 27,207 dd. 16-11-1936, and of *Lei* 2,069 dd. 24-4-1954, and were not yet returned [to the population] under the conditions of *Decreto-Lei* 39/76 dd. 19 January.
  - c. Grounds which have been occupied by private individuals, even if later transferred, to which the dispositions of *Decreto-Lei* 40/76 of 19 January can be applied.
  - d. Grounds which can be used by a local community and which have been licitly occupied by such a community and which have been included in that community's communal area [*logradouro comum*].
2. The dispositions of this present law are applied with the necessary adaptations and in the terms which still have to be defined, to other communal equipments, such as threshing floors, ovens, and mills, which are used and exploited and managed by a local community.

#### Art. 3: Objectives.

The *baldios* constitute, normally, a communal resource (*logradouro comum*), in particular for the grazing of cattle, the collection of fuel wood or brush, for cultivation and other forms of exploitation videlicet of a agricultural, silvicultural or apicultural nature.

#### Art. 4: Appropriation.

1. The acts or negotiations of appropriation of *baldios*, and the successive transmission are void in terms of the law, except for in the cases which are explicitly mentioned by this present law.

2. The declaration of invalidity can be required by the Public Ministry, by a representative of the central, the regional and the local administrative authorities, by the organs managing the *baldio*, or by any commoner.
3. The entities referred to in the previous number also have the legitimate power to require the *baldio's* restitution, in all or in part, to the respective community or entity which legitimately exploits the *baldio*.

Chapter 2. Use and Exploitation.

Art. 5: General rule.

1. The *baldios* are used and exploited according to the deliberations of the competent organs of the commoners, or, in the case these organs do not exist, in harmony with the usages and traditions, as far as the following articles allow.
2. It is assured that all commoners enjoy and exercise equal rights with respect to the use and exploitation of the *baldio*.

Art. 6: Exploitation plan.

1. The *baldios* are used and exploited according to 'exploitation plans' which are approved and actualized in harmony with this present law, except for tradition or decision to the contrary by the commoners, in particular in the case of *baldios* of a small dimension.
2. The 'exploitation plans' have to be elaborated in direct cooperation with the administrative entities which superintend spatial planning and the defense of the environment; the present law obliges these entities to cooperate.

Art. 7: Objectives and sphere of action

1. The objectives of the 'exploitation plans' are the programming of the rational exploitation of the effective and potential natural resources in coordination with social-economic and environmental demands and policies at the local, regional and national levels.
2. The 'exploitation plans' can concern only one *baldio* or a group of *baldios*, either close to each other or far from each other, which are susceptible to the construction of planning units, in particular because of the demands of scale set by the development of multiple and integrated uses, by the necessary infrastructure, or by economies of scale with respect to the acquisition and utilization of equipment.
3. In the case envisaged in the previous number, the management regime will be adapted, in particular by recurring to the figure of 'joint management'.

Art. 8: Standard 'exploitation plans'

1. The competent services of the Public Administration, elaborate on proposals for standard 'exploitation plans' which are suitable for specific situations. The formulation of these plans does not discharge them of the service's obligation to cooperate with the commoners as defined in number 2 of article 6.
2. The standard 'exploitation plans' are elaborated on the basis of the technical expertise of the services and the experience of the commoners' representative bodies.

Art. 9: Cooperation with the public services.

In the cases that the execution of the exploitation plans requires continuous cooperation of the specialized public services and the local communities, the plans have to contain rules which regulate that cooperation.

Art. 10: Cessation of the exploitation of *baldios*

1. It is possible to discontinue the exploitation of an entire *baldio* or a part of a *baldio*, particularly on behalf of the development of forestry, except for the parts of a *baldio* which are suitable for agricultural exploitation.
2. The assembly of commoners can decide to assign the exploitation of limited parts of such a *baldio* to the commoners for agricultural aims, if the principle of equal treatment of the proposed assignees is safeguarded.
3. The cessation of the exploitation has to be implemented, without hurting the traditional utilization of *baldio* by the commoners as far as possible, and taking into account the environmental impact.
4. The cessation of the exploitation according to the rules established in the previous numbers, can continue for periods until 20 years, which can be successively prolonged for the same period.

### Chapter 3. Organisation and Functioning

#### Section 1. Management.

Art. 11: The administration of the *baldios*

1. The *baldios* are administered by their own right, by the respective commoners, according to the applicable usages and customs or, in the absence of these, by one or more democratically elected organs.
2. The local communities organize themselves into an assembly of commoners, a management commission, and an auditing committee.
3. The members of the presidium of the commoners' assembly, the management commission, and the auditing committee are elected for a period of two years. They can be reelected and stay in function if they are not replaced.

Art. 12: Meetings

1. Except for the cases which have been specially regulated by law, a meeting of the local community's organs is valid when a majority of its members is present. Decisions are made by a simple majority vote. The president has a qualified vote.
2. Representatives of the local administrative bodies in whose area the *baldio* is located, or a representative of the Forestry Service — if the silvicultural administration *baldio* is superintended by this Service, are entitled to officially attend the meetings of these organs. These representatives are entitled to expose the standpoints of their respective groups, in particular with regard to issues which concern the general interest of the local population and are mentioned in the agenda of that meeting. These representatives do not have the right to vote.

## Art. 13: Minutes

1. The meetings of the community's organs are minuted. The minutes are read and approved and then signed by the presidium of the commoners' assembly, or by the members of the management commission or auditing committee.
2. In case of well justified urgency, these organs may delegate the approval of the minutes.
3. Only the minutes certify the discussions and decisions taken during the meeting.
4. The minutes mentioned in the previous numbers can be freely consulted by anybody who is interested.

## Section 2. The Commoners' Assembly.

## Art. 14: Composition

The commoners' assembly consists of all commoners.

## Art. 15: Powers.

1. The commoners' assembly has the power to
  - a. elect its presidium.
  - b. elect and discharge the members of the management commission and the auditing committee.
  - c. decide about to update the census of the commoners.
  - d. regulate and discipline the use and exploitation of the *baldio*, after proposals by the management commission.
  - e. discuss and approve the 'exploitation plan', after proposals by the management commission.
  - f. decide on loans and set the limit to which the management commission is allowed to obtain a loan without requiring the assembly's approval.
  - g. establish the preconditions for the commercialization of the fruits and products of the *baldio*.
  - h. discuss and vote, if necessary with changes, the report and financial accounts of the management commission,
  - i. discuss and vote, with the right to its modification, the way in which the management commission proposes to spend the revenues from the *baldio*.
  - j. decide on the alienation or cessation of the exploitation of rights over *baldios* as regulated in this present law.
  1. decide on the delegation of administrative powers as determined in the articles 22 and 23.
  - m. superintend the activities of the management commission and the entities to which administrative powers have been delegated.
  - n. decide on the appeals made against the acts of the management commission.
  - o. ratify the appeal to the judge by the management commission, as well as the respective legal representation, in order to defend the community's rights and legitimate interests with regard to the respective *baldio*, in particular to defend the respective dominions, possession and usufruct against acts of occupation, demarcation and illegal exploitation or exploitation going against the tradition by which the *baldios* is administered and used.
  - p. decide on the extinction of the *baldio*, in the terms of the present law and after hearing the management commission.

- q. decide on all other affairs to the community's interest with regard to the *baldio* which are not the management commission's the proper competency.
  - r. exercise the other powers which follow from the law, usages and custom, or contract.
2. Decisions with respect to the sections j . , l. and p. depend on a qualified majority of two thirds of the members present at the meeting.
  3. In case the management commission does not exist, the commoners' assembly assumes all powers.

Art. 16: Composition of the presidium

1. The presidium of the commoners' assembly consists of a president, a vice-president and two secretaries, who are elected by the commoners through a 'full list' system.
2. The president represents the commoners' assembly, and chairs its meeting.

Art. 17: Frequency of the assembly

The commoners' assembly normally meets once a year, before March 31, in order to appreciate the issues mentioned in sections a., b., c, h., and i., of number 1 of article 15. It meets extraordinarily ever when it be summoned.

Article 18. Summoning

1. The commoners' assembly is summoned according to the traditional rules, and, in case that these rules do not exist, summons is by public notices which are placed at the usual sites, and if necessary by an advertisement in the local press.
2. The commoners assembly's meetings are summoned by the president of the presidium, by his or her own initiative, or at the request of the management commission or the auditing committee, or by 5% of the commoners.
3. If the president does not summon a meeting within 15 days after the reception of a request, those who requested the meeting can summon it by themselves.
4. The call for the meeting has to contain the day, the time and the locality in which the meeting is held, and the meetings agenda; it has to be made public at least 8 days in advance.
5. In the case of urgency or lack of time and under the condition of ratification *ex post*, the commoners' assembly can delegate the composition of the agenda to the commoners commission as far as it does not concern the judgement of the commission's activities and its proposals.

Art. 19: Functioning

1. The assembly validly meets on the day and hour mentioned in the summoning, if a majority of the commoners is present.
2. Sixty minutes after the hour indicated in the summoning, the assembly's meeting is valid if at least one-fifth of the commoners is present.
3. In case the quorum mentioned in the previous number is not attained, the presidium's president will immediately call a new meeting within 5 to 14 days, which will function irrespectively of the number of commoners attending.

## Section III. Management Commission

## Art. 20: Composition

1. The management commission consists of three, five or seven members, who are elected by the commoners' assembly from among its members through the 'full list' system.
2. The management commission elects a president and a vice-president.
3. The president represents the management commission, chairs the commission's meetings; in case of his absence he is substituted by the vice-president.
4. The commission's ordinary members function as secretary and elaborate the minutes.
5. It is possible to elect substitute members who replace members in the case of vacancies or absence. These substitutes are in the order of appearance on the list requested by the president.

## Art. 21: Powers

The management commission has the power to

- a. execute the decisions taken by the commoners' assembly;
- b. propose the actualization of the census of commoners to the assembly;
- c. propose the instruments for the regulation and disciplining of the use and exploitation by the commoners of the *baldios* to the assembly;
- d. propose the plans for the exploitation of the resources in the *baldio* and the actualization of these plans to the assembly;
- e. approve and submit its report and accounts and its proposal for the application of the revenues to the assembly;
- f. propose to the assembly or give written advice about the proposals to alienate or cease the exploitation of the rights over the *baldios*, with the terms of the law;
- g. propose to the assembly or give a written advice about the proposals to delegate administrative powers, in the terms of the present law;
- h. turn to the judge and constitute a mandatory for the defense of the rights and legitimate interests of the community with respect to the *baldio* and submit these acts to the commoners assembly for ratification;
- i. represent the universe of commoners in relations with public and private entities;
- j. execute in general all administrative acts in respect to the law, the usages and custom, and the applicable regulations;
  1. look after the execution of the regulations and the plans for the exploitation of the *baldio's* resources;
- m. look after the defense of the ecological values in the space of the *baldio*;
- n. propose to the president of the presidium the convocation of a commoners' assembly;
- o. exercise the other powers following from the law, usage, custom, regulation or convention.

## Art. 22: Powers of delegation

1. The commoners can delegate their powers to administer the entire or part of the *baldio*, or one or more modalities of the exploitation of the *baldio* to the parish council in whose area the *baldio* is located, or to the service of the Public Administration which superintends the concerned modality or modalities of exploitation.

2. In case the area of the *baldio* of which the administration is delegated is located within the territorial limits of more than one parish, the delegation can be made to one or to the totality of the respective parish councils.
3. When the number of parishes mentioned in the previous number is very huge, or when these parish are unable to cooperate, or when the *baldio* is relevant at the level of the municipality, the delegation mentioned above can be made to the respective municipal council.
4. In the delegation contract the terms and conditions and in particular the rights and obligations related to the exercise of the delegated powers, are formalized.
5. The delegation of powers foreseen in the previous numbers, as well as the contractual responsibilities which cover that delegation, can be revoked at any time within the general terms of the law.

Art. 23: Delegation with preserve

1. The commoners can delegate the powers foreseen in the previous article while preserving the co-exercise by the commoners of the effectively delegated powers, in a direct manner or indirectly through their respective management organs.
2. The regime of co-management which follows from the previous number will be object of agreement, in each separate case, while respecting the principle of contractual freedom.

Section IV. Auditing Committee

Art. 24: Composition

1. The auditing committee consists of five elements, who are elected by the commoners' assembly among its members, with preference to persons who ate acquainted with book keeping.
2. The auditing committee's members will elect a president and a secretary from among themselves.

Article 25. Powers

The auditing committee has the power to:

- a. inform itself about the financial accounts of the *baldio*, give written advice about the accounts and verify the regularity of the documents stating income and expenditures;
- b. superintend the execution of the 'exploitation plans' of the *baldio* and the regularity of the collection and application of revenues and the justification of expenditures;
- c. communicate to the competent authorities the violations of the law and the breaking of contracts which have as their object the *baldio*;
- d. look after the rules for the protection of the environment.

Chapter 4. Extinction of *baldios*

Art. 26: Causes for extinction

*Baldios* are extinct entirely or partially:

- a) If extinction was decided unanimously by the commoners during a meeting of their assembly attended by at least two-thirds of the respective members.
- b) If the *baldios*, entirely or partially, have been objects of expropriation or voluntary alienation within the terms of this present law.

Article 27. Precarious utilization

1. After three years of the legally declared ostensive abandonment of the use and exploitation of a *baldio*, the council or councils of the parish or parishes in whose area the *baldio* is located can use it directly, without a significant change of its normal composition, or cede its precarious exploitation to a third party for a period of not longer than two years; this period can be renewed if in the mean time the commoners have not expressed their wish to return to the normal exploitation.
2. In the case foreseen in the last part of the previous number, the parish council or councils have to present an account of the exploitation, and to cede to the commoners the value of the rendering of the exploitation or of the net revenues, reduced by 50% as a compensation, if the parish councils had exploited the area directly.

Art. 28: Consequences of extinction.

Total or partial extinction of a *baldio* leads to:

- a) In the cases of section a) of article 26 and of number 6 of article 29, the extinct (part of the) *baldio* is integrated in the private dominium of the parish or parishes in whose area the *baldio* is situated.
- b) In the case of section b) of article 26, the entitlements affected by the expropriation or alienation are transferred to the expropriating entity or to the beneficiary of the expropriation, or to any acquiring entity.

Art. 29: Expropriation

1. The *baldios* can, entirely or partially, be object of expropriation for reasons of public utility or for unjustified abandoning.
2. The expropriation for public utility will be preceded by a proposal for the acquisition of the *baldio* in which the reasons, the price and other offered compensation are mentioned; the commoners' assembly has to respond within 60 days.
3. In the case both parties come to an agreement, the transfer is made within the general terms of the law.
4. The expropriation has to be limited to what is strictly necessary for the realization of the objectives which justify the expropriation, with the right of reversal of goods which remain or which were not used according to the objectives specified in the act of expropriation.
5. The lawful compensation is calculated within the terms of the law that addresses these issues, but its valuation is also based on the intensity of the effective utilization of the *baldios* and the advantages the local community will have from the realization of the public utilities.
6. The expropriation because of unjustified abandonment, as such judicially declared, can take place at the request of the parish council or councils in whose area the *baldio* is located, if the *baldio* has ceased to be the object of significant acts of dominion, possession, management and exploitation during a period of not less than 10 years.

Art. 30: Constitution of servitudes.

It is possible to constitute servitudes over parcels of *baldios*, within the general terms of the law, in particular for reasons of public interest.

Art. 31: Alienation for reasons of local interest.

1. The commoners' assembly can decide to alienate limited areas of *baldios* by public auctions, with the market price as a basis,
  - a) if the *baldios* confront with the border of the village and the alienation is necessary for the expansion of the urban area;
  - b) if the alienation is necessary for the installation of industries, infra-structures, and other enterprises of collective interest, in particular to the local community.
2. The parcels which can be alienated can not have an area superior to what is strictly necessary for the objective for which they are alienated, and, if sold for the construction of houses, they cannot exceed 1500 m<sup>2</sup> per habitation.
3. The property title cannot be transfer without the local authorities having approved the construction of the enterprises or dwellings on the planned locations.
4. The alienation of parts of *baldios* for the installation of amenities without the aim of making profit can take place for free and without the conditions mentioned in the previous numbers, given that such a decision be taken by the commoners assembly, by a two-thirds majority.
5. In the situation referred to in the previous number, it is not permitted to alienate afterwards the terrains to a third party, if that transfer is not made under the same conditions and for the same objectives.

#### Chapter 5. Final and transitory dispositions

Art. 32: Rule of jurisdiction.

1. It is the power of the normal courts to deal with litigations which have directly or indirectly *baldios* as their object, in particular those litigations which concern dominium, delimitation, utilization, occupation or appropriation, cessation contracts, decisions of its organs, or failures to keep to the law.
2. The organs and members of local communities, including the entities to which the management has been delegated, do not have to pay judicial costs.

Art. 33: Census

1. A census of the commoners identifies and registers the inhabitants of the local communities who have rights over the *baldio*.
2. In the terms of this law, the provisional censuses foreseen in nr. 2. of article 22 of *Decreto-Lei* 39/76 of 19 January 1976, or the censuses taken as final (...), if validated by unequivocal traditional practices, are recognized as valid until their substitution or actualization.
3. In the event that a census of the commoners of a certain *baldio* does not exist, the commoners' assembly has the power to take the initiative to its elaboration, if summoned for this reason. In the case such an assembly does not exist or has not been summoned, or if it does not undertake actions within six months after this law having entered into action, groups of 10 members of the community who are usually

recognized as commoners, have the power to elaborate a census. In case more than one group is functioning, these groups have to cooperate.

4. If after one year after the day on which this law has entered into action none of the initiatives mentioned in the previous numbers has taken place, the legal obligation to execute the census is automatically transferred to the Parish Council in whose territory (the largest part of) the *baldio* is located. The Parish Council has to execute this census within six months.
5. The Parish Council mentioned in the previous number has in any case the obligation to cooperate with the entities mention in number one, under the penalty of losing the right to administer the respective *baldio* through delegation by the commoners during a period of 10 years starting from the semester mentioned in the previous number.
6. In the case of a continuing absence of a census of the commoners, because of the inactivity of all the entities mentioned in the numbers 3 and 4 and until the moment this is resolved, the traditional rules - if unequivocal — are applied. If this rules do not exist, the electoral register will be used as a census of the compartes, with the adaptations and corrections approved by the meetings of the commoners' assembly which has been summoned on the basis of this register.

Art. 34: Devolution is not effectuated

1. The *baldios* which, by the force of the dispositions of article 3 of *Decreto-Lei* 39/76 of 19 January 1976, were lawfully returned to the use, exploitation and administration of the respective commoners, and which were de facto not returned, will be returned to the commoners immediately after the respective commoners' assembly takes the initiative to effectuate the restoration of its commons.
2. The aspects of the restoration which are not regulated by this present law and by subsequent regulation, will be presented to the ordinary court according to the dispositions of article 32.

Art. 35: Leases and transitional transfers of exploitation

1. The leases and transfers of exploitation of *baldios*, in particular for forestry aims, which exist at the moment this law enters into action and which have been object of settlement with the local community's representative body or legal disposition, will continue according to the agreed terms or prescriptions until the end of the fixed or conventional term. This term can never exceed the time restriction fixed in nr. 4 of article 10.
2. The leases and transfers of exploitation which lack the formal regularity mentioned in the previous number, will be subject to renegotiate with the respective local community's representative body, under the penalty of annihilation [of the existing situation] in the third year after this law has entered into action.
3. In the case foreseen in the final part of the previous number, the dispositions mentioned in the nrs. 2 and 3 of article 36 will be applied with the necessary adaptations.

Art. 36: Transitional administration

1. The administration of *baldios*, which has in its totality or in part been transferred de facto to one or more than one Parish Council, and which continues in this situation at the date the present law enters into action, this administration is considered

'delegated' with the corresponding powers and obligations and the inherent rights, by force of this present law. This situation is maintained, with the adaptations which follow from this present law, until the delegation is explicitly confirmed or revoked according to the new formulae prescribed now.

2. At the end of the administration referred to in the previous number, the administering entity will present the financial accounts.
3. The net revenues will be distributed according to the terms set in the contract of transfer or in equal parts between the administering entity and the commoners' community.

Art. 37: Administration under the regime of co-management

1. The *baldios* which at the date this present law enters into action are being administered under the regime of co-management by the commoners and the State as foreseen in section b. of article 9 of *Decreto-Lei* 39/76 of 19 January, will continue to be administrated according to this regime until one of the following facts occurs:
  - a) The agreed term expires;
  - b) The commoners' assembly communicates to the State, in the person of entity which represents the State for this effect, that it should consider the regime to have ended starting not earlier than the latest date mentioned in nr. 4 of article 10, without renewal, counting from the date of communication.
2. Upon its end, the regime of co-management to which the previous number refers, can be substituted by the delegation of powers as defined in the articles 22 and 23.
3. If the regime of co-management mentioned in number 1 does not end at the span mentioned above, the parties will regulate the compensations by agreement, or, if agreement is not achieved, this will be pursued through court.

Art. 38: Prescription of the receipts

1. The local communities are entitled to receive the share of the revenues from the exploitation of the *baldios* as defined by *Decreto-Lei* 39/76 of 19 January, deposited by the competent services of the central administration and not yet received by any *baldio* administering entity, within the term of three years starting from the date this present law enters into action, if the dispositions of the next nr. 2 have been satisfied.
2. Within ninety days from the date this present law enters into action, the Administrative services will communicate to the Parish Council or Councils the sums referred to in the previous number, the entity where this amount has been deposited, and the account numbers. Subsequently the Parish Council or Councils will put an announcement at the traditional locations in which the commoners are told what they have at their disposal and that they can demand the sums, within the terms fixed above. The Council or Councils will publish the same announcement in a local newspaper or, in the absence of such a paper, in the newspaper mostly read in the locality.
3. In the event that the amounts of money have been deposited by the competent services of the Administration in any bank at the order of the local communities, the banking institution has to hand over the money to the community's representative body with the terms of 90 days counting from the date this present law enters into action.

4. In the case foreseen in nr. 1, the services of the Administration which possess the amounts will hand these amounts over the Parish Council or Councils of the *baldio* within the term mentioned in the previous number, for the aims expressed in the following number.
5. The Parish Councils mentioned in the previous number will elaborate, within 90 days starting at the date they receive the money, a plan for the utilization of the funds they have received. These plans have to be submitted for approval to the commoners' assembly, or, in the case this assembly does not exist or function, to the respective Parish Assembly or Assemblies. In the plans the funds have to be used for projects and improvements in the area corresponding to the respective *baldio*, or in the territory of the respective community.

Art. 39: Irregular constructions

1. Parts of *baldio* upon which, until the date of publication of this law, durable buildings for habitation or for economic exploitation or for social use have been constructed, can be alienated by the commoners' assembly through a two-thirds majority decision, if the situations correspond to those foreseen in article 31. In these cases, public auctions are not necessary, and the price can be established by direct negotiation.
2. If the conditions set by the previous number and by article 31 are not satisfied, the owners of the concerned constructions can acquire property of the parcel of *baldio* strictly necessary for the aims of the construction concerned, by turning to the *accessao industrial imobiliaria* in the general terms of the law. If they do not do so within the terms of two years starting with the date this present law enters into action, the respective communities may acquire all the necessary and useful improvements incorporated in the terrain against the value set by mutual agreement or by judicial valuation.

Art. 40: Mandate of the existing organs

The present members of the presidium of the commoners' assembly and the management comity complete the term of their mandate according to the terms of *Decreto-Lei 39/76* of 19 January, without consequences for the immediate application of the dispositions of this present law, in particular those which concern the auditing committee.

Art.41: Regulation

Without affecting the entering into action of the dispositions of this present law which can be applied immediately, the Council of Ministers will proceed with the regulation necessary for a good execution within the term of 90 days counting from the date this present law enters into action.

Art. 42: Revocatory norm

All the legal norms which can be applied to *baldios*, in particular the *Decretos-Leis 39/76* and *40/76*, are revoked.

Approved on 29 June 1993

Promulgated on 28 July 1993.

### Appendix 14: The Paper Pulp Industry in Portugal

The main features of the companies (1989 figures) (LUSA 1990, Celbi 1965-1988, *Semanário Económico* 16-3-1991; *O Jornal* 19-4-1991, p.13; *Público* 13-5-1991, p.43; IPF 1988, *Expresso* 27-10-1989.

Name Company	Nr. empl.	Production (1000 tons)	Net result (10 <sup>6</sup> esc)	Rank	Number of plants		Social capital (10 <sup>9</sup> esc)	Owned or rented area (ha)
					pulp	paper		
Caima	600	120.7	4.2	86	2	0	4.3	35,540
Celbi	698	239.6	7.0	35	1	0	15.5	40,739
Portucel	4,600	400.0	6.0	8	3	4	50.0	100,000
Soporcel	582	387.0	13.7	23	1	1	23.5	70,000

*Caima*, the oldest paper pulp industry, was created in 1888 by British entrepreneurs as a timber company but rapidly shifted towards pulp production. Its first plant was built in Albergaria near Aveiro, on the Caima river bank, from where the firm has derived its name. Caima was the first (in 1928) enterprise to shift from pine to eucalyptus as its principal raw material. In 1945, pine pulp production was stopped. The Albergaria factory has a production capacity of 50,000 tons per year. In 1960, a second plant was built in Constância, at the confluence of the Zezere and the Tagus rivers. Apart from the abundance of water, its good road and rail connections and the availability of a labour force attracted the enterprise. The present production capacity is 80,000 tons of pulp per year, so that total production capacity is 130,000 tons. Its main product is chlorine free pulp. The enterprise still is British; it controlled by Eucalyptus Pulp Mills (EPM). Caima administers its forests by a daughter company, Silvacaima, which employs about 75 people on a permanent basis and upto 100 temporal workers (int 15 April 1992). Its potential self sufficiency in wood supply amounts 50%. In 1989, the self-sufficiency rate of Caima was 20% of its needs, in 1990 it seemed to have gone up to 25%, and in 1991 it reached even 37% (CAIMA 1991). Some observers expect that the enterprise intends to reach full self-sufficiency (*Diario de Noticias* 19 November 1990; *Semandrio Económico* 2 February 1991).

*Celbi* is the second oldest company. It was founded in 1965 by a Swedish corporation, *Billerud* in cooperation with several important Portuguese financial groups, such as the *Sociedade Geral Financeira*, *Companhia de Seguros Imperio*, and the *Companhia Uniao Fabril* (CUF). *Billerud*, controlled 71% of the shares, whereas the main Portuguese stockholders was CUF with 22% (Martins 1973). After their nationalization in 1975, their portfolios were transferred to IPE (*Investimentos e Participacoes Empresariais*), so that today, the state (29% of the shares) and *Billerud*, presently a subsidiary of Wallenberg's *Stora*, control the enterprise. *Celbi's* factory was built in Figueira da Foz in 1965 and entered production two years later. Since then, the production steadily increased from 25,000 tons of pulp in 1967 to 240,000 tons in 1989. *Celbi* has always been interested in primary production. Immediately after its take-off, it started to buy

and rent land in order to guarantee its supply of raw materials. The exact size of the area under its direct control is unknown, but in 1986, it owned or rented approximately 41,000 hectares. Self-sufficiency rose from 7% in 1979 to 24% in 1985, and probably has increased further (Celbi 1965-1988), as probably has also the area it controls. According to a spokesman of the enterprise, presently its self-sufficiency lies higher than is actually needed as Celbi intends to invest in the doubling of its production capacity. When in 1991 this project was suspended, Celbi sold wood to Portucel because its stocks were too high (int 11 April 1992). Celbi's interest in primary production is also reflected in the company's research activities. During its early years, under the influence of CUF, Celbi investigated the possibilities of the use of fertilizers in eucalyptus plantations. It did also some work on the influence of planting distances (IPF 1988). Recently it has been working on the bio-technological improvement of eucalyptus in order to double the cellulose production per tree (*Semanario Economia* 9 March 1990; *Publico* 27 May 1991).

*Portucel* was created in 1976 after the nationalization of four paper pulp companies that had belonged to the country's major pre-1974 capital groups (CUF, Espírito Santo, etc). The oldest of these four companies, the *Companhia Portuguesa de Celulose* had used pine as its raw material, but already in 1953 it started to use eucalyptus, as well. Presently, Portucel is Portugal's largest paper pulp company, and number 9 in the overall national ranking (*Expresso* 27 October 1989). Internationally, it is one of the 70 major paper pulp companies in the world (*Didrio de Noticias* 11 June 1990). The company owns more than 100,000 hectares or 3% of the national forest area, mainly in the Castello Branco district. At the moment, its stands produce about one third of the 2.1 million steres of eucalyptus it consumes (int 11 April 1992). Through the expansion of its forest area and the improvement of eucalyptus stands and by genetic engineering, the enterprise wants to achieve a self-sufficiency degree of 50% (Portucel 1990a). The forestry section employs about 230.<sup>1</sup> Related to the forestry section, other activities are developed in separate firms. One of these activities is hunting through the participation in the Sociedade Agricola Vale do Lucriz (2,500 ha) (since 1988), production hazel nuts, aquaculture (Ria-Maë) and tourism.

*Soporcel* is the youngest paper pulp producing enterprise. It was created in 1973 under the name of Celangol in Angola, but left that country after the revolution. In 1979, the company decided to invest in Portugal. Two years later, a plant was built in Lavos (Figueira da Foz) just a few miles away from Celbi's. In 1985, the enterprise found an international partner in the British paper company *Wiggins Teape Appleton*, which obtained 43% of the shares. The start of Soporcel distressed the other corporations as they feared for the increased demand for eucalyptus. According to a spokesman of Caima, they were able to have Soporcel's take-off made dependent on the promise that it would only use pines as its raw material (int 15 April 1992). Soporcel itself declared that the precondition was that Soporcel would create its own plantations (int 9 April 1992). In any case, like the other enterprises, Soporcel is actively engaged in eucalyptus wood production. Through its in 1983 established daughter *Emporsil* Soporcel controls 70,000 hectares of forest lands, of which 42,000 ha is covered by eucalyptus. Its self-sufficiency rate is around 40% (int 9 April 1992). Today, Emporsil is Portugal's largest forestry enterprise, employing a staff of 72 employees and some 200 to 300 temporal labourers. In 1991 it has created another daughter, *Soporrap* which is going to transform half of the enterprise's pulp in to paper. It is also engaged in agriculture (5,400 ha farm land), animal husbandry (6,500 heads of cattle) and hunting (Emporsil 1990).

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*Quoted informants*

Albino Rebelo, former president of the Parish Council of Campea.  
 António Campos, deputy for the Socialist Party in the Assembleia da Republica.  
 António Lopes Cardoso, former Minister of Agriculture.  
 António Augustinho Teixeira, member of the Cotorinho *baldios* management commission.  
 António Bica, former Secretary of State for Agriculture.  
 Armando Carvalho, the regional secretary of *baldios* commissions in Vila Real.  
 Carlos Duarte, deputy for the Social Democratic Party (PSD) in the Assembleia da Republica.  
 Domingos Afonso, (aspirant) member of the *baldios* management commission of Dornelas.  
 Edmeads, director of Caima.  
 Eugénio Varejao, former head of the *Administração Florestal* of Vila Real.  
 Father Guilherme Fraga, parish priest (*abode*) of Campeã.  
 Joao Duraõ, director of the forestry division of Portucel.  
 Joao Soares, forestry director of Soporcel.  
 Joaquim Coelho, former president of the Parish Council of Campeã.  
 José Grilo, inhabitant of Aveçãozinho.  
 José Abilio de Moreira Silva, president of the Bragado Parish Council.  
 José Joaquim Moreira da Silva, director of the Forestry Circumscription of Porto.  
 Lucilio Martins, director of the Forest Inventory Department within the Directorate-General of Forests in Lisbon.  
 Members of the *baldios* commission of Balsa & Vale de Agodim.  
 Mestre Tuna, former forest guard in the parish of Campeã.  
 Saraiva and other members of the *baldios* commission of Cidadelha de Aguiar.  
 The *Administrador Florestal* of Vila Real.  
 The *Administrador Florestal* of Pedras, Salgadas.  
 The *Administrador Florestal* of Montalegre.  
 The *Governador Civil* of the district of Vila Real.  
 The president of the Parada de Pinhao Parish Council.  
 The president of the Vila Verde *baldios* commission.

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## Samenvatting

Tot aan het eind van de negentiende eeuw was het communaal bezit van grond in veel landen in Europa een algemeen verschijnsel. Deze gemeenschapsgronden vervulden een belangrijke rol in de toenmalige rurale economieën: zij fungeerden als weidegronden, leverden plaggen en struikgewas die vermengd met dierlijke mest werden gebruikt voor het handhaven of verbeteren van de vruchtbaarheid van de akkers, zij verschaften brandstof, en ze dienden als een strategische reserve voor ontginning en voor de bouw van huizen voor de opvang van de bevolkingsgroei. In de meeste landen zijn deze communale gronden grotendeels verdwenen. In Portugal bestaan zij nog wel. De zogenaamde *baldios* zijn eigendom van dorpsgemeenschappen en worden beheerd en door het collectief van de gemeenschapsleden.

In het verleden was het bestaan van de *baldios* omstrede en ook nu is hun toekomst onzeker. In de periode 1938-1974, toen het land werd geregeerd door een autoritair regime (de *Estado Novo*), voerde de centrale overheid een actieve politiek die was gericht op het nationaliseren en privatiseren van de *baldios*. Deze politiek werd gecoördineerd door een onderdeel van het Ministerie (later: Staatssecretariaat) van Landbouw: de *Junta da Colonização Interna* (JCI, Raad voor de Binnenlandse Kolonisering). Deze Raad hield zich hoofdzakelijk bezig met de begeleiding van het privatiseringsproces. Hij droeg de genationaliseerde terreinen voor bebossing over aan een ander onderdeel van het Landbouwministerie, de Staatsbosdienst. Als gevolg van deze politiek verloren de dorpsgemeenschappen hun zeggenschap over de *baldios*. In 1966 werd deze ontwikkeling voltooid door het schrappen van communaal eigendom als aparte categorie binnen het burgerlijk recht. Het autoritaire bewind werd in 1974 door een militaire staatsgreep, de Anjer-revolutie, omvergeworpen. Na de machtswisseling werd de politiek ten aanzien van de *baldios* herzien en het dorpsbestuur over de communale gronden in ere hersteld. De door de Staatsbosdienst beheerde communale gronden herkregen een eigen wettelijke status die werd gegarandeerd door de grondwet. De organisatie van het gebruik en beheer werd geregeld door een aparte wet, *Decreto-Lei* 39/76 van 19 januari 1976. In september 1993 werd de wettelijke status nogmaals herzien. De positie van de dorpsgemeenschappen als eigenaar en beheerder van de gronden bleef echter ongewijzigd.

De hierboven samengevatte geschiedenis van de *baldios* roept een aantal vragen op die de kern vormen van dit boek. Waarom wilde de overheid een eind maken aan het bestaan van communale gronden? Waarom speelde in die pogingen juist de bosbouw zo'n belangrijke rol? En hoe moet men in het licht van de antwoorden op deze eerste twee vragen de teruggave de *baldios* in het midden van de jaren zeventig begrijpen?

In dit boek wordt betoogd dat de overheidspolitiek ten aanzien van de *baldios* moet worden begrepen als een onderdeel van een veel algemener proces van staatsvorming. Staatsvorming wordt dan opgevat als het vormgeven van de

relatie tussen staat en burger en, daarmee samenhangend, aan de staat zelf. Totdat het overheidsingrijpen in de gemeenschapsgronden zijn beslag kreeg, waren de boerengemeenschappen relatief autonoom ten opzichte van de staat. Zij waren vergelijkbaar met wat Elias (1974) dorpsrepublieken noemt. Door te interveniëren in het beheer van de communale gronden en de zeggenschap van boerengemeenschappen over deze gronden probeerde de centrale overheid een meer directe greep te krijgen op het leven van de boerenbevolking.

Bosbouw was om verschillende redenen een geschikt medium voor het vestigen van de staatsmacht. Eén daarvan werd gevormd door het feit dat de *baldios* vanwege hun relatief geringe bodemvruchtbaarheid, hun ligging en reliëf slecht geschikt waren voor ontginning ten behoeve van de landbouw. Een andere betrof de aard van bosbouw. Hout is geen voedingsmiddel maar een grondstof voor industriële verwerking. De bebossing van de *baldios* leidde derhalve tot een verandering in de positie van de regio's waarin deze *baldios* waren gelegen in de regionale arbeidsdeling en bevorderde de integratie van deze regio's in de nationale economie als grondstofproducenten. Een derde element was dat de aanplant van bos door de overheid ging gepaard met de vestiging van een specifiek overheidsapparaat op het platteland. Met de aanleg van bos vestigde de staat zich in het platteland in de personen van administrateurs en boswachters. Deze onderwierpen de bewoners aan een speciale boswetgeving, die in plaats kwam van de oorspronkelijke, door de dorpingen zelf ontworpen, regels met betrekking tot het beheer van de communale gronden. In die zin impliceerde de aanplant van bos ook het implanteren van staatsmacht.

Gegeven het feit dat bosaanplant gepaard ging met de aanpassing en onderschikking van lokaal geformuleerde regels aan de regel- en wetgeving van de staat speelt het recht een belangrijke rol in dit onderzoek. Het fungeert als indicator voor de onderwerping van lokale gemeenschappen aan diezelfde staat. Verder geldt dat het recht het mogelijk maakt de meer algemene politieke en economische verhoudingen te begrijpen. De strijd over het recht en zijn toepassing drukt de ontwikkeling uit van de politiek-economische verhoudingen.

De politiek van de *Estado Novo* ten aanzien van de gemene gronden vormde een voortzetting van een veel ouder proces. Vanaf het begin van de negentiende eeuw werd de staat in toenemende mate "burgerlijk" of "kapitalistisch". De adel werd in toenemende mate uit het staatsapparaat verdreven en vervangen door de burgerij. Daarnaast steunde de staat kapitalistische accumulatieprocessen ten koste van andere, zoals feodale of communale, organisatievormen van de economie. De transformatie van de juridische status van de *baldios* die gepaard ging met de bebossing, weerspiegelde de pogingen van de staat om produktiemiddelen die opgesloten waren in niet-kapitalistische juridische vormen, daarvan te bevrijden en ze te integreren in de kapitalistische economie. Door auteurs als Hespanha (1980) wordt daarom betoogd dat deze politiek moet worden gezien als een onderdeel van een zogenaamde burgerlijke revolutie.

Bovenstaande laat zien dat de bebossing van de *baldios* als onderdeel van de veranderingen in de politieke verhouding tussen de plattelandsbevolking en de staat een politieke en een economische dimensie heeft. In dit boek worden beide dimensies onderzocht aan de hand van een aantal gemeenschappen in het noorden van Portugal. De meest belangrijke van deze gemeenschappen is Campeã, een kerspel in het district Vila Real.

Het onderzoek in Campeã en in andere, soortgelijke gebieden waarin de Staatsbosdienst intervenieerde, laat zowel zien dat deze schets in grote lijnen correct is, als dat de werkelijkheid ingewikkelder en genuanceerder is geweest. In het concrete geval van Campeã moet bijvoorbeeld de these van de burgerlijke revolutie worden gecorrigeerd. Al in de achttiende eeuw was dit kerspel een centrum van commerciële activiteiten. Het vormde een schakel in de handel tussen de haven het kustgebied van Porto en het binnenland rond Vila Real. Het kerspel was één van de weinige gemeenschappen op het platteland met een eigen markt. Deze markt was hoofdzakelijk bekend vanwege het daar aangeboden lokale runderras, de *maronesa*. Blijkbaar speelde de commerciële veehouderij destijds een belangrijke rol in de lokale economie. De agrarische structuur van het kerspel was gekenmerkt door het bestaan van (land-)bezittende boerenwerkgevers en een groot aantal landarbeiders. Deze verhoudingen veranderden pas in de jaren zestig van de twintigste eeuw, toen, aangetrokken door de industrialisatie in noord-west Europa, vele landarbeiders emigreerden. Sindsdien is het gezinsbedrijf de dominante organisatievorm in de landbouw.

Deze interpretatie van de geschiedenis van Campeã laat zien dat communaal eigendom verbonden niet noodzakelijk is verbonden aan een gesloten boeren-economie. Dit betekent dat het niet zinvol is de staatsgeleide privatisering en nationalisering van de meenten van dit kerspel op te vatten als een kapitalistische transformatie. Dat kapitalisme was er al. Het is echter wel waar dat deze interventies correspondeerden met de ontwikkeling van kapitalistische produktieverhoudingen. Beide leidden in principe tot versterkte accumulatie in de private landbouw en de publieke bosbouw ten koste van de communale sector.

In de literatuur zijn de invloed van de interventies in de meenten op de ontwikkelingen op het platteland en die van meer algemene processen vaak verward. Men analyseert het uiteenvallen van de oorspronkelijke agrarische samenleving bijna uitsluitend als gevolg van de privatisering en nationalisering van de *baldios*. Deze zouden er toe hebben geleid dat agrarische regio's zoals Campeã leveranciers werden van goedkope (migrerende) arbeidskrachten en grondstoffen (hout) voor industrieën elders in Portugal en Europa. Deze tendensen zijn zeker reëel en hun gevolgen met name sinds de jaren tachtig goed waarneembaar: het platteland raakt in hoog tempo ontvolkt. Het is echter onjuist deze veranderingen volledig te verklaren uit de bebossing van de gemeenschapsgronden. Deze bebossing maakte deel uit van een globaler proces en moeten begrepen worden als onderdeel van de ruimtelijk gedifferentieerde ontwikkeling van de nationale en Europese economische systemen.

Hoewel deze ontwikkeling het niveau van de beperkte sectorale en nationale overheidsbeleid te boven ging, mag, mede gezien de prominente rol die de staat tot 1974 speelde in de Portugese economie, het belang van die staat niet worden ontkend. Een analyse van die rol dwingt echter tot een nuancering van het bestaande beeld. In de literatuur wordt de Portugese Staatsbosdienst veelal geschetst als een paramilitaire organisatie die met geweld de meenten bezette en de plattelandsbevolking onderwierp aan haar politieke macht. Hoewel de bevolking zich soms zelfs met geweld probeerde te verzetten, was zij in de gevallen weerloos tegen zoveel overmacht. In de door mij onderzochte gevallen was van gewelddadig verzet nauwelijks sprake. Wel was er "klein verzet", dat zich met name uitte door het stemgedrag bij verkiezingen. Als gevolg van de interventies van de Staatsbosdienst en de JCI kreeg een oppositie-kandidaat zoveel electorale steun op het platteland rond Vila Real dat dit zelfs op centraal niveau aanleiding gaf tot bezorgdheid. Verder werden de activiteiten van deze lichamen in hoge mate werd beïnvloed door de lokale strijd om politieke en economische zeggenschap over de *baldios* tussen gemeentelijke en kerspeleroverheden, tussen verschillende facties binnen de lokale elite, en tussen de elite en de onderste lagen van de samenleving. Deze lokale strijd verklaart ook waarom men in Campeã de interventie van de bosdienst als ingrijpender ervoer dan die van de JCI. Doordat de JCI land privatiseerde, was zij beter dan de bosdienst in staat een alliantie aan te gaan met belangrijke individuen uit het kerspel. Deze slaagden er namelijk in delen van de meent in handen te krijgen en profiteerden zo van de privatisering. Met andere woorden: naast pressie (en het daarmee samenhangende verzet) was er ook sprake van medeplichtigheid. De dwang werd gecompleteerd door collaboratie.

Het jaar 1974 vormde een breukvlak: tot dat jaar was het overheidsbeleid gericht op de ontmanteling van gemeenschapsgronden, en daarna werden (in 1976) de meenten in ere hersteld. Deze wending was een direct gevolg van de Anjer-revolutie. Na die revolutie kwamen linkse politici aan de macht, die het herstel van de gemeenschappen opvatten als een logische consequentie van de door hen voorgestane democratisering van de samenleving en transitie naar het socialisme. Een analyse van de toenmalige politieke processen maakt echter duidelijk dat de restauratie van de *baldios* als onderdeel van een revolutionaire strategie was gedoemd te mislukken. Ze berustte op een aantal gebrekkige en tegenstrijdige vooronderstellingen met betrekking tot de aard van de agrarische gemeenschappen en hun economieën en de staat. Een dergelijke analyse maakt tevens duidelijk dat de restauratie van de *baldios* ook in het belang was van de Staatsbosdienst. De bosdienst vreesde dat hij de zeggenschap over de meenten zou verliezen aan lokale overheden. Een dergelijke ontwikkeling zou niet alleen het bos maar vooral ook de dienst zelf in zijn bestaan hebben bedreigd. De dorpsgemeenschappen werden niet zozeer als een bedreiging gezien, omdat deze niet over de middelen beschikten om de macht en ambities van de bosdienst te weerstaan. De teruggave van de meenten maakte dus deel uit van twee

tegenstrijdige ambities: revolutionaire democratisering, en de continuering van het project van de bosbouw-bureaucratie.

Na 1976 vond de wederopbouw van gemeenschapscontrole over de *baldios* slechts schoorvoetend plaats. Mede als gevolg van de eerdere overheidsinterventies was de draagkracht van dorpsgemeenschappen voor de instituties voor het beheer van communale gronden afgenomen. Daarenboven stelde de nieuwe wet hoge eisen aan de manier waarop de gemeenschappen zich moesten organiseren dan in het verleden. Tenslotte was het revolutionaire project, waarvan de restauratie van de meenten deel uitmaakte, een exogene overheidsonderneming en niet iets wat rechtstreeks voortkwam uit de rurale bevolking zelf.

De twintig jaar die inmiddels zijn verstreken verplichten tot een analyse van de economische en politieke betekenis van het herstel van de gemene gronden. In economische zin vormde de restauratie in de eerste plaats de tegenhanger van de algehele marginalisering van rurale gebieden zoals Campeã. Tot 1974 had de nationalisering en bebossing de lokale bevolking weinig baat gebracht. Zij werd nauwelijks gecompenseerd voor het verlies van haar gemeenschapsgronden en de bebossing leverde weinig lokaal profijt op in de vorm van werkgelegenheid. Dit veranderde als gevolg van het herstel van de communale controle. Nu bleef het merendeel van de bruto opbrengst van de bossen in handen van de dorpen in plaats van weg te vloeien naar de centrale staat. In dorpsgemeenschappen die over grotere meenten beschikken, vormden deze gelden een belangrijke inkomstenbron, die soms in omvang het budget van een kerspel als Campeã als geheel overtrof. De dorpen gebruikten deze gelden vooral voor de bouw van infrastructurele voorzieningen zoals wegen, bruggen, en dergelijke. Deze investeringen vergrootten de leefbaarheid van het platteland en droegen zo mogelijk bij aan het afremmen van de ontvolking.

Op het politieke vlak leidde de restauratie van de communale gronden tot een versterking van de positie van dorpen in relatie tot de lokale en andere overheden. Door de recuperatie van gemeenschapscontrole over de *baldios* en daarenboven over de financiële opbrengsten van deze gemeenschapsgronden ontstonden nieuwe mogelijkheden van politieke macht en van conflict. Onder de conditie van de sinds 1976 gevestigde parlementaire democratie kreeg de zeggenschap over de meenten partij-politieke implicaties. Niettegenstaande de retoriek die vooral refereerde aan het zogenaamde socialistische karakter van de in 1976 gecreëerde organisatie-structuur, waren het vooral deze partij-politieke implicaties die in 1993 leidden tot de herziening van *baldios*-wetgeving.

Het boek besluit met een blik op de toekomst. Het beheer van de herstelde meenten vindt plaats in een context van Europese integratie. Deze integratie heeft grote gevolgen voor de bevolking van het Noord-Portugese platteland. Boereninkomens dalen, zodat de revenuen uit de *baldios* ten spijt men in groten getale wegtrekt naar de industriële centra langs de kust of elders in Europa. Voor de achterblijvende boeren lijkt vanwege de modernisering van de landbouw enerzijds en de subsidiëring van bosaanplant op landbouwgrond door

de Europese Unie anderzijds bosbouw op communale en privé-gronden in toenemende mate de enige toekomstmogelijkheid. Gegeven de concentratie van de (houtverwerkende) industrie in andere delen van het land lijkt derhalve een verdere ontvolking van de regio onvermijdelijk. Deze ontwikkeling zal ook consequenties hebben voor het voortbestaan van de *baldios*. Naar alle waarschijnlijkheid zullen deze met de dorpsgemeenschappen verdwijnen.

Echter, maatschappelijke ontwikkelingen zijn geen autonome processen maar inzet en uitkomst van sociale strijd. Door de boerenbewegingen in de regio wordt gepleit voor een andere strategie voor landbouwontwikkeling. Zij verdedigen het stimuleren van de produktie van regio-specifieke, "traditionele", kwaliteitsprodukten. Hiermee zou het voortbestaan van een agrarische bevolking kunnen worden gegarandeerd. Aangezien het agrarisch gebruik van de gemeenschapsgronden een essentieel onderdeel van deze strategie vormt, zou daarmee het voortbestaan van deze gronden worden gewaarborgd.

## **Biography**

Roland Brouwer was born on 19 June 1960 in Zutphen, the Netherlands. From 1972 to 1978 he attended the Baudartius College in Zutphen, where he obtained his Gymnasium-B diploma. In 1986, he graduated in Forestry at the Wageningen Agricultural University (B.Sc and M.Sc degrees). From 1987 until 1990 he worked at the *Studium Generale* Department within the same university. From July 1990 until December 1994 he was Ph.D student at the Departments of Forestry and Agrarian Law. He has published articles on development issues, research methodology, forestry, and communal land management. Roland Brouwer did fieldwork in Portugal in 1982, the Cape Verde Islands in 1983, and again in Portugal from August 1990 until October 1991. He was co-organizer of the conference on Agrarian Questions and the Politics of Farming held on 21 to 23 May in Wageningen.

'Planting Power' discusses the afforestation of the commons in Portugal by the state Forestry Service. It shows that tree planting was part of the subjection of the local population to state law and power. This subjugation was also contingent upon the cooperation of important segments within the rural population. The book combines empirical material on politics, the Forestry Service, and rural communities, with theoretical insights in state and state formation, law and legal pluralism, and forest management technologies. At the methodological level it combines monographs, extended case studies and inquiries in general political and economic developments. The book provides a better understanding of the processes of policy formulation and implementation as parts from a struggle between politicians, officials, local rulers and the peasantry.

Roland Brouwer (1960) graduated in forestry in 1986. His main field of interest is forest management as element of the relation between the peasantry and the state.