

To common or not to common?*
Why did some pre-industrial societies use the commons to exploit their resources while others did not?
A hypothesis based on the social distribution of risk

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ABSTRACT

In recent years, scholars have tried to explain why the commons developed more intensively and more widespread in certain parts of pre-industrial Europe than in other parts. It has been shown that in certain cases, societies did often benefit from exploiting their resources collectively using a host of common rights and institutions. Some of these new interpretations are overwhelmingly positive of the role of commons, past and present. If that is then in fact true, an obvious question (not always explicitly addressed or framed in this way) is why so many societies of pre-industrial Europe either (a) did not decide to use the commons or (b) dismantled the commons very quickly?

In particular, many scholars have put a lot of precedence on the negation of risk when arguing for the economic rationale of the commons. The problem with this literature, however, is that it is implicitly accepted that 'risk avoidance and sharing' are all things that every pre-industrial society aimed to achieve or could benefit from. Instead in this paper, it is argued that the emergence of the commons in parts of pre-industrial Europe was not linked to a universal need for 'risk avoidance' per se but rather was dependent on **the social distribution of risk**. Societies with highly equitable social distribution of risk were those with (a) a large number of inhabitants with access to the means of production (for example, an egalitarian distribution of property), (b) an equitable balance of political power between interest groups, and (c) high levels of freedom to choose their own economic path and make decisions. In contrast, societies with highly inequitable social distribution of risk were those with (a) a large number of inhabitants divorced from the means of production (for example, a highly polarised distribution of property), (b) a skewed imbalance in power concentrated in the hands of dominant interest groups, and (c) restrictions on large portions of the population to choose their own economic path. In this paper, it is hypothesized that the commons were only logically used or only made economic sense in societies characterised by highly equitable social distribution of risk. However, in societies with more inequitable social distributions of risk, it is argued that societies would very rarely use the commons as a predominant mode of exploitation (if at all), and if they did appear they would be insubstantial or be usurped and disappear very quickly.

* Archive contractions are as follows: ASF – Archivio di Stato di Firenze; ASC - Archivio Storico dell'Eremo e Monastero di Camaldoli; GELA – Gelders Archief (Arnhem); RAR - Regionaal Archief Rivierenland Tiel; ASB - Archivio di Stato di Bari; ASA- Archivio di Stato di Arezzo.

In recent years, scholars have tried to explain why the commons developed more intensively and more widespread in certain parts of pre-industrial Europe than in other parts. It has been shown that in certain cases, societies did often benefit from exploiting their resources collectively using a host of common rights and institutions¹ - as a counter-balance to the clear private property rights paradigm put forward in works by Douglass North or Robert Brenner.² The story of a progressive triumph of capitalist forces pushed through by the definition and enforcement of private property rights has since been nuanced slightly.³ Thus, instead of being a 'backward' form of agricultural organisation and hindering the emergence of more 'commercialised' economies,⁴ it has been argued that pre-industrial societies took a number of benefits from exploiting their resources through the commons, including devices for sharing and managing risk, creating advantageous economies of scale, and reducing transaction costs.⁵ Furthermore, the commons as a mode of exploitation were often highly resilient.⁶ Some of these new interpretations are overwhelmingly positive of the role of commons, past and present.⁷ If that is then in fact true, an obvious question (not always explicitly addressed or framed in this way) is why so many societies of pre-industrial Europe either (a) did not decide to use the commons or (b) dismantled the commons very quickly?

In particular, many scholars have put a lot of precedence on the negation of risk when arguing for the economic rationale of the commons. All pre-industrial societies inevitably had to face economic, environmental, and agricultural challenges at some point, which could come in the form of famine, war, expropriation, flooding, failed harvests, pestilence, oppressive taxation, or the disappearance of natural resources. Thus, the commons were one way in which the effects of some of these events were limited – crises could be averted. Thus, according to Tine De Moor, 'risk-avoidance and sharing' was just one of three explicitly named reasons why societies opted to employ these institutions for collective action.⁸ Indeed, De Moor has skilfully shown that the commons were often an effective way to 'avoid tragedies' by countering environmental degradation.⁹ According to Donald McCloskey, the common fields were an exercise in risk-management as no single person could monopolise the best soils; if one harvest failed, this was not disastrous.¹⁰ Those who employed this system were apparently 'prudent'.¹¹ This view is supported by a wealth of literature describing the common fields as designed for sustainable ecological management; rotating field left fallow and not exhausting the nutrients of the soil.¹² Elsewhere, literature has shown how

¹ The most important work on a theoretical level is E. Ostrom, *Governing the commons: the evolution of institutions for collective action* (Cambridge, 1990).

² D. North, *Institutions, institutional change and economic performance* (Cambridge, 1990); R. Brenner, 'Agrarian class structure and economic development in pre-industrial Europe', *Past and Present*, 70 (1976), 30-75.

³ R. Congost, 'Property rights and historical analysis: what rights? What history?', *Past and Present*, 181 (2003), 90.

⁴ As implicitly accepted in the likes of G. Clark, 'Commons sense: common property rights, efficiency and institutional change', *Journal of Economic History*, 58.1 (1998), 73-102.

⁵ T. de Moor, 'The Silent Revolution: a new perspective on the emergence of commons, guilds, and other forms of corporate collective action in Western Europe', *International Review of Social History*, 53 (2008), 179-212.

⁶ A. Bhaduri, 'Economic power and productive efficiency in traditional agriculture', in B. Gustafsson (ed.), *Power and economic institutions: reinterpretations in economic history* (Aldershot, 1991), 53-68.

⁷ T. de Moor, 'What do we have in common? A comparative framework for old and new literature on the commons', *International Review of Social History*, 57 (2012), 269-90; C. Rodgers, E. Straughton and A. Winchester, *Contested common land. Environmental governance, past and present* (London, 2011); A. Poteete, M. Janssen and E. Ostrom, *Working together. Collective action, the commons, and multiple methods in practice* (Princeton, 2010).

⁸ De Moor, 'The Silent Revolution', 209.

⁹ T. De Moor, 'Avoiding tragedies. A Flemish common and its commoners under the pressure of social and economic change during the eighteenth century', *Economic History Review*, 62.1 (2009), 1-22.

¹⁰ D. McCloskey, 'English open fields as behaviour toward risk', *Research in Economic History*, 1 (1976), 124-70.

¹¹ D. McCloskey, 'The prudent peasant: new findings on open fields', *Journal of Economic History*, 51 (1991), 343-55.

¹² M. Turner, J. Beckett and B. Afton, 'Agricultural sustainability and open-field farming in England, c.1650-1830', *International Journal of Agricultural Sustainability*, 1 (2003), 137-8; J. Pretty, 'Sustainable agriculture in the Middle Ages on the English manor', *Agricultural History Review*, 38.1 (1990), 1-19; B. Campbell, 'Ecology versus economics in late thirteenth and early fourteenth century English agriculture', in D. Sweeney (ed.), *Agriculture in the Middle Ages: technology, practice, and representation* (Philadelphia, 1995), 76-108.

cooperative institutions such as fraternities were used to ‘mitigate risks of everyday agrarian life’.¹³ Similar need to negate the risks of commercial fishing has been used as rationale for collective fisheries in contemporary society.¹⁴

The problem with this literature, however, is that it is implicitly accepted that ‘risk avoidance and sharing’ are all things that every pre-industrial society aimed to achieve or could benefit from. This has been a criticism made by the author of the work of De Moor, for example.¹⁵ Indeed, the risk-reducing features of the commons have often been seen as universally applicable. This is understandable because intuitively we think that the reduction of risk is a ‘positive thing’. Anything that reduces the likelihood of people dying through the failure of their harvest or by losing their farm to flooding is obviously a welcome strategy. However, it is argued in this paper that things like ‘risk avoidance and sharing’ were only beneficial for some societies. Other societies were arranged in such a way that they did not care for or were not interested in the sharing of risks – in effect making collective management of resources less likely. Risk has a social context.¹⁶

Instead in this paper, it is argued that the emergence of the commons in parts of pre-industrial Europe was not linked to a universal need for ‘risk avoidance’ per se but rather was dependent on **the social distribution of risk**. Societies with highly equitable social distribution of risk were those with (a) a large number of inhabitants with access to the means of production (for example, an egalitarian distribution of property), (b) an equitable balance of political power between interest groups, and (c) high levels of freedom to choose their own economic path and make decisions. In contrast, societies with highly inequitable social distribution of risk were those with (a) a large number of inhabitants divorced from the means of production (for example, a highly polarised distribution of property), (b) a skewed imbalance in power concentrated in the hands of dominant interest groups, and (c) restrictions on large portions of the population to choose their own economic path. In this paper, it is hypothesized that the commons were only logically used or only made economic sense in societies characterised by highly equitable social distribution of risk. However, in societies with more inequitable social distributions of risk, it is argued that societies would very rarely use the commons as a predominant mode of exploitation (if at all), and if they did appear they would be insubstantial or be usurped and disappear very quickly.

In that sense, this paper links up with some of the literature which suggests that equitable pre-industrial and contemporary societies are able to develop better coping strategies for dealing with unexpected crises such as natural disasters and installing long-term societal sustainability.¹⁷ Indeed, many scholars have pointed to the positive role of social and economic equality in allowing societies to better deal with potentially disastrous shocks and calamities. It was, after all, Karl Marx, who once quipped that the Great Irish Famine ‘killed poor devils only’.¹⁸ Celebrated development economist Amartya Sen used the Bengal Famine of 1943 to push forward his thesis that mass starvation was not the result of a lack of food, but more the result of distorted systems of access to food.¹⁹ More recently this idea has been added to by Ted Steinberg, who has argued that natural disasters in American history (a) hit impoverished people harder than wealthier segments of society, and (b) could have had their

¹³ G. Richardson, ‘The prudent village: risk pooling institutions in medieval English agriculture’, *Journal of Economic History*, 65.2 (2005), 386-413; M. Kimball, ‘Farmers’ cooperatives as behavior towards risk’, *American Economic Review*, 78.1 (1988), 224-32.

¹⁴ D. Feeny, S. Hanna and A. McEvoy, ‘Questioning the assumptions of the ‘Tragedy of the Commons’ model of fisheries’, *Land Economics*, 72.2 (1996), 187-205.

¹⁵ D. Curtis, ‘Tine De Moor’s ‘Silent Revolution’: Reconsidering her theoretical framework for explaining the emergence of institutions for the collective management of resources’, *International Journal of the Commons* (forthcoming, 2012), 1-25.

¹⁶ P. Fishburn and R. Sarin, ‘Dispersive equity and social risk’, *Management Science*, 37 (1991), 751-69; I. Rohde and K. Rohde, ‘Risk attitudes in a social context’, *Journal of Risk and Uncertainty*, 43 (2011), 205-25.

¹⁷ J. Diamond, *Collapse: how societies choose to fail or succeed* (New York, 2005); P. Blaikie et al., *At risk: people’s vulnerability and disasters* (London, 1994); C. Pfister and C. Mauch, *Natural disasters, cultural responses: case studies towards a global environmental history* (Lexington, 2009); K. Tierney, ‘From the margins to the mainstream? Disaster research at the crossroads’, *Annual Review of Sociology*, 33 (2007), 503-25.

¹⁸ K. Marx, *Capital: a critical analysis of capitalist production*, i (New York, 1967), 704.

¹⁹ A. Sen, *Poverty and Famines. An Essay on Entitlement and Deprivation* (Oxford, 1988).

destructive effects reduced if society had been rearranged in a less polarised manner.²⁰ A further literature has put forward the argument that risks from turbulent environmental events tended to be greater for the poor, racial and ethnic minorities, the less educated, and the politically disenfranchised.²¹

In this spirit, this paper places the arrangement of society at the forefront for understanding the unequal proliferation of an effective risk-avoidance and risk-reduction strategy such as the commons across pre-industrial Europe. In the first section, some examples are used to explain why the commons were able to proliferate and work in societies with equitable distribution of social risk. In the second section, some examples are used to explain why the commons were not used or failed in societies with inequitable distribution of social risk. In the conclusion it is suggested that the divergent development of commons across pre-industrial Europe was likely linked to the increased sharpening of divisions between societies (sometimes quite close to one another) on the grounds of property distribution, the balances of power between interest groups, and the modes of economic exploitation.

I. The commons as a reflection of equitable social distribution of risk

The first condition of an equitable social distribution of risk was a wide access across the whole of society to the means of production. In pre-industrial Europe, this often meant a highly equitable distribution of property. What made this condition an important factor in a society's decision to employ the commons? Those societies which had a large number of smallholding farmers or peasants would have been interested in any kind of resource management which reduced their susceptibility to going below the subsistence line. Indeed, if property was arranged in this way, these kinds of rural people benefited most from the risk avoidance strategies associated with, for example the common fields, because being smallholders, they were most susceptible to poor harvests and environmental disasters which could wipe them out.²² Relatively egalitarian societies of smallholding farmers and peasants certainly would have benefited from the collective pooling of resources and the collective investments made in the common. Indeed, one small peasant cultivator did not have the resources to acquire oxen or horses on his own, let alone a whole plough. Thus, by clubbing together and pooling their resources, small peasants were able to afford a plough, which in turn they pulled and operated together in teams, and which in turn, fed into a system based around the collective management and cultivation of the fields.²³ This kind of situation was even more applicable in societies marked by poor or distorted access to credit and capital facilities – indeed rural credit did not permeate through to the medieval countryside of Western Europe in equal measure.²⁴ At the same time, in societies characterised by a large proportion of their inhabitants with access to the modes of production, a wide section of the population had interests in collective investments which would directly benefit them such as

²⁰ T. Steinberg, *Acts of God: the unnatural history of natural disaster in America* (Oxford, 2006).

²¹ T. Cannon, 'Vulnerability analysis and the explanation of 'natural' disasters', in A. Varley (ed.), *Disasters, development and environment* (Chichester, 1994), 13-31; G. Bankoff, G. Frerks and D. Hilhorst (eds.), *Mapping vulnerability: disasters, development and people* (London, 2004); G. Bankoff, 'Constructing vulnerability: the historical, natural and social generation of flooding in metropolitan Manila', *Disasters*, 27 (2003), 224-38; M. Dorsey, 'Globalizing justice: against environmental racism in the age of globalization', in N. Arias and I. Yáñez (eds.), *Resistance: a path towards sustainability* (Quito, 2000), 37-50; C. Ballard, 'Drought and economic distress', *Journal of Interdisciplinary History*, 17 (1986), 359-78.

²² A point on vulnerability and smallholder mentality made in M. Neuburger, 'Property rights in Brazil: the significance of institutional regulations for the vulnerability and survival strategies of smallholder groups', *Geographica Helvetica*, 56 (2001), 34-47.

²³ W. Rösener, *Bauern im Mittelalter* (Munich, 1985), 151; J. Langdon, *Horses, oxen and technological innovation. The use of draught animals in English farming from 1066-1500* (Cambridge, 1986).

²⁴ J. Zuijderduijn, *Medieval capital markets: markets for rents between state formation and private investment in Holland (1300-1550)* (Leiden, 2009); P. Schofield and T. Lambrecht, *Credit and the rural economy in North-Western Europe, c. 1200-c.1850* (Turnhout, 2009); C. Briggs, *Credit and village society in fourteenth-century England* (Oxford, 2009).

drainage facilities and the fencing-off of pastures. Small farmers, in particular, took advantage of the lowering of transaction costs connected to maintaining flocks and herds of animals.²⁵

Thus it is unsurprising to see a persistent association of collective management of resources with regions characterised by more equitable property arrangements. The region of Drenthe in the north-east of the Low Countries never knew of the manorial system, had a very equitable distribution of peasant property structures crystallised over the long term,²⁶ and was characterised by rural communities which were willing to resort to violence in order to maintain their perceived freedoms and independence.²⁷ It is unsurprising then that resource management was also entirely dominated by access to the commons via grazing on the heaths. In the Land van Heusden (to the south-east of the South-Holland peatlands), Peter Hoppenbrouwers was able to reconstruct a society entirely dominated by small peasant farmers,²⁸ a poorly manorialised society, and a society which made use of the commons – a small area of which still exists today.²⁹ But the same could be said of multiple societies where the commons was employed in the Low Countries: they tended to be characterised by low levels of inequality in power and property arrangements. The same went for the commons studied by De Moor in Inland Flanders,³⁰ by Anton Kos in the Gooi region of Utrecht,³¹ and by Taeke Stol in the Veluwe.³² The commons were also important in the region of Central Apulia known as the *Murgia dei Trulli*, at least up to the sixteenth century before encroachments started to be made into the communal woodlands.³³ This region exhibited an interesting divergence from the usual pattern of large agro-towns and large landed estates owned by feudal lords and land barons in Southern Italy,³⁴ and instead was characterised by highly dispersed patterns of settlement,³⁵ high levels of access to land, and high levels of equality in the land distribution. In 1749 vineyards were distributed across the population of Locorotondo at a Gini index of 0.55, and the Gini index for total distribution of land in the early twentieth century ranged between 0.52 and 0.65 in the region.³⁶ Societies characterised by small peasant farmer property structures also seemed to contain a large number of rural inhabitants who were ready to stand in defiance against threats to the commons: for example in the Massif Centrale of Southern France where village communities often appeared unaffected by the State's revolutionary legislation calling for the dismantlement of the commons.³⁷ It is again entirely indicative that in those regions where large landownership became crystallised and reinforced in the early modern period such as in Overijssel, social

²⁵ E. Tan, 'The bull is half the herd: property rights and enclosures in England, 1750-1850', *Explorations in Economic History*, 13.4 (2002), 472.

²⁶ J. Bieleman, *Boeren op het Drentse zand, 1600-1910: een nieuwe visie op de 'oude' landbouw* (Wageningen, 1987); T. Spek, *Het Drentse esdorpenlandschap: een historisch geografische studie*, 2 vols (Utrecht, 2004).

²⁷ B. van Bavel, 'Rural revolts and structural change in the Low Countries, thirteenth-early fourteenth centuries', in R. Goddard, J. Langdon and M. Müller (eds.), *Survival and discord in medieval society. Essays in honour of Christopher Dyer* (Turnhout, 2010), 249-67.

²⁸ P. Hoppenbrouwers, *Een middeleeuwse samenleving. Het Land van Heusden, ca.1360-ca.1515* (Wageningen, 1992).

²⁹ P. Hoppenbrouwers, 'Een meent en haar mythen: de vroegste geschiedenis van het Wijkerzand (15de-16de eeuw)', in *Historische reeks Land van Heusden en Altena*, iii (Wijk and Aalburg, 1993), 41-63.

³⁰ De Moor, 'Avoiding tragedies', ?

³¹ A. Kos, *Van meenten tot markten. Een onderzoek naar de oorsprong van de Gooise markten en de gebruikrechten op de gemene gronden van de Gooise markgenoten (1280-1568)* (Hilversum, 2012), ?

³² T. Stol, 'Meentgronden in de Gelderse Vallei; in het bijzonder de Bennekommer meent', *Eemvallei / Stichting Veldecologie Midden-Nederland*, 1.1 (1991), 64-74.

³³ B. Cascella, 'I magistri forestarii e la gestione delle foreste', in R. Licinio ed. *Castelli, foreste, masserie: potere centrale e funzionari periferici nella Puglia del secolo XIII* (Bari, 1991), 47-94; R. Travaglini, *I limiti della foresta oritana in documenti e carte dal 1432 al 1809* (Oria, 1977).

³⁴ D. Curtis, 'Is there an agro-town model for Southern Italy? Exploring the diverse roots of the agro-town structure through a comparative case study in Apulia', *Continuity and Change* (accepted); F. Snowden, *Violence and great estates in the south of Italy: Apulia. 1900-1922* (Cambridge, 1986), 41-61.

³⁵ A. Galt, *Far from the church bells: settlement and society in an Apulian town* (Cambridge, 1991).

³⁶ ASB, 1749 Catasto Onciario di Locorotondo.

³⁷ P. Jones, 'Common rights and agrarian individualism in the Southern Massif Central, 1750-1880', in *Beyond the terror: essays in French regional and social history, 1794-1815* (Cambridge, 1983), ?; *Politics and rural society: the southern Massif Central, c.1750-1880* (Cambridge, 1985), 44-8; N. Vivier, *Propriété collective et identité communale: les biens communaux en France, 1750-1914* (Paris, 1998), 164.

and economic disparities at the local level between interest groups weakened the commons as an institution, and led by the seventeenth century to malfunction and eventual environmental degradation.³⁸ The parliamentary removal of the commons in Salland was actually preceded by a disfunction in the commons, linked to the move in property structure polarised between significant landowners (both large farmers and the 'old' nobility) and proletarians.³⁹

The second condition of an equitable social distribution of risk was a balanced distribution of political power between interest groups. The commons were often difficult to manage. There were a number of pressures in the pre-industrial period, for example from the emergence of markets and from population increases, which caused the system some strain. The commons were flexible and adaptable institutions, however. Thus, the proliferation of the commons and their longevity was more likely in those societies where negotiation of the direction of the commons and their actual use was made possible. This can be demonstrated through a couple of examples.

The commons worked in societies where a large proportion of the population had a stake in the society, i.e. power or property. Thus, it is no surprise that the Campine region of Brabant was able to maintain its commons over the long term from the Middle Ages right through to the seventeenth century.⁴⁰ Its success was based around its highly equitable distribution of property, where large landownership was entirely reduced and many landholders held around five hectares, its freedoms from oppressive jurisdictions linked to its occupation and settlement history, and its balanced equilibrium between social groups where no one dominant interest group was able to disturb. The strength of the village communities of the Campine in maintaining the commons and securing their property over the long term was found in their independent status. In the twelfth and thirteenth centuries, a special triangular set of social relations and power structures developed between local lords, territorial lords, and the urban governments. In this area, the classical manorial system was never firmly introduced and feudal ties were entirely weak. This lack of feudal stranglehold was caused by local lords' rivalry with the main territorial lord, the Duke of Brabant, who after claiming *bona vacantia* over certain territories attracted immigrants to his settlements by offering liberties and secure property rights to privileged towns and villages through charters (*vroentebrieven*).⁴¹ Consequently, the local lords had to grant the same privileges to their communities, in order to maintain their seigneurie.⁴² By the late Middle Ages, this conflict between territorial and local lords turned to an alignment of interests, in order to negate and limit the growing power of cities such as Antwerp: feudal lords became new allies of the Duke.⁴³ Essentially this socio-political background in the medieval occupation of the Campine gave village communities strong property rights and powerful village governments capable of retaining the commons over long periods through conflict resolution. It is entirely indicative of the thesis of the paper that this ecologically-sensitive and well-balanced system

³⁸ J.L. van Zanden, 'The paradox of the marks. The exploitation of the commons in the Eastern Netherlands, 1250-1850', *Agricultural History Review*, 47.2 (1999), 125-45.

³⁹ J.L. van Zanden and D. van der Veen, 'Boeren, keuters en landarbeiders. De sociale structuur van Salland aan het begin van de negentiende eeuw', *Tijdschrift voor Sociale Geschiedenis*, 10 (1984), 155-93; J.L. van Zanden, 'De opheffing van de markegenootschappen in Salland (1810-1865)', *Spiegel Historiael*, 1 (1986), 35-40.

⁴⁰ M. De Keyzer, 'Tenant farmers and commons: friends or foes? The function and transformation of the commons in a traditional peasant society; the Campine Area within the Low Countries (1500-1600)' (World Economic History Congress Paper, Stellenbosch, 2012), 1-24.

⁴¹ A. De Wachter, 'De opname van de kempen in het hertogdom Brabant (elfde tot dertiende-veertiende eeuw). Een politiek-geografische probleemstelling', *Tijdschrift van de Belgische Vereniging voor Aardrijkskundige Studies*, 68 (1999), 111-40; K. Leenders, *Van Turnhoutervoerde tot Strienemonde. Ontginnings- en nederzettingsgeschiedenis van het noordwesten van het Maas-Schelde-Demergebied (400-1350)* (Zutphen, 1996); W. Steurs, 'La région entre Dommel et Peel (Brabant septentrional). Peuplement rural, géographie politique et création de villes, 1200-1400 environ', *Revue Belge de Philologie et d'Histoire*, 60 (1982), 791-808.

⁴² W. Steurs, 'Seigneuries et franchises dans le duché de Brabant au moyen âge. L'exemple de Dongelberg (1217)', in *Wavre 1222-1972: 750^e anniversaire des libertés communales* (Wavre, 1973), 57-93. See also the excellent W. Steurs, *Naissance d'une région: aux origines de la Mairie de Bois-le-Duc: recherches sur le Brabant septentrional aux 12^e et 13^e siècles*, 3 vols (Louvain, 1993).

⁴³ R. van Uytven, 'Vorst, adel en steden: een driehoeksverhouding in Brabant van de XIIIde tot de XVIde eeuw', *Bijdragen tot de Geschiedenis*, 59 (1978), 93-122.

of commons only broke down when property constellations became more inequitable as village communities became reliant on capital from urban merchants to finance proto-industry,⁴⁴ and when small independent peasants became ruined by the intense warfare caused by the Dutch Revolt.⁴⁵

Another example of the successful and long employment of the commons can be found in the Central Apennines of Italy – in particular in Romagna and Eastern Tuscany. These were places where the commons had the freedom to thrive.⁴⁶ For example, the mountain region of the Casentino in the late Middle Ages knew a highly equitable distribution of property. Notarial charters used to trace the workings of the Florentine land market show little sign of urban landownership in the Apennine mountains to the east and north of Florence.⁴⁷ This situation contrasted with the Florentine *contado*, where urban consolidation of property and expropriation of rural producers occurred on a large scale from the fourteenth century onwards.⁴⁸ Instead much of the land in the *distretto* remained in the hands of rural inhabitants throughout the late Middle Ages.⁴⁹ In the Casentino over half of the households recorded in the Florentine Catasto of 1427 were local cultivators who owned their own land, and over 75 percent of the population lived in their own houses.⁵⁰ The Gini index for the distribution of taxable wealth was quite low in the Casentino at 0.58, which stood out in comparison to the much more inequitable *contado* which had a Gini figure of 0.8.⁵¹ With regard to the social distribution of land, approximately a third of the total land was in the hands of ecclesiastical institutions: the monastery of Camaldoli was one of the largest landowners in the region in the late Middle Ages,⁵² not suffering the same crises as other comparable monasteries such as S. Fiora near Arezzo.⁵³ Only 15 percent of the land was in the hands of lay lords and nobles, and a tiny fraction (perhaps less than five percent) of the land belonged to wealthy urbanites or urban institutions (and most of that five percent was from Arezzo not Florence). That left nearly half of the total land in the Casentino in the hands of either local tradesmen or peasant farmers. The peasant-owner property structure of the Tuscan mountains remained stable well into the early-modern period, as seen for example in the mountain village of Moggiona, where in 1576 only one solitary hectare belonged to a Florentine owner.⁵⁴ In other parts of the *distretto* smallholders held as much as 85 percent of the land.⁵⁵

Also significant in the Casentino, however, was the equitable balance of power between social and interest groups, which served to keep any potential dominant elite groups

⁴⁴ See, for example, M. Goossens, 'Een negentiende eeuwse heidedorp in transformatie, Kalmthout 1835-1910. De mutatie van de activiteitsstructuur', *Bijdragen tot de Geschiedenis*, 67 (1984), 197-263.

⁴⁵ The effects of warfare on the rural population have been expertly explored in E. Thoen, 'Warfare and the Countryside: Social and Economic Aspects of the Military Destruction in Flanders During the Late Middle Ages and the Early Modern Period', *Acta Historiae Neerlandicae*, 13 (1980), 25-39.

⁴⁶ On the ubiquity of commons in these areas see M. Abatantuono, 'Statuti, ordinamenti, leggi municipali e provvisioni di Bruscoli del 1404', in E. Stefanini and M. Abatantuono (eds.), *Dal Medioevo alla Repubblica* (Bruscoli, 2004), 75-6; M. Bicchierai, 'La lunga durata dei beni comuni in una comunità Toscana: il caso di Raggiolo in Casentino', in R. Zagnoni (ed.), *Comunità e beni comuni dal medioevo ad oggi* (Pistoia, 2007), 45-60; R. Gualteri (ed.), *Gli statuti di Vernio* (Prato, 1992), 60; P. Licciardello and G. Scharf, 'Statuto di Moggiona e documenti annessi (fine 1268-inizi 1269)', *Archivio Storico Italiano*, 165.1 (2007), 121-44; R. Zagnoni, 'Comunità e beni comuni nella montagna fra Bologna e Pistoia nel medioevo', in *Comunità e beni comuni*, 8-15.

⁴⁷ S. Cohn, *Creating the Florentine State: Peasants and Rebellion, 1348-1434* (Cambridge, 1999), 22-4.

⁴⁸ D. Curtis, 'Florence and its hinterlands in the late Middle Ages: contrasting fortunes in the Tuscan countryside, 1300-1500', *Journal of Medieval History*, 38.4 (2012), 481-3.

⁴⁹ S. Epstein, 'The peasantries of Italy', in T. Scott (ed.), *The peasantries of Europe from the fourteenth to the eighteenth centuries* (London, 1998), 89.

⁵⁰ ASF, Catasto, nos. 179-81, 246, 250, 330.

⁵¹ Compared to a database of the *contado* taken from D. Herlihy and C. Klapisch-Zuber, *Census and Property Survey of Florentine Domains and the City of Verona in the Fifteenth Century* (Cambridge MA, 1981).

⁵² ASF, Catasto, no. 191, f. 235v.

⁵³ See P. Grossi, *Le abbazie benedettine nell'alto medioevo italiano* (Florence, 1957), 114-25; G. Penco, *Storia del monachesimo in Italia* (Rome, 1961), 430. Also ASA, S. Fiora, no. 704; U. Pasqui, (ed.), *Documenti per la storia della città di Arezzo nel medioevo, Codice diplomatico (an. 1180-1337)*, ii (Florence, 1916), no. 481.

⁵⁴ ASF, Catasto, no. 191, f. 235v.

⁵⁵ G. Cherubini et al., 'La proprietà fondiaria in alcune zone del territorio senese all'inizio del Trecento', *Rivista di Storia dell'Agricoltura*, 14 (1974), 2-176; ASF, Catasto, nos. 116-17, 886.

(such as the Florentine government) in check. Indeed, although Florence slowly extended its jurisdiction over the *distretto* during the late fourteenth and fifteenth centuries, the city did not exert the kind of dominant authority it would have liked. Certain regions such as the Alpi Fiorentine to the north experienced almost permanent fiscal and corporate exemptions from territorial subjection.⁵⁶ It was exceedingly difficult to penetrate through the assorted layers of power and jurisdiction in the mountains, where there existed a peculiar balance of signorial, territorial, ecclesiastical, communal, and village interests. Some of the mountain communities were very strong, often aligning themselves with signorial interests in order to stave off rising Florentine interference.⁵⁷ The *signori* in turn recognised the benefits of maintaining amicable relations with rural communities, granting mountain villagers their own control over the operation and regulation of the forests.⁵⁸ Rural communities and signorial lords often teamed up in order to maintain control of settlements and territories. For example, in an episode of peasant insurrection in Raggiolo in 1391, inhabitants of the village petitioned the troops of the aristocratic lords of Pietramala to assist them in regaining control of the village.⁵⁹ Lay aristocrats and villagers put up strong resistance to save their jurisdictions, and many villages took a long time to bring to heel.⁶⁰ Even where Florence did take control of settlements and mountain territories, there was always a complex negotiation to undertake. For example, the aristocratic Ubertini family managed to save their jurisdictions over the villages of Chitignano, Rosina, and Taena, in the late fourteenth century, by making tactical concessions elsewhere.⁶¹

Such equitable distribution of power and property gave these mountain inhabitants the room to exploit their resources collectively. The protectionist and risk-avoidance elements of resource management in the Casentino were linked to the imposition of rigorously guarded common rights. Such was the local reliance on woodland that hardly any attempt was made to cut down trees for arable or settlement. In 1279 even the prior of the monastery of Camaldoli was forbidden to cut wood to repair houses of the hermitage without first consulting the wider monastic community.⁶² These sorts of restrictions were still in use some 300 years later, as a series of charters between 1563 and 1575 strictly forbade the monks of Camaldoli to cut down trees in the forest without first consulting the local communities and the monastery.⁶³ Grazing rights in the mountains also were rigorously guarded, as seen in the mountain community of Raggiolo in the sixteenth century, where a cap of 2000 was put on the number of animals that could pasture in the forests of the commune.⁶⁴ Access to one area of the forest was prohibited and a charge was levelled on any unwanted animals found there, while an area known as the ‘Pastura di Prata’ was reserved only for animals belonging to Raggiolo villagers in 1545.⁶⁵ Raggiolo had a long history of close control over its communal woodland resources.⁶⁶ The forested slopes around Pratovecchio became a contested space, serving as a meeting place for the people of Raggiolo, Carda, Calletta, Cetica and Garliano to discuss their grazing

⁵⁶ G. Calamari, ‘La lega dei comuni di Valdinievole e la loro pace Firenze (1328–1329)’, *Bullettino Storico Pistoiese*, 28 (1966), 144–59; C. Guasti (ed.), *I capitoli del commune di Firenze. Inventario e regesto*, i (Florence, 1866), 89–90.

⁵⁷ P. Pirillo, ‘Il popolamento tra signorie territoriali e dominio fiorentino’, in *Costruzione di un contado. I fiorentini e il loro territorio nel basso medioevo* (Florence, 2001), 39–53; M. Bicchierai, ‘La signoria dei conti Guidi in Valdarno. Osservazioni ed ipotesi’, in G. Pinto and P. Pirillo (eds.), *Lontana dalle città. Il Valdarno di Sopra nei secoli XII–XIII* (Rome, 2005), 115.

⁵⁸ Zagnoni, ‘Comunità e beni comuni nella montagna’.

⁵⁹ Indeed, the people of Raggiolo and the Guidi lords had a long history of co-operative treaties; C. de la Roncière, ‘Fidélités, patronages, clientèles dans le contado florentin au XIVe siècle’, *Ricerche Storiche*, 15 (1985), 37.

⁶⁰ U. Pasqui, (ed.), *Documenti per la storia della città di Arezzo nel medio evo. Codice diplomatico (an. 1337–1385)*, iii (Florence, 1937), no. 832.

⁶¹ G. Cherubini, ‘La signoria degli Ubertini sui comuni rurali casentinesi di Chitignano, Rosina e Taena all’inizio del Quattrocento’, *Archivio Storico Italiano* 126 (1968): 151–69.

⁶² G. Mittarelli and A. Costadoni (eds.), *Annales Camaldulenses ordinis S. Benedicti*, vi (Venice, 1773), no. 242.

⁶³ ASC, Atti Capitolari, no. 156, ff. 3r, 5r, 14v, 18r–19r, 21r, 25v, 36r, 43r, 45r–50r, 54r–60r, 68r–69r, 76r, 84r–87r, 95r.

⁶⁴ For the management of the commons of Raggiolo see ASF, Notarile Antecosimiano, nos. 9495–7.

⁶⁵ ASF, Statuti delle comunità autonome e soggette, no. 696, ff. 18v, 34v, 49r–50v.

⁶⁶ Bicchierai, ‘La lunga durata dei beni comuni’.

arrangements and the boundaries involved.⁶⁷ In a mountain area further north of the Casentino, on the Tuscany-Romagna border, the aristocratic Alberti family had to resolve a point of contention between two communities (Baragazza and Castiglione) over the territorial boundaries of the commons.⁶⁸ Villages and institutions clung on tightly to their highly guarded communal rights over pastures and forests, preventing both sales to private parties and assarting of new land. The same connection between the small peasant property structure and the equitable balance in interest groups in the mountains of Italy have been plotted for the early modern Alps in Trentino, and the Alps further north in the Swiss Cantons.⁶⁹

Rather than a story of feudal repression of rural communities, literature of the past 20 to 30 years has begun to recognise the relationships formed between lords and their tenants and rural producers, with a particular focus on negotiations which were formed between the interest groups.⁷⁰ The workings of the commons were actually often bound up in different layers of signorial jurisdictions which lords levied over their territories. In France, it has even been suggested that the commons represented a 'seigneurial concession' from the Middle Ages.⁷¹ The laying down and the operation of the common fields was a process born out of negotiation between villagers (represented by formalised communes)⁷² and lords: the rotation of the fields, maintenance of the boundaries and hedges, and obligations and rights regarding grazing times.⁷³ Indeed, signorial lords and village communities were often found negotiating by-laws in order to regulate the commons.⁷⁴ This desire for an effective functioning of the common fields was exacerbated by the fact that demesne plots and tenant plots were often inter-mixed.⁷⁵ The establishment of formal institutions often crystallized this form of negotiation between interest groups with legislation. Good practice was enforced by formal councils.⁷⁶ Corporate control of the commons sometimes involved real close supervision (thus not suited to societies characterised by high numbers of 'absentee' interest groups).⁷⁷ Courts were developed in order to examine any claims of infringements.⁷⁸

⁶⁷ M. Bicchierai, *Una comunità rurale toscana di antico regime: Raggiolo in Casentino* (Florence, 2006), 86–7.

⁶⁸ M. Abatantuono and L. Righetti, *I conti Alberti (secoli XI–XIV). Strategie di una signoria territoriale. La montagna tra Bologna e Prato* (Rastignano, 2000), 232–3.

⁶⁹ M. Casari, 'Emergence of endogenous legal institutions: property rights and community governance in the Italian Alps', *Journal of Economic History*, 67.1 (2007), 191–225; R. McGuire and R. Netting, 'Levelling peasants? The maintenance of equality in a Swiss Alpine community', *American Ethnologist*, 9 (1982), 269–90; R. Netting, 'What Alpine peasants have in common: observations on communal tenure in a Swiss village', *Human Ecology*, 4 (1976), 135–46.

⁷⁰ C. Dyer, 'Power and conflict in the medieval English village', in D. Hooke (ed.), *Medieval villages: a review of current work* (Oxford, 1985), 27–32.

⁷¹ Discussed in P. Jones, *The peasantry in the French Revolution* (Cambridge, 1988), 137; N. Vivier, 'The management and use of the commons in France during the eighteenth and nineteenth centuries', in T. de Moor, L. Shaw-Taylor and P. Warde (eds.), *The management of common land in North West Europe, c.1500–1850* (Turnhout, 2002), 143–70.

⁷² P. Blickle (ed.), *Theorien kommunaler Ordnung in Europa* (Munich, 1996); P. Bierbrauer, *Freiheit und Gemeinde im Berner Oberland 1300–1700* (Bern, 1991); A. Holenstein, *Bauern zwischen Bauernkrieg und Dreissigjährigen Krieg* (Munich, 1996).

⁷³ K. Bader, *Das mittelalterliche Dorf als Friedens- und Rechtsbereich* (Weimar, 1957), 62–4.

⁷⁴ See for example in the Duchy of Schleswig in North-West Germany; M. Rheinheimer (ed.), *Die Dorfordnungen im Herzogtum Schleswig. Dorf und Obrigkeit in der Frühen Neuzeit*, 2 vols (Stuttgart, 1999). Also in Alsace, Brabant, and Béarn; P. Warde, 'La gestion des terres en usage collectif dans l'Europe du Nord-Ouest', in M-D. Demélas and N. Vivier (eds.), *Les propriétés collectives face aux attaques libérales (1750–1914). Europe occidentale et Amérique latine* (Rennes, 2003), 70.

⁷⁵ R. Faith, *The English peasantry and the growth of lordship* (Leicester, 1999), 79.

⁷⁶ For example, the *Dorfgenossenschaft* in Germany in W. Rösener, *Peasants in the Middle Ages* (Chicago, 1992), 46. Also, the *bystämman* in Sweden in V. Moberg, *A history of the Swedish people*, i (New York, 1973), 40.

⁷⁷ Particularly in Japan; for example, see M. McKean, 'The Japanese experience with scarcity: management of traditional common lands', in K. Bailes (ed.), *Environmental history: critical issues in comparative perspective* (Lanham, 1985), 334–59.

⁷⁸ L. Schütte, 'Markenrecht und Markengerichtbarkeit in Nordwestdeutschland', in U. Meiners and W. Rösener (eds.), *Allmenden und Marken vom Mittelalter bis zur Neuzeit* (Cloppenburg, 2004), 31–45; J. Hayhoe, 'Litigation and the policing of communal farming in northern Burgundy, 1750–1790', *Agricultural History Review*, 50.1 (2002), 52; C. Dyer, 'Conflict in the landscape: the enclosure movement in England, 1220–1349', *Landscape History*, 28 (2006), 21–33; J. Birrell, 'Common rights in the medieval forest: disputes and conflicts in the thirteenth century', *Past and Present*, 117 (1987), 22–49.

The third condition of an equitable social distribution of risk was the level of freedom that members of a society had for choosing their own economic path. The commons made more logical economic sense in those societies which were able to follow wide and flexible packages of resource-management strategies – unrestricted by the economic and jurisdictional ambitions of powerful interest groups. Some societies were characterised by households engaged in wide and varied economic portfolios (employing a range of economic activities) so as to negate the effects of crisis in one sector. Rather than ‘putting all their eggs in one basket’, rural producers knew that if the grain harvest failed, they could rely on chestnut production, fishing rights, and timber from the forest.⁷⁹ The risk-management ethos connected with the commons would have fitted well with societies engaged in this type of diversified exploitation.⁸⁰ Indeed, Jose Miguel Lana has argued that restricted specialisation of production was one condition (among others) leading to optimal operation of communal institutions.⁸¹ This kind of situation contrasted with those societies based around the commercial and intensive exploitation of just one resource: in post-Revolutionary Languedoc, the commons had to be expropriated before the takeoff of a truly intensive viti-culture could take place.⁸² As it happened, these developments led to a process of environmental degradation in the region.⁸³

II. Societies antithetical to the commons: the inequitable social distribution of risk

Other pre-industrial societies were simply arranged in a way that was antithetical to the functioning of the commons, and furthermore, saw things like ‘risk avoidance and sharing’ as peripheral interests. It is argued in this paper that this happened in societies with inequitable social distribution of risk: in other words, not enough people cared about the risks to employ collective management of resources.

The first condition of an inequitable social distribution of risk was a large number of inhabitants divorced from the means of production. In pre-industrial Europe, this often equated to a highly polarised distribution of property. From the high Middle Ages onwards, many regions of Western Europe experienced heightened levels of inequality in the distribution of land caused by the consolidation of property in the hands of various interest groups.⁸⁴ There was no one set path to land accumulation: there were many routes. In some cases (particularly in areas that had once known strong formalised manorialism) inequality in the distribution of land was connected to the long-term maintenance of inequitable structures inherited from the Middle Ages. Large landlords retained control over the land, farming it out at competitive prices and leading in the ‘Brennerian’ sense to innovation and agricultural specialisation.⁸⁵ Already-wealthy noble and aristocratic families carefully enlarged landed estates through tactical marriage.⁸⁶ Elsewhere land accumulation was achieved by urban encroachment into the countryside, whereby wealthy urban burghers or institutions

⁷⁹ R. Hoffman, ‘Economic development and aquatic ecosystems in medieval Europe’, *American Historical Review*, 101 (1996), 631-69.

⁸⁰ See the commons and diversified peasant economies of the Western Adriatic in A. Panjek, ‘Not demesne but money: lord and peasant economies in early-modern Western Slovenia’, *Agricultural History Review*, 59.2 (2011), 293-311.

⁸¹ J. Miguel Lana, ‘From equilibrium to equity. The survival of the commons in the Ebro Basin: Navarra from the 15th to the 20th centuries’, *International Journal of the Commons*, 2.2 (2008), 165.

⁸² N. Plack, ‘Drinking the fruits of Revolution: common land privatisation and the expansion of viticulture in Languedoc, c. 1789-1820’, *European Review of History*, 13.2 (2006), 175-202; ‘Agrarian reform and ecological change during the Ancien Régime: land clearance, peasants and viticulture in the province of Languedoc’, *French History*, 19.2 (2005), 189-210.

⁸³ N. Plack, ‘Environmental issues during the French Revolution: peasants, politics, and village common land’, *Australian Journal of French Studies*, 47.3 (2010), 290-303.

⁸⁴ A theme recurrent in the papers contained within B. van Bavel and R. Hoyle (eds.), *Rural economy and society in North-western Europe, 500-2000* (Turnhout, 2010).

⁸⁵ Brenner, ‘Agrarian class structure’, 16-9; ‘The agrarian roots of European capitalism’, *Past and Present*, 97 (1982), 102-3.

⁸⁶ K. McFarlane, *The nobility of later medieval England* (Oxford, 1973), 79-80, 152-3; H. Habakkuk, ‘The rise and fall of English landed families, 1600-1800’, *Transactions of the Royal Historical Society*, 29 (1979), 192.

expropriated land from rural-dwelling peasants, or instead invested capital in new land reclamation schemes.⁸⁷ By the early modern period, urbanisation and deepened market integration had widened inequalities across the distribution of land, wealth and income.⁸⁸ Another route was land accumulation evident within the layers of rural society itself; new distinctions were made between ordinary smallholding peasants and those peasants that were able to ‘better themselves’ by slowly consolidating property – effectively becoming ‘*les coqs du village*’.⁸⁹ Often this kind of interpretation is linked less with forced expropriation, but instead voluntary and active participation in fluid land markets.⁹⁰

Those regions of Western Europe that experienced land consolidation and peasant expropriation from the late Middle Ages onwards tended to prop up large landlords and large landownership that was entirely hostile to collective forms of resource management. Take for example, the rural economy of the Central Dutch river area in the Middle Ages and early modern period. Bas van Bavel has skilfully shown how an inequitable distribution of property existed in this region over the long term, from the thirteenth to the sixteenth century.⁹¹ The persistence of large landownership in this region provided fertile conditions for the proliferation of short-term leases after the decline of manorialism around 1300,⁹² and perpetuated inequality not just at the owner-level but at the user-level as society became characterised by a group of successful large tenant farmers consolidating most of the land and a mass of proletarianised agricultural labourers.⁹³ This society was not set up to benefit from the commons. At the beginning of the fourteenth century, there was around two percent of land under common ownership in the western parts of the river area, since a large proportion had already been parceled out into private ownership before documents started making explicit references to it. Although some parcels of common land remained in the region through the late Middle Ages,⁹⁴ higher status landowners such as the Count of Buren began to

⁸⁷ J. Richards, *The unending frontier: an environmental history of the early modern World* (Berkeley, 2003); S. Ciriaco, *Acque e agricoltura. Venezia, l’Olanda e la bonifica europea in Età Moderna* (Milan, 1994), 208-42.

⁸⁸ J.L. van Zanden, ‘Tracing the beginning of the Kuznets Curve: Western Europe during the early modern period’, *Economic History Review*, 48 (1995), 643-64.

⁸⁹ See G. Duby, *L’économie rurale et la vie des campagnes dans l’Occident medieval*, ii (Paris, 1962), 524, 591; R. Hilton, *The English peasantry in the later Middle Ages* (Oxford, 1975), 40-1. On the opening up of new stratifications within village communities see M. Bourin, ‘Peasant elites and village communities in the south of France, 1200-1350’, in P. Coss, C. Dyer and C. Wickham (eds.), *Rodney Hilton’s Middle Ages: an exploration of historical themes* (Oxford, 2007), 101-14; R. Hilton, ‘Les communautés villageoises en Angleterre au Moyen Age’, in *Les communautés villageoises en Europe occidentale* (Auch, 1984), 118-28. Even more so by the early modern period; see K. Wrightson, ‘Aspects of social differentiation in rural England, c. 1580-1660’, *Journal of Peasant Studies*, 5 (1977-8), 33-47.

⁹⁰ J. Whittle, *The development of agrarian capitalism: land and labour in Norfolk, 1440-1580* (Oxford, 2000), 314-5; P. Coote and D. Parker, ‘Agrarian class structure and the development of capitalism: France and England compared’, in T. Aston and C. Philpin (eds.), *The Brenner Debate: agrarian class structure and economic development in pre-industrial Europe* (Cambridge, 1985), 85; P. Glennie, ‘In search of agrarian capitalism: manorial land markets and the acquisition of land in the Lea Valley, c.1450-c.1650’, *Continuity and Change*, 3 (1988), 14-20; B. Campbell, ‘Population pressure, inheritance and the land market in a fourteenth-century peasant community’, in R. Smith (ed.), *Land, kinship and life-cycle* (Cambridge, 1984), 87-134.

⁹¹ B. van Bavel, *Transitie en continuïteit: de bezitsverhoudingen en de plattelands-economie in het westelijke gedeelte van het Gelderse rivierengebied, ca. 1300 – ca. 1570* (Hilversum, 1999), 427.

⁹² On this issue, B. van Bavel, ‘The organisation and rise of land and lease markets in northwestern Europe and Italy, c.1000-1800’, *Continuity and Change*, 23 (2008), 13-53; ‘The emergence and growth of short-term leasing in the Netherlands and other parts of Northwestern Europe (eleventh-seventeenth centuries). A chronology and a tentative investigation into its causes’, in B. van Bavel and P. Schofield (eds.), *The development of leasehold in northwestern Europe, c. 1200-1600* (Turnhout, 2009), 179-213.

⁹³ B. van Bavel, ‘Land, lease and agriculture: the transition of the rural economy in the Dutch river area from the fourteenth to the sixteenth century’, *Past and Present*, 172 (2001), 29-30; Rural wage labour in the 16th-century Low Countries: an assessment of the importance and nature of wage labour in the countryside of Holland, Guelders and Flanders’, *Continuity and Change*, 21 (2006), 503-32; ‘Elements in the transition of the rural economy: factors contributing to the emergence of large farms in the Dutch river area (15th-16th centuries)’, in P. Hoppenbrouwers and J.L. van Zanden (eds.), *Peasants into farmers? The transformation of rural economy and society in the Low Countries (Middle Ages – 19th century) in light of the Brenner Debate* (Turnhout, 2001), 275-338.

⁹⁴ Reference to small pieces of common land are still found in the Western Betuwe even as late as the seventeenth century; for example GELA, Familie Pieck, 0480, no. 46.

usurp it.⁹⁵ Essentially large landowners with their commercialised enterprises had no interest in sustaining a peasant economy, speeding its eventual decline through continual encroachment – despite protests to the magistrates.⁹⁶

In some places, ‘risk avoidance and sharing’ was always a peripheral interest. For example, the large landlords which came to dominate landownership in Coastal Flanders by the late Middle Ages had little interest in sustainable management of resources or limiting risks – as evidenced by the decreased proportion of income devoted to water management structures. Large landlords who invested in new tracts of land here just accepted that if their acquired land was suddenly submerged by water (rendering it worthless), they could just reclaim new polders elsewhere.⁹⁷ Similar philosophies can be seen elsewhere. In the highlands of the lower part of the Yangtze River (China), risk avoidance and sustainable management of resources was not considered. Instead peasants decided it was more in their interests to simply employ shifting cultivation methods using the ‘slash and burn’ techniques. In the absence of clear or well-defined property rights in the woodlands, migratory peasants known as ‘shack people’ simply cut down trees, intensively exploited their soil to ruination for short-term gain, and then moved on to new plots.⁹⁸ Not only did the so-called ‘shack people’ not care for the sustainability of their own highland communities, but land reclamation and the erosion of the hillsides also endangered farms on the plains below – particularly in Hunan.⁹⁹

If all the resources were in the hands of a few interest groups in a society, few people had an interest in the fate of the resources (i.e. not interested in maintaining them over the long-term being divorced from the production process), a situation not favourable to collective management and investments.¹⁰⁰ As De Moor has asserted, ‘sustainable management of a common’s natural resources requires a high participation rate’.¹⁰¹ If only a few select elite groups owned herds of cows or flocks of sheep, only a restricted part of society would be interested in maintaining an optimal management of collective grazing.¹⁰² This kind of argument has already been used in connection with the decline of communal water management structures,¹⁰³ but also in the context of a recent revision of the Dutch consensus-based ‘polder model’.¹⁰⁴ The same story has been told for the free and (relatively) equitable peasant colonists and their successful water management structures in eighteenth-century French Canada and Arcadia.¹⁰⁵ Apparently the collective management of resources such as water functioned more efficiently when more people had a stake in the resource itself;

⁹⁵ A. Koch and A. Maris, ‘Meentgenootschappen in Land van Buren’, *Bijdragen en Mededelingen Vereniging Gelre*, 49 (1949), 193-4.

⁹⁶ RAR, Oud Archief Buren, 0692, no. 746.

⁹⁷ T. Soens, ‘Floods and money: funding drainage and flood control in coastal Flanders from the thirteenth to the sixteenth centuries’, *Continuity and Change*, 26.3 (2011), 348-50.

⁹⁸ A. Osborne, ‘The local politics of land reclamation in the lower Yangzi highlands’, *Late Imperial China*, 15 (1994), 1-46.

⁹⁹ P. Perdue, *Exhausting the earth: state and peasant in Hunan, 1500-1850* (Cambridge MA, 1987).

¹⁰⁰ A point iterated empirically in J. Dayton-Johnson and P. Bardhan, ‘Inequality and conservation on the local commons: a theoretical exercise’, *The Economic Journal*, 112 (2002), 577-602; J-M. Baland and J-P. Platteau, ‘Wealth inequality and efficiency in the commons, i: the unregulated case’, *Oxford Economic Papers*, 49 (1997), 451-82

¹⁰¹ De Moor, ‘Avoiding tragedies’, 17.

¹⁰² T. De Moor, ‘Tot proffijft van de ghemeeensaemheijt. Gebruik, gebruikers, en beheer van gemene gronden in Zandig Vlaanderen, 18^{de} en 19^{de} eeuw’ (unpublished PhD thesis, Ghent University, 2003), 258.

¹⁰³ Soens, ‘Floods and money’; *De spade in de dijk? Waterbeheer en rurale samenleving in de Vlaamse kustvlakte (1280-1580)* (Ghent, 2009); ‘Polders zonder poldermodel? Een onderzoek naar de rol van inspraak en overleg in de waterstaat van de laatmiddeleeuwse Vlaamse kustvlakte (1250-1600)’, *Tijdschrift voor Sociale en Economische Geschiedenis*, 4 (2006), 3-36; ‘Explaining deficiencies of water management in the late medieval Flemish coastal plain (13th-16th centuries)’, *Jaarboek voor Ecologische Geschiedenis* (2005/6), 35-62.

¹⁰⁴ M. van Tielhof, ‘Op zoek naar het poldermodel in de waterstaatsgeschiedenis’, *Tijdschrift voor Geschiedenis*, 122 (2009), 149-61; P. van Dam, ‘Water en land’, *Bijdragen en Mededelingen Betreffende de Geschiedenis der Nederlanden*, 124 (2009), 459-66.

¹⁰⁵ K. Butzer, ‘French wetland agriculture in Atlantic Canada and its European roots: different avenues to historical diffusion’, *Annals of the Association of American Geographers*, 92.3 (2002), 458.

something put forward in diverse contemporary settings such as the Peruvian Andes and the Philippines.¹⁰⁶

Furthermore, land consolidation and proletarianisation often led to high levels of outward rural-urban migration. Indeed, it was a central tenet of a famous thesis by Charles Tilly that pre-industrial agricultural labourers were more migratory and more likely to be involved in rural-urban movement than landholding peasants who were 'relatively immobile'.¹⁰⁷ In the late sixteenth and seventeenth centuries, the Beaujolais areas of France was converted over to wine-cultivation through urban finance; three quarters of the land passed into non-residents hands leading to mass-exodus of rural dwellers.¹⁰⁸ High levels of rural-urban migration after proletarianisation have been plotted for parts of Wallonia,¹⁰⁹ in the Ruhr Valley of Germany,¹¹⁰ and also in Paul-André Rosenthal's classic focusing on France in the eighteenth and nineteenth centuries.¹¹¹ In Andalusia, dismantlement and expropriation of vast expanses of the commons worsened the economic condition of the poor to such an extent that many emigrated in droves to nearby towns and even the provincial capital.¹¹² These kinds of trends indicative of highly inequitable pre-industrial societies created imbalances in the countryside, and in fact mass rural-urban migration led to the complete unraveling of important collective systems for managing water resources through village communities.¹¹³ The proletarianisation of the countryside thanks to early urban encroachment had left many rural people landless – and therefore not interested or willing to provide the communal labour for the water works.¹¹⁴ Evidence of a similar process has been told for a variety of other contexts - the British Punjab and the eighteenth-century plains of the Yangtze River, for example, where the polarisation of the landownership structure led to outward migration of a large population from new polder areas, thus making it difficult to gain the tax base necessary to maintain what were previously communal water management structures.¹¹⁵

A second condition of the inequitable social distribution of risk was a skewed imbalance in power concentrated in the hands of dominant interest groups. Sharp divisions in property distribution across Western Europe were exacerbated by divergences in power arrangements, often seen to have been stimulated by the Black Death of the mid fourteenth century.¹¹⁶ In some parts of Western Europe, the Black Death was the final death-knell to the old instruments of rural repression such as signorial lordship and the manorial system.¹¹⁷ New

¹⁰⁶ P. Trawick, 'The moral economy of water: equity and antiquity in the Andean commons', *American Anthropologist*, 103.2 (2001), 361-79; G. Bankoff, 'Dangers to going it alone: social capital and the origins of community resilience in the Philippines', *Continuity and Change*, 22 (2007), 341.

¹⁰⁷ C. Tilly, 'Migration in modern European history', in W. McNeill and R. Adams (eds.), *Human migration, patterns, and policies* (Bloomington, 1978), 53.

¹⁰⁸ E. Gruter, *La naissance d'un grand vignoble: les seigneuries de Pizay et Tanay en Beaujolais au XVIe et au XVIIe siècles* (Lyon, 1977), 83-91.

¹⁰⁹ M. Oris, 'Cultures de l'espace et cultures économiques parmi les populations urbaines liégeoises au XIXe siècle', in Y. Landry et al. (eds.), *Les chemins de la migration en Belgique et au Québec du XVIIIe au Xxe siècle* (Louvain, 1995), 165-72.

¹¹⁰ S. Hochstadt, *Mobility and modernity. Migration in Germany, 1820-1989* (Michigan, 1999); J. Jackson, *Migration and urbanisation in the Ruhr Valley, 1820-1914* (Atlantic Highlands, 1997).

¹¹¹ P.-A. Rosenthal, *Les sentiers invisibles. Espace, familles, et migrations dans la France du 19e siècle* (Paris, 1999).

¹¹² D. Gilmore, 'The class consciousness of the Andalusian rural proletarians in historical perspective', *Ethnohistory*, 24 (1977), 154.

¹¹³ See for the Po Valley; M. Cattini, 'Strade liquide e archipelaghi di terre: lo spazio estense visto da Ferrara', in G. Papagno and A. Quondam (eds.), *La corte e lo spazio estense* (Rome, 1982), 119-30.

¹¹⁴ D. Curtis and M. Campopiano, 'Into the frontier: medieval land reclamation and the creation of new societies. Comparing Holland and the Po Valley, 800-1500' (World Economic History Congress Paper, Stellenbosch, 2012), 43-4.

¹¹⁵ P. Perdue, 'Official goals and local interests: water control in the Dongting Lake region in the Ming and Qing periods', *Journal of Asian Studies*, 41.4 (1982), 747-65; I. Ali, 'The Punjab canal colonies, 1885-1940' (unpublished PhD thesis, Australian National University, 1980), 133-45, 171-4; 'Malign growth? Agricultural colonization and the roots of backwardness in the Punjab', *Past and Present*, 114 (1987), 124.

¹¹⁶ For this divergence across Europe see S. Pamuk, 'The Black Death and the origins of the 'Great Divergence' across Europe, 1300-1600', *European Review of Economic History*, 11 (2007), 289-317.

¹¹⁷ L. Genicot, 'Crisis: from the Middle Ages to modern times', in *Cambridge economic history of Europe*, I (Cambridge, 1966), 703-21.

balances between labour and land allowed greater freedoms for peasants and tenants at the expense of former rural lords.¹¹⁸ As serfdom began to wane, old customary dues and obligations were commuted for cash rents, lords lost their old jurisdictions, and furthermore, struggled to keep hold of their tenants who went in search of new opportunities.¹¹⁹ This must be coupled with the general trends in the high Middle Ages towards reclamation of new territories and the expansion of the settled and cultivated area as people pushed into new frontiers. According to an influential article by Bryce Lyon, peasant reclamation initiatives brought widespread freedoms and the general ‘emancipation of the common man’ from the thirteenth century onwards.¹²⁰ Sometimes this was directly stimulated by the actions of elites such as territorial lords or ecclesiastical institutions, who offered concessions and privileges to colonists to open up previously inhospitable areas. However, such movements towards freedom and autonomy have to be contrasted with other areas of Europe which began to experience higher levels of repression and subordination. The story of the ‘Second Serfdom’ in parts of Eastern Europe is well-known now: initially in the high Middle Ages colonists pushed east of the Elbe beyond the Slavic frontier and secured favourable jurisdictions and freedoms.¹²¹ However, by the early modern period these freedoms had been replaced by a newly imposed system of coercion based upon ‘commercialised manorialism’,¹²² (although the validity of the Second Serfdom as a general phenomenon is now beginning to be revised).¹²³ The same kind of manorialism using *corvée* labour also was a feature of parts of Western Germany in the sixteenth and seventeenth centuries, however.¹²⁴ The same chronology of ‘refeudalisation’ could also be traced for much of Scandinavia.¹²⁵ More than that though, in some areas of Western Europe, old elements of rural repression such as signorialism and manorialism were simply replaced by new forms of urban domination.¹²⁶ As cities began to grow in size and influence during the Middle Ages, many realised that they had to (a) create direct explicit legal relationships with their hinterlands, and (b) exploit these

¹¹⁸ C. Dyer, *An age of transition? Economy and society in England in the later Middle Ages* (Oxford, 2005); ‘The ineffectiveness of lordship in England, 1200-1400’, *Past and Present*, 195 (2007), 69-86; G. Bois, *Crise du féodalisme. Economie rurale et démographie en Normandie orientale du début du 14e siècle au milieu du 16e siècle* (Paris, 1974); R. Hilton, ‘A crisis of feudalism?’, *Past and Present*, 80 (1978), 3-19; J. Ragnar Myking, ‘Peasants’ land control in Norway’, in T. Iversen and J. Ragnar Myking (eds.), *Land, lords and peasants. Peasants’ right to control land in the Middle Ages and the early modern period – Norway, Scandinavia and the Alpine region* (Trondheim, 2005), 20.

¹¹⁹ E. Jones, ‘Some Spalding priory vagabonds of the 1260s’, *Historical Research*, 73 (2000), 93-104; A. Joris, *La ville de Huy au moyen âge* (Paris, 1959), 479-84.

¹²⁰ B. Lyon, ‘Medieval real estate developments and freedom’, *American Historical Review*, 63.1 (1957), 47.

¹²¹ R. Bartlett, *The making of Europe: conquest, colonisation and cultural change, 950-1350* (London, 1993).

¹²² R. Brenner, ‘Economic backwardness in eastern Europe in light of developments in the West’, in D. Chirot (ed.), *The origins of backwardness in eastern Europe* (Berkeley, 1989), 44; J. Kochanowicz, ‘The Polish economy and the evolution of dependency’, in Chirot (ed.), *Backwardness*, 92-131; T. Robisheaux, *Rural society and the search for order in modern Germany* (Cambridge, 1989); L. Zytowicz, ‘Trends of agrarian economy in Poland, Bohemia and Hungary from the middle of the fifteenth to the middle of the seventeenth century’, in A. Maçzak, H. Samsonowicz and P. Burke (eds.), *East-Central Europe in transition. From the fourteenth to the seventeenth century* (Cambridge, 1985), 59-83; P. Kriedte, *Peasants, landlords and merchant capitalists: Europe and the world economy, 1500-1800* (Oxford, 1983), 69;

¹²³ M. Cerman, ‘Social structure and land markets in late medieval central and east-central Europe’, *Continuity and Change*, 23 (2008), 55-100; W. Hagen, ‘Village life in east-Elbian Germany and Poland, 1400-1800: subjection, self-defence, survival’, in Scott (ed.), *The peasantries of Europe*, 145-89; J. Peters (ed.), *Gutsherrschaftsgesellschaften im europäischen Vergleich* (Berlin, 1997); M. Cerman and R. Luft (eds.), *Untertanen, Herrschaft und Staat in Böhmen und im ‘Alten Reich’* (Munich, 2005).

¹²⁴ See the studies of K. Schneider, *Die landwirtschaftlichen Verhältnisse und die Agrarreformen in Schaumburg-Lippe im 18. und 19. Jahrhundert* (Rinteln, 1983), 73-85; C. Rasmussen, ‘Domänenwirtschaft im Herzogtum Schleswig von 1530 bis 1770’, in J. Ebert, C. Baierl and I. Marschall (eds.), *Landwirtschaftliche Großbetriebe und Landschaft im Wandel: Die hessische Domäne Frankenhausen im regionalen Vergleich (16. bis 20. Jahrhundert)* (Bielefeld, 2005), 104-19; R. Linde, N. Rügge and H. Stiewe, ‘Adelsgüter und Domänen in Lippe: Anmerkungen und Fragen zu einem brach liegenden Forschungsfeld’, *Lippische Mitteilungen*, 73 (2004), 13-107.

¹²⁵ C. Porskrog Rasmussen, ‘Modern manors? The character of some manors in Denmark and Schleswig-Holstein’, in K. Sundberg, T. Germundsson and K. Hansen (eds.), *Modernisation and tradition. European local and manorial societies, 1500-1900* (Lund, 2004), 48-77.

¹²⁶ T. Scott, *Freiburg and the Breisgau: town-country relations in the Age of Reformation and peasants’ war* (Oxford, 1986), 31-46.

hinterlands more intensively. In that sense, urban institutions, governments and burghers became the new 'feudal lords' of the late Middle Ages and early modern period in Europe.¹²⁷ Urban governments of the late Middle Ages began to dominate certain areas of the countryside, extending their jurisdictions, acquiring rights to uncultivated marshes and woodlands, and levying new oppressive taxes in kind and coin.¹²⁸

These divergent developments can be better elucidated upon by focusing on developments in the medieval Po Valley of Northern Italy, where the alignment of interest groups became distorted to such an extent that it was impossible for negotiation to take place over the fate of collectively-managed resources, leading to their swift malfunction and disappearance. After all, it has already been asserted by De Moor that 'internal shifts in power balances amongst groups of active users and those who did not have the means or willingness to participate could jeopardize the internal cohesion of the commoners as a group'.¹²⁹ In the early Middle Ages, much of the Po Valley economy was still based around the pasture of pigs and hunting and fishing in the marshes – exploited through systems of common rights.¹³⁰ This was indicative of a complete retraction in the cultivated area and a collapse of the hydrological systems after the disintegration of the political structures connected to the decline of the Western Roman Empire.¹³¹ In the early and high Middle Ages, rural communities were still seen striving for recognitions of communal use rights to wastelands.¹³² In 824, for example, conflict broke out between the monastery of Nonantola and the inhabitants of Fiesso, who under the threat of the loss of their fishing and grazing rights in the woodlands, pointed to an earlier document which had decreed that the Lombard King Liutprand had granted usufruct rights to all the residents in domicile of San Lorenzo.¹³³ Such disputes over the commons continued through to the thirteenth century at Nonantola.¹³⁴ Elsewhere, groups of fishermen at Pavia consistently tried to enforce rights of access to the Ticino River in the twelfth century.¹³⁵ Such claims by rural communities were supported increasingly by freedom charters, apparently one of the first steps towards autonomous rule of village communities independent from subordination to oppressive lordships.¹³⁶

However, these charters led neither to increased autonomy of the village communities, nor the preservation of the commons or collective privileges. Actually what

¹²⁷ S. Epstein, 'Cities, regions and the late medieval crisis: Sicily and Tuscany compared', *Past and Present*, 130 (1991), 3-50; 'Town and country: economy and institutions in late medieval Italy', *Economic History Review*, 46.3 (1993), 453-77.

¹²⁸ P. Jones, *The Italian city-state: from commune to signoria* (Oxford, 1997).

¹²⁹ T. De Moor, 'Participating is more important than winning: the impact of socio-economic change on commoners' participation in eighteenth- and nineteenth-century Flanders', *Continuity and Change*, 25.3 (2010), 405.

¹³⁰ M. Montanari, *L'alimentazione Contadina nell'alto Medioevo* (Naples, 1979), 34-5, 48-9, 267-70; P. Racine, 'Poteri medievali e percorsi fluviali nell'Italia padana', *Quaderni Storici*, 61 (1986), 9-32.

¹³¹ V. Fumagalli, 'L'agricoltura durante il medioevo. La conquista del suolo', in A. Berselli (ed.), *Storia dell'Emilia Romagna*, i (Imola, 1976), 465-6; R. Magnusson and P. Squatriti, 'The technologies of water in medieval Italy', in P. Squatriti (ed.), *Working with water in medieval Europe. Technology and resource-use* (Leiden, 2000), 217-66.

¹³² V. Fumagalli, *Terra e società nell'Italia padana. I secoli IX e X* (Turin, 1974), 62-3; F. Menant, *Campagnes lombardes au moyen age. L'économie et la société rurales dans la région de Bergame, de Crémone et de Brescia du Xe au XIIIe siècle* (Rome, 1993), 239-40.

¹³³ C. Manaresi (ed.), *I placiti del 'Regnum Italiae'*, i (Rome, 1955), 36.

¹³⁴ G. Alfani, 'Le partecipanze: il caso di Nonantola', in G. Alfani and R. Rao (eds.), *La gestione delle risorse collettive nell'Italia settentrionale (secoli XII-XVIII)* (Milan, 2011), 48-62; P. Cremonini, 'Dispute tra il monastero di Nonantola e la comunità rurali sulla proprietà e l'utilizzazione delle terre incolte', in *I beni comuni nell'Italia comunale: fonti e studi*, in *Mélanges de l'École Française de Rome. Moyen Age – Temps Modernes*, 99 (1987), 585-614; M. Debbia, 'Il territorio di Nonantola durante il medioevo: partecipanza o beni comuni? Il significato dei beni comuni nella storia della comunità locale', in *Terre e comunità nell'Italia padana. Il caso delle partecipanze agrarie emiliane: da beni comuni a beni collettivi* (Mantova, 1992), 123-30.

¹³⁵ E. Occhipinti, 'Fortuna e crisi di un patrimonio monastico e le sue grangie fra XII e XIV secolo', *Studi Storici*, 26 (1985), 302-1; C-R. Bruhl and C. Violante (eds.), *Honorantie Civitatis Papiæ* (Tübingen, 1983), 20; M. Venditelli, 'Diritti ed impianti di pesca degli enti ecclesiastici Romani tra X e XIII secolo', *Mélanges de l'École Française de Rome. Moyen Age*, 104 (1992), 407-8.

¹³⁶ F. Panero, 'Signori e servi: una conflittualità permanente', in M. Bourin et al. (eds.), *Rivolte urbane e rivolte contadine nell'Europa del Trecento: un confronto* (Florence, 2008), 305-21.

happened was that signorial lords took advantage of ancient communal and collective duties such as water management by reasserting them as signorial obligations – effectively imposing their will on collective organisation.¹³⁷ When signorialism and rural lordships began to wither in the late Middle Ages, cities instead extended their control over the countryside, by subsuming rural communities into their governmental structure.¹³⁸ Urban governments were not interested in maintaining the commons to support a peasant economy. Instead they turned collective duties and organisation around, in order to fulfill their own objectives such as land reclamation and water management.¹³⁹ Accordingly, Ostmann's contention that 'external control may destroy the commons' has some conviction.¹⁴⁰ Rural communities became compelled in the thirteenth and fourteenth centuries to colonise wastes, as attested to in the city-statutes.¹⁴¹ The Statutes of Parma in the 1200s noted that any rural communities benefiting from the canal which ran across the lands of Sant'Ilario, Taneto, and Prato Ottesola, had to maintain the structure.¹⁴² The Statutes of Ferrara around the same time show that officials of the city had to discuss with inhabitants of local communities any matters regarding the improvement of water management, and furthermore, rural communities had to provide a labour force to work the river embankments.¹⁴³

Land reclamation (ironically performed through the cadres of village communities themselves) only went as far as to destroy the commons: in fact, the commons were almost entirely eroded on the Northern Italian plains by the late Middle Ages.¹⁴⁴ Evidence for encroachment into the commons in the Po Valley in the high and late Middle Ages is plentiful.¹⁴⁵ It was not just the political structures of the city-states that were antithetical to the workings of the commons: it was the new polarised and inequitable property constellations seen in the countryside as well. Short-term leasehold had already made its way to the Po Valley by 1300 due to urban consolidation of land in the countryside – facilitated by the urban grip over reclamation.¹⁴⁶ The urban elite used the political power of towns to achieve surplus extraction.¹⁴⁷ Thus by the late Middle Ages, there emerged on the plains of Lombardy a proliferation of large tenant farms, often between 50 and 130 hectares in size, and paying fixed-rents.¹⁴⁸ These farms were made possible by the investment of wealthy urbanites in the

¹³⁷ F. Provero, 'Le corvées nelle campagne dell'Italia settentrionale', in M. Bourin and P. Martinez Sopena (eds.), *Pour une anthropologie du prélèvement seigneurial dans les campagnes médiévales (XIe-XIVe siècles). Réalités et représentations paysannes* (Paris, 2004), 375-7; S. Bortolami, 'Comuni e beni comunali nelle campagne medioevali: un episodio della Scodosia di Montagnana (Padova) nel XII secolo', *Mélanges de l'Ecole Française de Rome*, 99 (1989), 560-1; G. Bognetti, 'Sulle origini dei comuni rurali con speciali osservazioni per territori milanese e comasco', in S. d'Amico and C. Violante (eds.), *Studi sulle origini del comune rurale* (Milan, 1978), 143-50.

¹³⁸ Curtis and Campopiano, 'Into the frontier', 18.

¹³⁹ M. Campopiano, 'Land clearance and water management in the Po Valley in the central and late Middle Ages (ninth-fifteenth centuries): the role of rural communities', *Journal of Medieval History* (forthcoming, 2013).

¹⁴⁰ A. Ostmann, 'External control may destroy the commons', *Rationality and Society*, 10 (1998), 103-22.

¹⁴¹ G. Fantoni, *L'acqua a Milano. Uso e gestione nel basso medioevo (1385-1535)* (Bologna, 1990), 39; V. Fumagalli, 'Il paesaggio delle campagne nei primi secoli del Medioevo', in B. Andreolli et al. (eds.), *Le campagne italiane prima e dopo il Mille. Una società in trasformazione* (Bologna, 1985), 104-5.

¹⁴² *Monumenta Historica ad provincias parmensem et Placentia pertinentia* (Parma, 1860), 382.

¹⁴³ R. Zupko and R. Laures, *Straws in the wind. Medieval urban environmental law. The case of Northern Italy* (Boulder, 1996), 69.

¹⁴⁴ L. Chiappa Mauri, 'Riflessioni sulle campagne lombarde del Quattro-Cinquecento', *Nuova Rivista Storica*, 69 (1985), 129; G. Panjek, 'Beni comunali: note storiche e proposte di ricerca', in A. Tagliaferri (ed.), *Venezia e la Terraferma attraverso le relazioni dei Rettori* (Milan, 1981), 371-82.

¹⁴⁵ G. Comino, 'Sfruttamento e redistribuzione di risorse collettive: il caso della confraria del S. Spirito nel Monregalese dei secoli XIII-XVIII', in D. Moreno and O. Raggio (eds.), *Risorse collettive*, in *Quaderni Storici*, 81 (1992), 687-702; R. Rao, 'Risorse collettive e tensioni giurisdizionali nella pianura vercellese e novarese (XII-XIII secolo)', *Quaderni Storici*, 120 (2005), 753-76; 'Lo spazio del conflitto. I beni comunali nel Piemonte del basso Medioevo', *Zapruder*, 11 (2006), 8-25; O. Raggio, 'Forme e politiche di appropriazione delle risorse: casi di usurpazione delle comunaglie in Liguria', *Quaderni Storici*, 79.2 (1992), 135-70.

¹⁴⁶ B. van Bavel, 'Markets for land, labor, and capital in Northern Italy and the Low Countries, twelfth to seventeenth centuries', *Journal of Interdisciplinary History*, 41.4 (2011), 510.

¹⁴⁷ C. Belfanti, 'Town and country in Central and Northern Italy, 1400-1800', in S. Epstein (ed.), *Town and country in Europe, 1300-1800* (Cambridge, 2001), 292-314.

¹⁴⁸ D. Sella, 'Household, land tenure and occupation in North Italy in the late sixteenth century', *Journal of European Economic History*, 16 (1987), 491; D. Dowd, 'The economic expansion of Lombardy, 1300-1500: a

irrigation of large expanses of new land.¹⁴⁹ By the 1500s, tens of thousands of hectares of new land had come into cultivation through urban-led water drainage.¹⁵⁰ Urban capital also funded the proliferation of mills powering complex hydraulic systems,¹⁵¹ while new canals improved urban-rural transportation and physical connections.¹⁵² These kinds of property and power structures saw no place for the maintenance of a system of collective management of resources.

A third condition of an inequitable social distribution of risk was apparent in those societies where inhabitants had little room to choose their own economic path – often through institutionalized restrictions imposed from above. Thus, while De Moor asserts the logic of ‘advantages of scale’ as one of the benefits of collective investments in resource management, it was clear that many societies simply were not set up to secure any of these benefits. The theoretical advantages did not match up with the realities of organisation in many of the societies of Western Europe from the late Middle Ages onwards. Indeed, by the time of the so-called formalisation of institutions for collective action (i.e. the high Middle Ages in De Moor’s or Avner Greif’s view),¹⁵³ many of the investments that in peasant-dominated areas may have been made through the commons were instead made by wealthy urban investors – restructuring the landscape and rearranging it into enclosures, and laying down new water management features. In certain contexts such as the central sharecropping areas of Tuscany, all capital investments in animals, water management, boundaries, and equipment were made by the landlords themselves on behalf of their subordinate tenants.¹⁵⁴ The rearrangement of consolidated sharecropping farms sometimes actively led to the expropriation of common lands from rural producers.¹⁵⁵

The restrictions on inhabitants to choose their own economic path hindered any functioning of the commons in the sharecropping regions of central Italy. Rural inhabitants of the Florentine *contado*, for example, lacking both capital and access to credit, had to accept their fate as sharecroppers. Indeed, credit markets in the *contado* were local and isolated, forcing peasants to contract debts with their landlords, increasing their susceptibility to expropriation.¹⁵⁶ Florentine administration backed this up with oppressive legislation,

study in political stimuli to economic change’, *Journal of Economic History*, 21 (1961), 148-9, 154; G. Chittolini, ‘Avvicendamenti e paesaggio agrario nella pianura irrigua lombarda (secoli XV-XVI)’, in A. Guarducci (ed.), *Agricoltura e trasformazione dell’ambiente (secoli XIII-XVIII)* (Le Monnier, 1984), 555-65; L. De Angelis Cappabianca, ‘Le cassine tra il XII ed il XIV secolo: l’esempio di Milano’, in *Paesaggi urbani dell’Italia padana nei secoli VIII-XIV* (Bologna, 1988), 375-415.

¹⁴⁹ G. Chittolini, ‘Alle origini delle ‘grandi aziende’ della bassa lombarda: l’agricoltura dell’irriguo fra XV e XVI secolo’, *Quaderni Storici*, 39 (1978), 828-44; E. Occhipinti, ‘L’economia agraria in territorio milanese fra continuità e spinte innovative’, in *Milano ed il suo territorio in età comunale* (Spoleto, 1989), 245-63; E. Roveda, ‘Il beneficio delle acque. Problemi di storia dell’irrigazione in Lombardia tra XV e XVII secolo’, *Società e Storia*, 24 (1984), 269-80.

¹⁵⁰ F. Cazzola, *Bonifiche e investimenti fondiari. Storia dell’Emilia Romagna*, ii (Bologna, 1978), 209-28; B. Rigobello, *Le bonifiche estensi in Poestine dopo le rotte di Malopera e di Castagnaro* (Lendinara, 1976).

¹⁵¹ L. Chiappa Mauri, ‘I mulini ad acqua nel milanese (secoli X-XV)’, *Biblioteca della Nuova Rivista Storica*, 36 (1984), 67.

¹⁵² E. Orlando, ‘Governio delle acque e navigazione interna. Il Veneto nel basso medioevo’, *Reti Medievali Rivista*, 12.2 (2011), 251-93.

¹⁵³ De Moor, ‘The Silent Revolution’; A. Greif, *Institutions and the path to the modern economy: lessons from medieval trade* (Cambridge, 2006). Also for the timing see the classics S. Reynolds, *Kingdoms and communities in Western Europe, 900-1300* (Oxford, 1997); P. Blickle, *From the communal reformation to the revolution of the common man* (Leiden, 1998).

¹⁵⁴ R. Emigh, ‘Loans and livestock: comparing landlords’ and tenants’ declarations from the Catasto of 1427’, *Journal of European Economic History*, 25 (1996), 705-23.

¹⁵⁵ C. de la Roncière, ‘Rentabilité, bien commun, écologie. La foret communale de San Gimignano’, in *Milieux naturels, espaces sociaux. Études offertes à Robert Delort* (Paris, 1997), ?; M. Balestracci, *The Renaissance in the fields: family memoirs of a fifteenth-century Tuscan peasant*, trans. P. Squatriti and B. Merideth (University Park, 1999), 14-5; A. Malvolti, ‘I proventi dell’incolto. Note sull’amministrazione delle risorse naturali del comune di Fucecchio nel tardo Medioevo’, in A. Malvolti and G. Pinto (eds.), *Incolti, fiumi, paludi. Utilizzazione delle risorse naturali nella Toscana medievale e moderna* (Florence, 2003), ?

¹⁵⁶ On the lack of credit, see R. Hopcroft and R. Emigh, ‘Divergent paths of agrarian change. Eastern England and Tuscany compared’, *Journal of European Economic History*, 29 (2000), 15-6; M. Botticini, ‘A tale of benevolent governments: private credit markets, public finance, and the role of Jewish lenders in medieval and Renaissance Italy’, *Journal of Economic History*, 60 (2000), 170; Zuijderduijn, *Medieval capital markets*, 242-6. On the link

freezing wages, setting high food prices, and blocking labour movement.¹⁵⁷ The tenant households working the sharecropping farms faced a number of imposed restrictions – tenants could even be jailed for speaking disrespectfully to their landlords.¹⁵⁸ Urban landlords matched up the sizes of the farms in good accordance with the size of families.¹⁵⁹ Sharecropping families were prohibited from movement and performing work outside the farm,¹⁶⁰ and furthermore there were stipulations made on the types of crops cultivated (with emphasis on labour intensive viti-culture or olive-growing), dates of sowing and harvesting, and the length of ditches to be dug.¹⁶¹ It was even the duty of some of the tenant families to physically carry the portion of produce destined for the urban landlords to Florence.¹⁶² What characterised the modes of exploitation in the *contado* was the complete lack of flexibility and choice,¹⁶³ and dictated by urban interest groups - a situation not conducive to good functioning of the commons.

III: Conclusion:

In this paper it has been argued that while risk-reduction was obviously a theoretical benefit of the commons, this benefit was not universal and only was felt in a select number of societies. In fact it was been hypothesized that the commons only ‘made sense’ in those societies with an equitable social distribution of risk. In that sense, the divergent development of commons across pre-industrial Europe was likely linked to the increased sharpening of divisions between societies (sometimes quite close to one another) on the grounds of property distribution, the balances of power between interest groups, and the modes of economic exploitation – all things which dictated the distribution of risk across social groups.

One of the general points to be taken from this paper is that the study of the commons has to be moved away from being studied in isolation, and even more importantly, away from people arguing ‘for’ or ‘against’ the commons. Too much literature (particularly that literature without a historical background) is interested in putting a case forward for the use of the commons, as a counter to market- or state-dominated modes of exploitation. What the framework above tries to show is that yes, some societies would actively use the commons – because certain societies were set up to appreciate and benefit from risk-avoidance and sharing features. The commons were not always beneficial for some societies, however. Some societies had property and power structures which were intrinsically antithetical to the workings of the commons. These societies used different modes of exploitation which were more suitable to their set-up. Furthermore, some formalised collective structures from below (such as political institutions connected to the rural *comuni* of Northern Italy) actually came to be manipulated by dominant interest groups from above; collective interests were sometimes turned around to entrench polarised distributions of power and property. In that

between lack of credit and sharecropping see D. Akerberg and M. Botticini, ‘The choice of agrarian contracts in early Renaissance Tuscany: risk sharing, moral hazard or capital market imperfections?’, *Explorations in Economic History*, 37 (2000), 242. On personal bonds and risks of expropriation, see Emigh, ‘Loans and livestock’, 714.

¹⁵⁷ Van Bavel, ‘Markets for land’, 524.

¹⁵⁸ F. McArdle, *Altopascio: a study in Tuscan rural society, 1587-1784* (Cambridge, 1978), 167.

¹⁵⁹ R. Emigh, ‘Labor use and landlord control: sharecroppers’ household structure in fifteenth-century Tuscany’, *Journal of Historical Sociology*, 11 (1998), 37-73.

¹⁶⁰ D. Herlihy and C. Klapisch-Zuber, *Tuscans and their families: a study of the Florentine Catasto of 1427* (New Haven, 1985), 50; P. Jones, ‘Manor to mezzadria: a Tuscan case study in the origins of modern agrarian society’, in N. Rubinstein (ed.), *Florentine studies* (London, 1968), 223.

¹⁶¹ G. Piccinni, ‘Le donne nella mezzadria Toscana delle origini. Materiali per la definizione del ruolo femminile nelle campagne’, *Ricerche Storiche*, 15.1 (1985), 152; G. Pinto, ‘Forme di conduzione e rendita fondiaria nel contado fiorentino (Secoli XIV e XV): le terre dell’Ospedale di San Gallo’, in E. Sestan (ed.), *Studi di storia medievale e moderna* (Florence, 1980), 300-6.

¹⁶² P. Jones, ‘Florentine families and Florentine diaries in the fourteenth century’, *Papers of the British School at Rome*, 24 (1956), 195.

¹⁶³ P. Malanima, *La decadenza di un’economia cittadina: l’industria di Firenze nei secoli XVI-XVIII* (Bologna, 1982), 66, 88; J. Brown, ‘The ‘economic decline’ of Tuscany: the role of the rural economy’, in C. Smyth and G. Garfagnini (eds.), *Florence and Milan: comparisons and relations* (Florence, 1989), 110-1.

sense, we need to get away from talking about the state, the market, or the commons as the answers to future environmental and societal sustainability and instead refocus our attention on the precise constellations which actually give each individual society their character.

Of course one of the problems with the hypothesis presented in this paper is that it suggests in which pre-industrial societies the commons were 'logical', but that does not mean that all societies with highly equitable social distributions of risk necessarily employed the commons in the interests of risk-sharing and avoidance. Indeed, collective management of resources was not always the most obvious option. For example, the smallholding farmers of medieval Holland were interested in reducing the risk to their harvests – particularly in light of the difficult ecological conditions they faced with poor drainage, the oxidation of the soils, and flooding.¹⁶⁴ The commons had almost no role to play in the history of the Holland peatlands however. Instead, small farmers managed risks through private property ownership and favourable jurisdictions over the wastes. To reduce the risks of harvest failure and to equally distribute the different qualities of soils, each farmer cultivated a long narrow strip instead of the common fields – sometimes extending for kilometres in length.¹⁶⁵ In many parts of Inland Flanders, smallholding farmers did not collectively exploit resources as a way of limiting risk (although the commons did exist in certain places)¹⁶⁶, but instead embarked on a 'commercial-survival' policy of highly labour intensive cultivation of tiny plots of cash crops to be sold in the large and close-by urban markets – effectively a way of dealing with the problems of extreme land fragmentation and population pressure.¹⁶⁷ While elements of extra-economic coercion have been discussed as being integral to the functioning of *mezzadria*, sharecropping was used in other regions of Western Europe as an effective risk-limitation device – in many parts of Touraine, Anjou, and Catalonia, for example.¹⁶⁸ This paper has reconsidered the reasons why commons were employed in some parts of pre-industrial West Europe and not others and created a hypothesis based around social distribution of risk: but it is clear that even with optimal conditions for collective exploitation of resources, the commons were not always the obvious choice for risk-adverse societies.

¹⁶⁴ D. de Boer, *Graaf en grafiek: sociale en economische ontwikkelingen in het middeleeuwse 'Noordholland' tussen c. 1345 en c.1415* (Leiden, 1978), 222; P. van Dam, 'Sinking peat bogs: environmental change in Holland, 1350-1550', *Environmental History*, 6.1 (2001), 32-45.

¹⁶⁵ H. van der Linden, *De cope: bijdrage tot de rechtsgeschiedenis van de openlegging der Hollands-Utrechtse laagvlakte* (Assen, 1956), 160-82; 'Het platteland in het Noordwesten met de nadruk op de occupatie circa 1000-1300', *Algemene Geschiedenis der Nederlanden*, 2 (1982), 48-82; P. Henderikx, 'Die mittelalterliche Kultivierung der Moore im Rhein-Maas-Delta (10.-13. Jahrhundert)', *Siedlungsforschung*, 7 (1989), 67-87.

¹⁶⁶ See T. De Moor, 'Common land and common rights in Flanders', in De Moor et al. (eds.), *The management of common land*, 113-42; 'Les terres communes en Belgique', in Demélas and Vivier (eds.), *Les propriétés collectives*, 119-38.

¹⁶⁷ E. Thoen, 'A commercial survival economy in evolution. The Flemish countryside and the transition to capitalism (Middle Ages-19th Century)', in Hoppenbrouwers and van Zanden (eds.), *Peasants into farmers?*, 102-57; 'The birth of 'Flemish husbandry': agricultural technology in medieval Flanders', in J. Langdon (ed.), *Medieval farming and technology: the impact of agricultural change in Northwest Europe* (Leiden, 1997), 69-88; E. Thoen and E. Vanhaute, 'The Flemish husbandry at the edge: the farming system on small holdings in the middle of the nineteenth century', in B. van Bavel and E. Thoen (eds.), *Land productivity and agro-systems in the North Sea area (Middle Ages-20th Century). Elements for comparison* (Turnhout, 1999), 271-96.

¹⁶⁸ B. Maillard, *Les campagnes de Touraine au XVIIIe siècle. Structures agraires et économie rurale* (Rennes, 1998); J. Carmona and J. Simpson, 'The 'rabassa morta' in Catalan viticulture: the rise and decline of a long-term sharecropping contract, 1670s-1920s', *Journal of Economic History*, 59 (1999), 303-12; J. Marfany, *Land, proto-industry and population in Catalonia, c. 1680-1829: an alternative transition to capitalism?* (Farnham, 2012), chp. 2; A. Antoine, *Fiefs et villages du Bas-Maine au XVIIIe siècle* (Mayenne, 1994); R. Congost, 'Terres de masos, terres de censos: la complicada fi dels drets senyorials a la regió de Girona', in R. Congost and L. To (eds.), *Homes, masos, història: la Catalunya del Nord-est (segles XI-XX)* (Barcelona, 1999), 409-50.