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## From equilibrium to equity. The survival of the commons in the Ebro Basin: Navarra from the 15<sup>th</sup> to the 20<sup>th</sup> centuries<sup>☆</sup>

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**Abstract:** This paper describes an historical case of management of common lands, and their survival and transformation through the great agrarian reforms of the eighteenth and nineteenth centuries. The hypothesis is that the notion of community survived after the great rural changes caused by the emergence of capitalism and liberalism. However, the notion of community was very different after these great changes: the old community was based on the notion of equilibrium, whereas the new community is focused on equity.

**Keywords:** Common lands, feudalism, land reform, liberalism, Spain

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## I. Introduction

The Spanish language offers a paradox to those who are interested in communal property. The plural, *bienes comunes* (goods held in common), identifies the resources (in particular, the land) whose use and management is collective, either through ‘open access’ or some more restrictive form of community ownership. The singular, *bien común*, has the moral meaning of welfare and public happiness. During the eighteenth century different strands of thinking on farming and economics came to see these two concepts as the antitheses of each other. In the rationalist and individualistic discourse of the Enlightenment, the achievement of the common welfare (*bien común*) was incompatible with the survival of the “common goods” (Vivier 2003, pp. 17–19; Anes 1995, pp. 166–167). Under this ideological aegis, the nineteenth century witnessed the culmination in Europe and Latin America of the dismantling of communal property and its privatisation (Démelas and Vivier 2003). Toward the end of that century different currents of intellectual criticism of economic liberalism, both on the left and right side of the political spectrum, vindicated the consideration of communal property as a positive thing, understanding it as an example of an assumed primitive communism, and proposing its reinstatement within the social reformation schemes (Vivier 1998, pp. 281–291; De Moor 2007, pp. 120–121). It has not been proven, however, that the main beneficiaries of the communal regime were the rural poor, and those who have studied the matter tend to refute this (Shaw-Taylor 2001; Hayhoe 2002, pp. 51–52; Hoffman 1996, pp. 21–34; Iriarte Goñi 2002). What does seem to be proven, together with the inequality of access, is the highly regulated nature of communal systems, as well as their long-term survival over time. The historical study by Van Zanden (1999) that applied the theoretical scheme proposed by Elinor Ostrom enabled a defence of the coherence and rationality of the different systems of communal land regulation (De Moor et al. 2002). How else could we explain the survival over several centuries of these apparent orderly and reasonably stable models of human territorial interaction?

This article attempts to contribute toward explaining the long-term survival of communal property, as well as its typological diversity, by putting forward some hypotheses and proposing as a case study what happened in the *comunales* of Navarre, a region of Northern Spain where 44 percent of the land still remains communal property.<sup>1</sup>

First and foremost, how do we define ‘commons’? If we do not restrict the meaning of the term to ‘free access goods’ such as air, water, or (under certain circumstances) land, here we will follow the historiography tradition of understanding the term in its wider meaning, including not only the property of municipalities and owners’ associations (that for the sake of purity might be

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<sup>1</sup> The figure for common land in Navarre has been taken from Rosa Sevigné’s unpublished manuscript *Breve estudio de los comunales en Navarra (trabajo para política agraria)*, whom I thank for being able to use this report.

categorised as “club goods”) but also collective pasturing rights on private properties. This peculiar combination of collective ownership (*biens communitaires*) and usage rights (*droits collectifs*) that we may find in a variety of forms in Feudal Europe (Béaur 2006, p. 89) seems to have originated around the year 1000 AD (Hoffmann 1975). Notwithstanding, we must not forget that the dividing line between property and usage rights was largely a grey area up to the nineteenth century (Grossi 1992).

The word “commons” and the word “community” have the same etymological origin. Within the five links of Tello’s hallmark “sustainability chain” (Tello 2005), community occupies an intermediate position between the basic links – natural systems and families – and the more complex ones – nation states and markets. This is therefore one of the levels at which human needs are expressed and satisfied according to certain access rules (Tello 2005, pp. 77–82). The notion of community we are considering here entails a social network linking its members through principles of territorial proximity, sense of belonging, mutual recognition, moral obligation, ruled cooperation, the ritualised renovation of symbols and strict exclusion limits. This link does not imply equality among its members, owing to the existence of class and gender discriminatory bias, nor does it imply uniqueness, as nesting or overlapping of a plurality of communities is possible (for example, communities of irrigators overlapping with village communities, guild communities nesting within urban communities, etc).<sup>2</sup>

So, then, how can we explain the long-term survival of institutions of a communal type? Elinor Ostrom identified eight basic formative features shared by long-enduring communal institutions: well-defined limits, the adaptation of rules to local conditions, user participation channels, monitoring systems and scaled sanctions, conflict resolving mechanisms, a certain degree of autonomy from external powers, and an ordered structure of relationships within wider-ranging systems (Ostrom 1990, pp. 88–102). This scheme enables the reconciliation of presumably archaic and inefficient institutions with familiar criteria of instrumental rationality, but does not answer the main question: Did they last over several centuries because they were efficient – in Pareto’s terms – in resource allocation? And if not, why were they not replaced before that by more efficient institutions? Amit Bhaduri (1998) expressly addressed this question and proposed a way to solve the problem through a wider understanding of the notion of efficiency that included not only the context of production, but also that of distribution. In this way he made a distinction between “dynamic

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<sup>2</sup> This concept is not centred on a rigid opposition between traditional community and the modern state or a society of individuals in the sense Maine (1994) or Tönnies (1979) described at the end of the nineteenth century, positing an opposition between rural and urban worlds. Community does not constitute an archaic form of socialisation. Rather, following Cohen (1985), the relational aspect of the community should be considered as a “group of symbolic and ideological references on a map through which individuals find their way socially” (Cohen 1985; quoted by Delanty 2006, p. 65).

productive efficiency” (expressed as the increase in land and work productivity) and “class efficiency”, defining the latter as the ability of the dominant class to ensure the favourable distribution of production. This could explain the survival of a production-inefficient institutional structure providing it was class-efficient (Bhaduri 1991, pp. 56–61). This distinction has something in common with the “private and social rates of return”, postulated by North and Thomas in their seminal article of 1970, although for these authors the distinction at two levels – the private and the collective – has a different interpretation. An archaic institutional framework would have maintained the separation of the two rates of benefit, while changes in property rights – in the sense of making them individual and absolute – would have brought them together and thus spurred modern economic growth (North and Thomas 1987, p. 5).

The hypothesis offered here is that under conditions of low crop yields, restricted productive specialisation and the reproduction of family productive units under conditions of high mortality and the regular surplus extraction that characterised preindustrial economy, the communal institution would have allowed an optimal relationship to exist between both levels, that of class efficiency and that of productive efficiency (in Bhaduri’s terms), or between the private benefit rate and the social benefit rate (if one prefers the language of North and Thomas). The communal regime would therefore have followed an equilibrium path, understood in a double dimension: balance in the sustainable use of resources and balance in the maintenance of an inequitable society subject to regular and institutionalised exactions. The very design of the normative structure of the communal organisation could be understood as a point of equilibrium in a complex process of interaction – often a conflictive one – with the natural medium and the surplus detracting powers. For the same reason this design would be orientated toward guaranteeing the reproduction of these communities in certain production and distribution contexts. The diversity of contexts and points of equilibrium would help to explain the variety of access and management modes of the common resources that are historically found (De Moor et al. 2002, pp. 249–254; Vivier 2003, pp. 22–29).

The hypothesis followed here supposes a disruption of that secular equilibrium when international trade and industrialisation allowed growing specialisation, and at the same time that the creation of modern nation states altered the surplus detracting conditions. If we adopt Kuznets’s hypothesis (Kuznets 1973, pp. 208–222), this is the time when there could have been a strong growth of inequality. Using Bhaduri’s terms, the increased class efficiency promised by the new conditions would have demanded the dismantling of the communal regime. It is then, between 1750 and 1914, when the strongest attacks on property rights and communal usage took place. Notwithstanding the foregoing, in the peripheral areas of industrialisation, common property could acquire a renewed value within this new context as it became a medium for marginally reducing inequality and enabling the approximation of private and social benefit

rates. Our hypothesis concludes that within this scenario, the value of commonlands shifted from the notion of equilibrium to that of equity.

The pages below develop a case study ordered in two sequences. In the first, the features of the different identifiable communal regimes in Navarra during the feudal period are analysed. The second describes their dismantling and defends the permanence of community values within a new context marked by the notion of equity.

## 2. The commons and the equilibrium of the feudal system: Navarra from the 15<sup>th</sup> to the 18<sup>th</sup> centuries

Among the most significant features of European rural communities from the Middle Ages to the nineteenth century was the ubiquity of common lands, especially of wastelands, as well as the diversity of management systems and governing institutions. Thus, we find very different models for assigning rights of use to common resources, from the restrictive associations or clubs reported in certain regions of Germany, the Netherlands, and Spain,<sup>3</sup> to the open access to ‘citizens’ of a municipality (which can be found in Germany, Sweden, France, and Spain),<sup>4</sup> and the association of use rights with ownership of property of a particular house or land.<sup>5</sup> Managerial institutions and instruments (courts, officials, guards) varied greatly, as did the relationships existing between communities and external powers (crown, lords, and Church), which imposed regular taxes on them.

These different communal land tenures, as well as their institutions and uses, did not remain unchanged from the Middle Ages to the eighteenth and nineteenth centuries, but they did generally maintain a noticeable structural

<sup>3</sup> This relates to the *Markgenossenschaften* in Germany (Brakensiek 2002, pp. 233–236; Warde 2002, p. 201), the *Markgenootschappen* in Holland and Belgium (Van Zanden 1999, pp. 128–129; Hoppenbrouwers 2002; De Moor 2002) and the *Montes de Varas* in Galicia (Balboa 1990, pp. 49–79). In the latter, property and use belonged to certain houses, whether resident or not in the region, according to participation quotes that could be sold without restrictions (Saavedra 1992, p. 68).

<sup>4</sup> This system is widespread in Germany in the form of *Gemeinde* (Warde 2002, pp. 201–205) or *Gemeinheiten* (Brakensiek 2002, pp. 233–236), the north of France (Vivier 1998, pp. 48–55) and in most of Castile and Andalusia (Marcos Martín 1997; Bernal 1997). On some occasions there were several municipalities involved in the property, use and management of more extensive common lands, such as the Scandinavian *Häradsallmänningar* (Sundberg 2002, pp. 175–181) or both the Spanish *Mancomunidades de montes* and *Comunidades de villa y tierra* (Mangas Navas 1984; pp. 75–90).

<sup>5</sup> This is what happened in southern and western France, where access rights to commons were linked to land property (Vivier 1998, pp. 48–55), and in north Portugal (Brandao 1994, pp. 45–90). Access to common lands was even more restricted in the Pyrenees (Bearn), where it was necessary – besides being a landowner – to be a *voisin*, which was also true on the other side of the border, in the Basque mountains, where not all families enjoyed the condition of *vecino* (Floristan Imízcoz 1985). Also in England the rights of access to the commons were associated with land property or possession, usually in the framework of the *manor* (Winchester 2002, p. 39).



Figure 1: Localisation of the area of study.

continuity. How can this diversity of systems and institutions be explained? And in light of this, how can we account for their secular permanence?

We maintain that the commons played an important role in the stability of preindustrial society, both in their organisation of resource exploitation and in their relationships of feudal control and income distribution. Diversity in institutional articulation should be associated with different environmental factors and different social and political structures.

Despite its small size, Navarra is an excellent model for studying this diversity. With its 10,421 km<sup>2</sup>, the territory that included the medieval kingdom of Navarra around 1500 extends from the Ebro River, along the Pyrenees Mountains, to the Cantabrian Sea. This territory can be divided into five zones, each having different social agrosystems.<sup>6</sup> Table 1 and Figure 1 show the main characteristics and boundaries of these zones.

<sup>6</sup> The notion of a social agrosystem is defined as “a rural production system based on the region-specific social relations involved in the economic reproduction of a given geographical area” (Thoen 2004, p. 47). It refers to the ecological and socioeconomic relationships in the reproduction of rural societies.

Table 1: Characterisation of the five social agrosystems in Navarra.

	Zone I	Zone II	Zone III	Zone IV	Zone V	Navarra
<b>Physical characterisation</b>						
Height (meters)	269	790	554	382	399	502
Slopes (%)	23	19	11	3	3	11
Rainfall (mm/year)	2,131	1,617	1,085	520	732	1,017
Surface (km <sup>2</sup> )	1,171	1,134	4,620	3,274	492	10,691
<b>Demographic characterisation</b>						
Population in 1786	30,519	10,492	86,785	61,455	38,497	227,748
Density (Inhabitants/km <sup>2</sup> )	26.1	9.3	18.8	18.8	78.2	21.3
Habitat size (Inhabitants)	587	328	129	854	6,416	273
<b>Sociological characterisation (Shares per 1,000 Inhabitants in 1786)</b>						
Farmers	151.3	170.3	184.4	70.0	40.6	124.2
Casual workers	21.6	9.0	18.1	91.0	52.4	43.6
Servants	46.5	43.6	48.5	34.5	57.6	45.8
Salaried population rate (Workers/Farmers)	0.45	0.31	0.36	1.79	2.71	0.72
Artisans & Industrials	42.9	30.7	24.9	28.3	57.6	34.0
Traders, Lawyers, & Employees	5.8	1.2	2.1	5.2	17.0	5.9
Clergy	6.9	10.9	11.8	14.5	37.1	16.1
<b>Feudalism (Population under seigniorial regime)</b>						
Population in 1786	194	152	5,866	26,219	0	32,431
% of total	0.6	1.4	6.8	42.7	0	14.2
<b>Systems of appointment of the upper local authority (% of population in 1786)</b>						
External appointment	1.7	1.4	26.7	44.7	0	22.5
Internal appointment	63.3	0	48.5	0	0	27.0
Mixed system	34.9	98.6	23.6	55.0	100	50.0
<b>Property (today)</b>						
Common property (hectare)	75,130	40,707	213,205	133,530	17,761	480,333
Commons as % of total	64.2	35.9	46.1	40.8	36.1	44.9

Sources: *Censo de 1787 Floridablanca*. Vol. V. *Comunidades autónomas Pirenaicas*, Madrid, INE, 1991, pp. 4434–4603; *Diccionario geográfico-histórico de España por la Real Academia de la Historia* (Madrid 1802); Yanguas y Miranda (1828). Archivo General de Navarra, Reino, Estadística, lg. 25/2, lg. 6/8, lg. 16/7, lg. 31/1. The data for common property are taken from Rosa Sevigné Amatriáin (1999) *Breve estudio de los comunales en Navarra (trabajo para política agraria)*, unpublished manuscript.

In the northwest of Navarra (Zone I) the dominant influence on climate is the Atlantic Ocean. This area does not suffer temperature extremes, and the average rainfall varies from about 1,600 to 2,500 mm. Over a layer of silicon rocks from the Palaeozoic era, soils are acid and slopes are pronounced. Because of this, the arable area is very limited (mainly devoted to maize, wheat, and forage in enclosed fields) and the local economy is based on livestock (cows and sheep). Here we find a mixed form of habitation, with some towns (*villas* or concentrated settlements) and a great number of isolated farms (in Basque, *baserriak*). A large number of these farms belonged to landowners living in cities, and were cultivated by sharecroppers. Thus, the provision of the workforce necessary to carry out the production process was entrusted to family and not to the market. The relationship between independent agricultural producers and the wage-earning population, which amounted to 45 wage-earners (mostly integrated in the producer's family as servants) per 100 producers, shows the preponderance of familial agriculture. On the other hand, opportunities offered by protoindustry (mainly iron) and the semiurban nature of the communities explain the higher population density and greater occupational diversity than was true for the rest of the country. Access to the commons was limited to *vecinos* (those who owned an entitled house with common rights), while a large part of the local community (in Basque, *maisterrak*) was excluded from common rights and political bodies. This strong sense of closed community and the broad autonomy of these communities in designating their authorities were direct consequences of the defeat of feudal lords in the wars of noble lineages in the fourteenth and fifteenth centuries<sup>7</sup> (Caro Baroja 1974, pp. 203–226; Otazu 1986, pp. 190–210; Arízcuñ 1988; Imízcoz Beunza and Floristán Imízcoz 1993).

The northeast of Navarra (Zone II) is largely alpine. Its lithological features are sandstones and schists (*flysch*) from the Eocene era, and its average altitude is around 1,000 m high. Winter is therefore very long, and the number of frost-free days are few. The local economy was based on subsistence agriculture, nomadic flocks, and timber. South of the Pyrenees, settlements were concentrated in villages (328 inhabitants for a medium-sized community), and were politically designated in districts under the name of *valles* (Aézcoa, Salazar, and Roncal) since at least the eleventh century. Because of the low population density and the strained border relationships with France, the Spanish Crown retained greater control of the wastelands in this region and local authorities, so that the mayors of the valleys were designated by the viceroy from lists of three candidates proposed by the villages. Three factors led to a fairly equalitarian social structure: (A) All *vecinos* had license to plough and cultivate in common lands; (B) The institution of *hidalguía colectiva* (all natives were

<sup>7</sup> Historically, the population increase caused growing pressure on the commons and hardening of the requirements to become a commoner. In the Valley of Baztan there were 460 *vecinos* in 1553 and 692 in 1646, but in 1678 there were 748, and 725 in 1726. Meanwhile, the number of *maisterrak* households grew from 100 in 1646 to 222 in 1678, and 374 in 1726 (Madariaga Orbea and Serralbo Gómez 1998, p. 226).

acknowledged as nobles in these valleys and thus could hope to promote outside);<sup>8</sup> and (C) a part of the population left because of the structural push to emigrate, which resulted in a population-resource ratio more favourable to those who remained. The *valle* community survived as an administrative entity until the 1840s, and some of the common customs and rituals have survived to the present day (Idoate 1977; Martín Duque 1963).

In the more extensive and populated Zone III, settlements are largely dominated by hamlets (*lugares*), with 129 inhabitants for a medium-sized hamlet. The topography is less rugged than in the mountainous areas, and the valleys are wider, allowing cultivation of wheat, barley, oats, legumes, and – on the south side – vineyards. Soils alternate between lime and marl, and the average rainfall varies from 600 to 1,200 mm. In this landscape of open fields and forests (beech forests in the north and holm-oak groves in the south), hamlets are scattered as small groups of houses around churches. The social structure was dominated by a large number of small agricultural producers who gained control of their land through property ownership or rental, and mainly relied on a familial workforce. The most extensive farms supplemented their workforce through wage labourers, who were generally incorporated in the household as servants. Hamlets were grouped in districts (*valles, cendeas*) in order to establish their relationships to external agents and to make some wastelands profitable. Each district had its own authorities (mayor, deputy, or juror) and officials, who were directly designated by external powers (lords, abbeys, and kings), or elected in other cases by the community itself through various procedures (voting, drawing lots, taking turns, co-optation), or a mixed system of presentation of candidates by the community for external designation. Access to the commons was linked to the condition of *vecino* (owner and resident in an entitled house), while regulation of the commons was carried out through assemblies (*concejo*; in Basque, *batzarre*). Commoners approved and reformed bylaws (rules and sanctions), admitted or rejected new commoners, designated officials, and finally resolved disputes and imposed fines in these assemblies. A distinctive feature of this area is that some foreigners had access to the commons, as they were acknowledged as *vecinos foranos* (foreign commoners), a privilege reserved for nobles who owned an entitled house – even if it was in ruins.<sup>9</sup>

<sup>8</sup> There is a good approach to the meaning of *hidalguía* condition in Castile in Drelichman (2007). In some districts of Navarra this condition was extended to all the natives as a collective privilege (Otazu 1986, pp. 176–189). In 1726 the majority of inhabitants in these valleys had the title of *vecinos* (91.3 percent) and only 8.7 percent were excluded from the commons and charges, while in all of Navarra the share of commoners was 56.6 percent (Madariaga Orbea and Serralbo Gómez 1998).

<sup>9</sup> On several occasions from the sixteenth to the nineteenth century, residents tried to obstruct and abolish the use-rights of the foreign commoners (Zabalza Seguíñ 1994, pp. 177–206; Floristán Imízcoz 1985). Many of the villages in this zone did not formalise their bylaws in the royal courts, since they had been formed through informal enforcement. I have only been able to locate 377 confirmation bylaw processes (of a total number of 671 villages) from 1520 to 1833 in the computer inventory of the section of Processes of the General Archive of Navarra. Given the size of these settlements, the so-called “folk theorem” may be the case here. According to this theory, “when a stable group of people is engaged in an infinitely repeated interaction, informal cooperation can emerge in the use of the common resources” (Casari 2007, p. 205).

Zone IV has very different and more extreme features, both socially and environmentally. Here there is a Mediterranean plain that varies from sandstone to clay and gypsum with alluvial soils. The average rainfall is less than 600 mm (below 400 mm in some zones), and summer-long aridity is aggravated by a strong dry wind from the northwest. Vegetation is of the prairie type and woodlands are rare. Cereals, legumes, hemp, wine, and olive oil were the crops in arable lands over fluvial terraces, thanks to the intricate system of dams and canals, while sheep breeding produced wool and mutton in the dry highest pastures and wastelands. The complex, expensive irrigation system (and the cooperative network that was required) explain the concentration of settlements in larger villages and towns (*villas*). Land ownership tended to be concentrated among a few (nobility, Church, urban oligarchy), and tenants obtained arable land through lease or sharecropping. The number of independent producers was relatively few (see Table 1), while the number of paid workers and poor men was higher (179 wage earners per 100 independent producers). These statistics mean that it was the market rather than the family that played the main role in the workforce in the production process. The labour market was characterised by a wide, scattered pool, which made these wage earners very vulnerable: their contracts did not make for a great deal of security or stability. Moreover, the semi-urban nature of the centres explains the higher presence of artisans (clustered in guilds), traders, employees, and clergy. The main institution that connected resources (crops, grazing, manure, hunting, firewood, fibre grass, and building materials) to users was the municipality. Designation of authorities always fell to external powers: in many cases it was feudal lords who directly appointed the mayor, while in other cases mayors were appointed by the viceroy from a list of three candidates proposed by the villages. This reduced the autonomy of the communities, although they retained wider control in the appointment of lower authorities and administrative and economic management. In addition to the authority appointed by an external power, the political council (*regimiento*) represented the assembly of commoners, which was known as a *concejo* (Floristán Samanes 1951; Mensua 1960).

Zone V, which included six towns with more than 3,000 inhabitants in 1786 (Pamplona, Tudela, Estella, Sangüesa, Tafalla, and Corella), has many of the sociological features of Zone IV, but these features are even more pronounced: The proportion of independent agricultural producers is less and the number of wage earners is larger, as is the number of artisans, traders, employees, and clergy. Politically, the main authorities (*alcaldes*) were appointed by the viceroy from lists submitted by the towns, although here, too, the lower authorities (*regidores*) had a representative (although often oligarchic) character.<sup>10</sup>

To sum up, in general we find in Navarra two models of communal land tenure that correspond to very different environmental and social conditions: One is the model of a closed community in which access rights to the commons

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<sup>10</sup> The functions and hierarchy of the municipal authorities (*alcalde mayor*, *alcalde ordinario*, *regidor*, *jurado*) are clarified by Hijano (1992, pp. 105–137).

are linked to the possession of a given agricultural exploitation and to recognition as a *vecino*, which accords with the predominance of familial production over wage labourers and populations concentrated in small centres. The other is a model of an open community in which the municipality is the axis that holds the systems together. Access rights to the commons are less restrictive, although uses are very unequal, and are based on a more complex social structure of an urban or semiurban nature, with a major presence of wage labourers and the great importance of feudal lords.

Because of its complexity, the second model requires further explanation. Despite the exogenous appointment of the main authorities, there was a margin for autonomous management of common resources in Zones IV and V. The material basis of the municipality centred on *bienes de propios* (municipal properties such as arable lands, pasture lands, mills, ovens, etc., which were leased regularly and provided funds for municipal budgets) and *arbitrios* (renting of commercial monopolies and excise taxes). One of the most important of these commercial monopolies was the provision of meat (*ramo de carnicería*), which could be outsourced in public auctions or directly managed by municipalities. The public butcher used to have his own cattle and enclosed pastures on the commons. The municipality was also the guarantor of common wastelands (*común de vecinos*) and protected common use rights to open fields through approval of bylaws and fulfilment. Boundaries of resources and property rights were well defined. With the aim of making pastures profitable (See Figure 2), municipal lands (*bienes de propios*) and common lands (*común de vecinos*) were divided in *dehesas* (large pasturage divisions from 500 to 3,000 hectares), and these divisions were then subdivided in *corralizas* (pasture estates from 100 to 400 hectares, which included a pen for animals, where cultivation was forbidden and pasture was limited to certain specified periods), with spaces between each pasturage in which commoners were allowed to plough and cultivate. The municipality would designate one or more *corralizas* exclusively to the public butcher and the rest were auctioned and rented for short periods to sheep breeders. Commoners enjoyed the *corralizas* of the *común de vecinos* (Floristán Samanes 1951, pp. 83–107; Yanguas y Miranda 1828, pp. 180–190, pp. 290–292).

There was a coherent articulation of private ownership, municipal properties, and common rights that was far removed from the mechanical individual-collective opposition. At the core of this was the municipality, which was organised in two levels: the assembly (*concejo*) and the political council (*regimiento*). During the eighteenth century, in a context of demographic growth, open assemblies of *vecinos* (*junta de concejo*) tended to be replaced by local councils made up of 21 wealthy persons resident in the town; the *juntas de veintena*.<sup>11</sup> A system called *insaculación* had been the principal

<sup>11</sup> Act no. 48 of the Parliament (*Cortes*) of 1757 justified the establishment of *Veintenas* because “the tumults happening regularly do not allow them [*juntas de concejo*] to vote freely; people in the Government are treated disrespectfully and, since the number of plebeians is greater, the deliberations of justices and respectable people do not come into effect” (Cuadernos de las Leyes 1964, vol. I, p. 339).

system of election of the town council since the sixteenth century; it consisted of casting lots, which usually included two groups or bags – one for nobles (*hidalgos*) and another for plebeians (*labradores*).<sup>12</sup>

However, municipality was not the sole institution with authority in the management of the commons. Local guilds of cattlemen (*mestas*) and councils of landowners with irrigated fields (*diputaciones de campos*) were specific institutions with competence in pasture and water management. *Mestas* grouped cattle breeders in the village, assuring workforce control and isolation of diseased livestock, resolving disputes, and representing them in their relations with other institutions. These guilds would also divide the common pasture (of the *común de vecinos*) among members and regulate the use of corrals, tracks, and drinking troughs.<sup>13</sup> *Diputaciones de campos* brought together the landowners in areas irrigated from the same canal. These councils designated the officials who distributed the water and protected its proper use, maintained the dams and canals, apportioned the cost of repairs among the commoners, punished criminal behaviour, and resolved disputes (Yanguas y Miranda 1828, pp. 21–52). These institutions operated as communities within the community, but despite this coincidence, the *concejo* (the distinctive form of municipal power from the medieval period) was the core of political and social life.<sup>14</sup>

And who were the commoners who enjoyed the resources? First, there were cattle breeders associated in the *mesta*. Second, farmers would combine their horses, mules, donkeys, and oxen in collective herds (generally known as *dula*), using the rich pastures of the *sotos* (wooded meadows) along the rivers, and

<sup>12</sup> In the city of Tudela, disputes over the parish election system were resolved by the adoption of *insaculación* in 1545. They designated that there had to be five bags – one for the selection of the *alcalde* (mayor) “among the more principal persons”, the second for aldermen (*jurados*) from noblemen, the third for aldermen among “people with agricultural knowledge” (*labradores*), the fourth for market official (*mudalafe*), and the fifth for treasurer. One child extracted three names from the first bag that were presented to the viceroy. In 1682 the town paid 1,000 *ducados* with the aim of extinguishing this system, and since then the first name extracted was designated *alcalde*. This system finished in 1813 (Yanguas y Miranda 1828, pp. 59–63).

<sup>13</sup> These functions have been identified from the guild bylaws of Tudela in 1587, 1762, and 1817, and Tafalla in 1582 and 1627 (Archivo General de Navarra, Tribunales Reales, 12309, 99979, 73940, 94086).

<sup>14</sup> Sometimes friction arose among the various institutions that participated in the commons. These frictions illustrate their relationships. Thus, in the village of Arguedas, the 24 livestock farmers on the *mesta* raffled off the use of the pastures of 13 *corralizas* from the 1<sup>st</sup> November to 3<sup>rd</sup> of May. There were 4,039 head of sheep, with the farmers paying a canon per head, favouring the *vecinos*. The canon was increased from 1786 to 1807 from 1.0 to 1.9 *reales de vellón* (*rvn* onwards) to defray the expenses of work carried out on the Ebro River; and in 1807 the *regimiento* (with permission from the *Consejo Real de Navarra*) added a supplementary canon of 2 *rvn* (a total of 3.9 *rvn*) for an irrigation project, which the breeders refused to pay as they considered the project an arbitrary novelty. When the municipality threatened not to allow the raffle for the 13 *corralizas* to occur, but to auction off their use to the highest bidder, the *mesta* agreed to sign a payment obligation, but expected to appeal the decision of the court after the uncertainty caused by the Napoleonic invasion was resolved (Archivo General de Navarra, section of Protocols, Arguedas; notary A. Soler y Falces, 1808, n° 30).

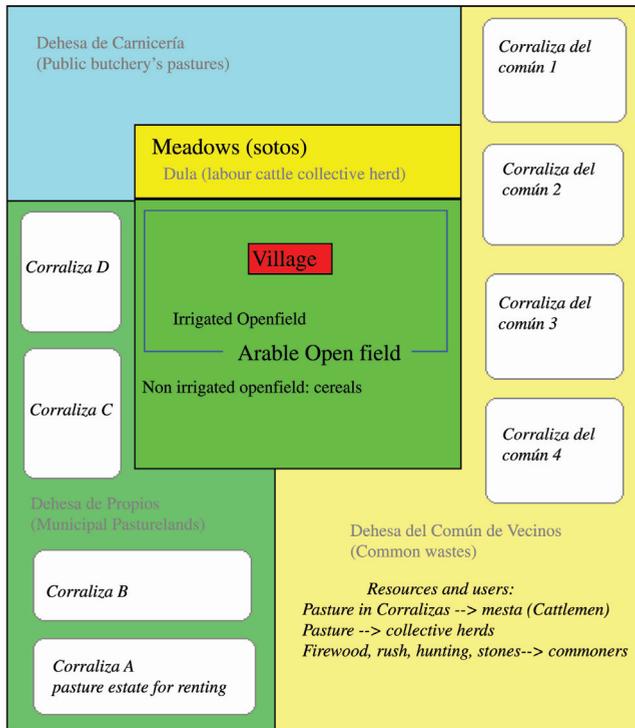


Figure 2: Common rights and territorial organisation in South Navarra (15<sup>th</sup>–18<sup>th</sup> centuries).

excluding others from them. Third, all commoners could add a limited number of animals to the collective herds known as *ganadería concejil* ('common herd', but it usually included only sheep and goats), *cinquena* (the name itself indicates that each commoner could only add five sheep and no more), *cabrería* (goats), *vaquería* (cows), and *yegüería* (horses for breeding: breeding mares and foals). Fourth, under certain conditions all commoners were allowed to take certain products from the commons such as firewood, rush (*Juncus* sp.), *esparto* (*Macrochloa tenacissima*), liquorice (*Glycyrrhiza glabra*), game, fish, manure, vegetal ashes (*hormigueros*), and building materials. And fifth, in some villages there were also foreign commoners (*vecinos foranos*) who could use the pastures of the *común de vecinos*. All these people could also use the pasture of private open fields after harvest, provided they respected some particular customs, such as *ricios* (fields sown with unmown grain) and *sobreaguas* (a specific time following the rains in which the soil was still moist).

Rules of use were regulated through bylaws approved by the *concejo* and confirmed by the royal court. The bylaws enumerated many detailed conditions:

annual periods of use, times when use was forbidden, specifications for limiting the number of livestock, form of denouncing violators, scale of fines, forms of collection, and distribution, etc. Violations of these rules would be adjudicated in the local court (*audiencia de concejo*), where judges listened to the plaintiff and defendant, and imposed a penalty according to the bylaws.<sup>15</sup>

In short, we find a diverse, complex and highly detailed system that guaranteed access to and use of natural resources for a large part of society, and also tended to guarantee the continuity of these resources. This was possible because the community was well defined, and had internal and external ties and balances. But was the system equitable? The answer is no. Open access to the *común de vecinos* and private fields that were open to all commoners made the extent of usage directly proportional to wealth. In particular, the larger breeders, who were associated in guilds, were most favoured in this system, as they were able to divide and use the pastures at a nominal cost, and sometimes at no cost. Large farmers could feed their horses and oxen in the pastures of the *dula*. Noblemen (*hidalgos*) enjoyed the privilege of using twice as much as commoners and could use the commons of several villages as *vecinos foranos* (Yanguas y Miranda 1964, pp. 235–237). The *concejo* common system was not designed to repair injustices but to maintain a balance in a vulnerable society.

### 3. The liberal state, land reform, and the survival of the commons, 1790–1935

This system underwent a severe crisis in the first half of the nineteenth century. As in other parts of Europe, there were various causes of the crisis and dissolution of the commons.<sup>16</sup> We will examine some of them.

The wave of demographic growth during the eighteenth century (0.26 percent per year for Navarra from 1725 to 1817; 0.37 percent for Zone IV) was accompanied by price increases and intensified market relations, which were manifest in the rise of mercantile products such as wine, olive oil, and wool (Lana Berasain 2006). Parallel to this, there began to unfold a slow transformation of the social structure, with a growing gulf between the wealthy and the poor, irrespective of the boundaries of the *estamento* society.<sup>17</sup> The process of urbanisation and deepening market relations widened inequality of income and wealth (Van Zanden 1995). Thus, the wealthiest members of the lower

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<sup>15</sup> In the eighteenth century the *Consejo Real de Navarra* was concerned about bylaws that required the courts to pay one-third of the imposed fines to the Royal Exchequer (Archivo General de Navarra, Tribunales Reales, n° 80580).

<sup>16</sup> Liberal attacks against common property characterise the second half of the eighteenth century and the nineteenth century in Europe and America (Démelas and Vivier 2003). However, there were significant precedents. In the case of Castile, the dimensions and consequences of the sale of *baldío* encouraged by the Spanish crown during the sixteenth century is well known (Vassberg 1983; Marcos Martín 1997; Bernal 1997).

<sup>17</sup> *Estamento* refers to the orders or hierarchies of society's ancien regime.

orders (merchants, manufacturers, cattle breeders, and wealthy farmers) tended to come together with the privileged classes (*hidalgos*). They combined in local closed councils (*juntas de veintena*) in the second half of the eighteenth century, functioning as a single social class of *propietarios* (bourgeois) in the first half of the nineteenth century. This group was able to retain their control on local political power in a liberal state because of restricted suffrage (Castro 1979, pp. 122–123).<sup>18</sup>

Other social sectors tended to become impoverished because of population growth, division of land, and price fluctuations. In the context of rising wheat prices in the final decades of the eighteenth century, landless workers (*jornaleros*), tenants, and farmers (*labradores*) increased pressure on the municipality to break up and distribute the common lands (Sánchez Salazar 1988, pp. 60–80). Cattle breeders and landowners opposed this because the cultivation of the commons might harm their interests: for the former, it would reduce the available pasturage and could weaken guild control; for the latter, increasing the available land would make it more difficult to rent out their properties. (Marcos Martín 1997). At the same time, feudal earnings and prerogatives tended to be challenged by tenants through payment arrears and riots. The authority of manorial justice was challenged (Usunáriz 2004). The privileges of the *vecinos foranos* were refused. The Church also experienced problems in collecting its tithes (De la Torre 1992, pp. 105–139). A serious breakdown in the community was becoming apparent, centred on control and management of common lands.

A fiscal crisis took place in this context (Comín 1996, pp. 194–201). The finances of the Spanish Crown and the municipal treasuries were exhausted from the lengthy wars of 1793–96, 1808–14, 1821–23, and 1833–39. The backbone of the *concejo* system finally broke. To solve their financial difficulties, local councils (*regimientos* with the approval of *juntas de veintena*) began to sell not only municipal properties (municipal lands and pastures, buildings, mills, etc.) but also the *corralizas* of the *común de vecinos* (De la Torre 1991, pp. 97–108). Nearly 79,000 hectares of common land (7.6 percent of the

<sup>18</sup> The Parliament (*Cortes*) of the Kingdom of Navarra were going to approve the establishment of *juntas de veintena* in 15 towns of Navarra from 1705 to 1781. In 1794, law no. 27 created such councils in all villages with more than 100 households. In 1817–18 they extended this act to those settlements with more than 50 households (Cuadernos de las Leyes 1964, vol. I, pp. 81, 237, 339, 535, and 581). With the Act of Town Councils in 1845, suffrage was extended so that it was inversely proportional to the size of the municipality in question. Thus, while 65 percent of adult males were electors, and 48 percent could aspire to be elected for municipal posts in Zone II, these proportions were reduced to 45 percent and 32 percent in Zone III, and to 26 percent and 18 percent in Zone IV, reaching 13 percent and 6 percent in the towns of Zone V (Archivo General de Navarra, *Boletín Oficial de la Provincia de Navarra*, June 1853). In the case of Catalonia, Torras Ribé (2003, pp. 183–205) attributed the crisis of municipalities under the ancien régime to a break in the cohesion of the dominant group and a change from aristocratic to bourgeois values in society, both of which led to the diffusion of census criteria at the end of the eighteenth century.

province's lands) were sold in Navarra from 1808 to 1860, in a spontaneous movement led by village and town councils rather than by national regulations (Lana Berasain 2006). From 1862 (by applying the *Desamortización* Law of 1855) the Spanish government auctioned off another 28,000 hectares of municipal and common lands (Iriarte Goñi 1997, pp. 216–218). Most of these sales took place in areas of plain and concentrated habitation (Zones IV and V) where communal land tenure was held in municipal institutions. Mountain areas (Zones I and II, and III to a lesser extent), where rights over the commons had been reserved to particular houses, to the exclusion of other residents, generally escaped the massive sales of common land but their old system was changed in the construction of the modern state, which gave the common property to town councils and extended the right of *vecindad* to all taxpayers who resided in the village.<sup>19</sup> Previously, on 8 June 1813, the Spanish Courts of Cadiz abolished common use rights to private open fields through the *Acotamientos* Law, which allowed property enclosure (García Sanz 1985, pp. 54–58). Guilds of cattle breeders (*mestas*) were banned in 1818 (Yanguas y Miranda 1964, p. 198), Royal Courts (*Consejo Real* and *Corte Real*) were suppressed in 1836 (Mina Apat 1981, pp. 159–160), and the manorial system was definitively abolished in 1837 (Hernández Montalbán 1999). The old institutional framework of the commons seemed to be dying and a new territorial organisation was emerging, as can be seen in Figure 3.

As in other parts of Europe, the commons were severely affected. Physiocratic censure for common property in the Enlightenment meant the institution was dismantled in the age of Liberalism. Agrarian individualism was advanced as the sole alternative to progress (Bloch 2002, pp. 287–288). Nevertheless, there were still some community ties after the collapse of the ancien regime. The adaptation of the idea of community to the new conditions and the significance of commons in a capitalist context are argued here in four ways.

First, common property did not disappear. As can be seen in Table 1, common lands still occupied almost half a million hectares in Navarra. Even in Zones IV and V, where processes of sale and dismantling of communal land tenure were more intense, common lands still amounts to 40 percent of the total surface area. Most of the property on these lands belongs to the municipalities, however, confusing the notion of public and common property. Nevertheless, this continuity should not automatically be interpreted as a survival of community. When ideas of communal and public ownership become indistinguishable, the original sense of the old community – which established exclusions of variable geometry and linked its members according to an unequal, hierarchic, and apparently natural set of rights and duties – seems to be lost. Using Tönnies' terminology (1979), it could be argued that community (*Gemeinschaft*) gave way to society (*Gesellschaft*). There are some other

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<sup>19</sup> In 1851 provincial authorities once again affirmed the principle of right equity, prohibiting the exclusion of those considered *maisterrak* from common usufruct (Toni Compains 1902, p. 261).

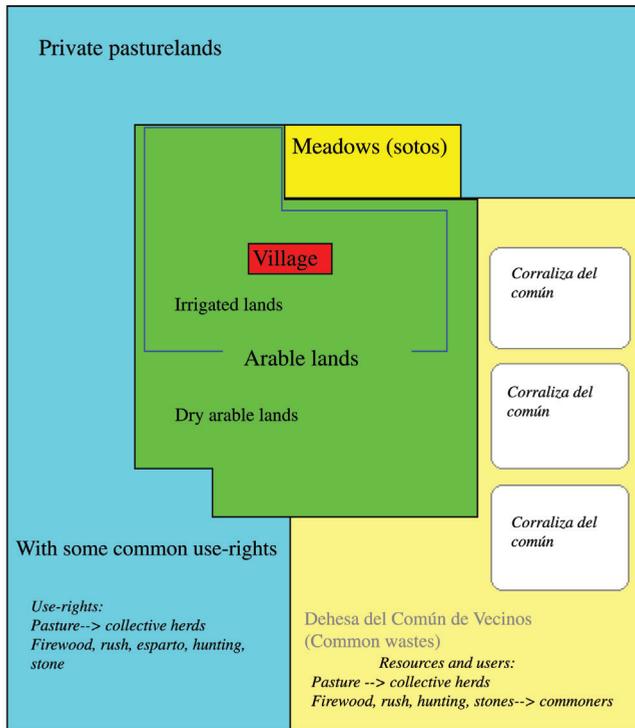


Figure 3: Common rights and territorial organisation after the Desamortización Laws.

survivals, however, which show that ‘public’ has not simply been substituted for ‘communal’ and ‘citizen’ for ‘commoner’. What is very significant is the persistence of collective flocks and the maintenance of shepherding on private lands in open fields up to the first half of the twentieth century. These had been legally abolished in 1813.

The second argument refers to the nature of the sales of common lands. Often, some rights to resources were reserved for users and municipalities (Table 2). Indeed, in 178 of the 500 extensive pasture estates (*corralizas*) that were sold from 1808 to 1860, commoners retained the right to graze working cattle as a collective herd (*dula*) only in certain seasons of the year. In 131 cases, sales contracts preserved pasture rights for collective herds (sheep, cattle) at certain times and under certain conditions (goats, and sometimes cows and oxen, were usually forbidden): In 155 estates that were sold, traditional users were still allowed the right to gather firewood: in 64 cases they could still plough and cultivate crops; and in 55 cases they could withdraw *esparto* (fibre grass) and stone. Sales also respected arable lands occupied by commoners, thus facilitating their conversion to private property. In a few cases, sales

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

	1808–60		1862–97		Total	
	Number	%	Number	%	Number	%
Total estates	500.5	100	84	100	584.5	100
Surface affected (hectares)	115,470		28,323		143,793	
<b>Use rights for grazing</b>						
Common herds	131	26.2	4	4.8	135	23.1
Labour cattle herd ( <i>dula</i> )	178	35.6	9	10.7	187	32.0
Cow common herd ( <i>vaquería</i> )	55.25	11.0	0	0	55.25	9.5
Mare common herd ( <i>yegüería</i> )	63.67	12.7	0	0	63.67	10.9
Goat common herd ( <i>cabrería</i> )	14	2.8	0	0	14	2.4
Public butcher ( <i>carnicería</i> )	12	2.4	0	0	12	2.0
Horses and mules to work	93	18.6	9	10.7	102	17.5
<b>Use rights for cultivation</b>						
Respect for squatters	157.25	31.4	11	13.1	168.25	28.8
Ploughing and sowing	64	12.8	12	14.3	76	13.0
Planting a vineyard	8	1.6	4	4.8	12	2.0
<b>Use rights for gathering</b>						
Firewood	155	31.0	33	39.3	188	32.2
<i>Esparto</i>	55	11.0	26	30.9	81	13.8
Rush	64	12.8	6	7.1	70	12.0
Hunting	46.67	9.3	16	19.0	62.67	11.6
<b>Use rights for fertilizing</b>						
Gathering of manure	28	5.6	0	0	28	4.8
Vegetal ashes ( <i>hormigueros</i> )	24	4.8	0	0	24	4.1
<b>Use rights to building materials</b>						
Stone	55	11.0	28	33.3	83	14.2
Bricks ( <i>adobes</i> )	9	1.8	0	0	9	1.5
Limestone	11	2.2	3	3.6	14	2.4
Gypsum	25	5.0	4	4.8	29	5.0

Table 2: (Continued)

	1808–60		1862–97		Total	
	Number	%	Number	%	Number	%
<b>Other use rights</b>						
Cattle track and way	37	7.4	6	7.1	43	7.3
<i>Abrevaderos</i>	23	4.6	6	7.1	29	5.0
<i>Ricios</i>	18	3.6	10	11.9	28	4.8
<i>Sobreaguas</i>	27	5.4	0	0	27	4.6

Note: The total number and surfaces includes all sales, including those recovered by municipalities and newly sold afterwards. Thus, some estates appear more than once. Sometimes only a fraction of the estate was sold. As a consequence, the total is not a natural number.

Sources: Archivo General de Navarra (AGN), Protocol, several records (see note 20); AGN, DFN, cj. 32669–32670.

allowed ploughing and sowing, or plantation of vineyards.<sup>20</sup> In general, these conditions tended to favour the community as a whole, suggesting that the intention was not to disrupt local balance. This is not only anecdotal and reveals something about the nature of the privatisation and individualisation process taking place. The interaction between individuals and classes in a rapid and uncertain process of social and political change allowed the maintenance of some collective uses in favour of the local groups.

This situation did not disappear when the Spanish government assumed control and improved sale processes by applying the *Desamortización* Act. State administration also respected and retained some resources for their traditional users: users maintained their rights over firewood in 39 percent of the pastures sold; in 33 percent they were able to continue extracting stone for building and gathering *esparto* for cordage; and in 20 percent they preserved hunting rights. The difference between both stages of the sale process is that

<sup>20</sup> Archivo General de Navarra, Protocols: Aibar (notary B.Ruiz, lg.123, n°148), Arguedas (A.Soler Falces, lg.104, n°30), Artajona (J.Martón, lg.167/1, n°16), Azagra (Agustín Hernández, lg.89), Azagra (F.J.Echarte, lg.101/3; lg.105/3, n°68), Caparoso (J.Esparza, lg.210/2, n°3; lg.210/3, n°49–52), Cirauqui (M.FPérez, lg.223/3, n°8, 37, 38, 40, 49), Falces (A.Zapatería, lg.207/1, n°12), Larraga (A.Suescun, lg.167/1, n°85; lg.170/2, n°96), Lerín (JM.Díaz, lg.73, n°111), Los Arcos (R.Lazcano, lg.259/2, n°42), Mendavia (B.Berdiel, box 1734, n°90), Mendigorria (D.Pérez, lg.164/2, n°32, n°40–44), Milagro (D.Alzugaray, lg.95/1, n°106), Miranda (N.Biurrun, lg.141), Murillo Fruto (R.Izaguirre, lg.15/3, n°6; lg.16/1, n°47; lg.16/2, n°12; lg.19/3, n°21,32), Olite (A.Erro, lg.284/2, n°11–25; lg.290/1, n°98), Olite (B.Gurrea, lg.271, n°45, n°73), Olite (J.Erro, lg.250/1, n°4; lg.252/1, n°1–2, n°4), Olite (V.Ascárate, lg.304, n°26; lg.311, n°70), Peralta (A.Laborería, lg.267/9, n°7), Peralta (S.Sagües, lg.317, n°115, n°118), San Martín de Unx (M.Almazán, lg.89/2, n°26), San Martín Unx-Ujué (R.Jaurrieta, lg.103, n°4), Sesma (I.Giménez, lg.142/1, n°62–63), Tafalla (D.Romeo, lg.570/2, n°36–41; lg.571/2, n°18; lg.574/1, n°136–137, 178–182; lg.582, n°152–158), Tudela (B.M.Moreno, lg.2134/2, n°19), Ujué (J.Guerrero, lg.91/1, n°15, 20–26, 37–38, 101–102), Valtierra (E.Ximénez-Azcárate, 1812, n°86), Valtierra (J.M.Lapuerta, lg.224, n°20–21), Villafranca (C.Martín, lg.139/1, n°3).

town councils – during the period in which the sale process was under their control – tended to guarantee the possibility of continuing to use the pastures for common herds and to respect the right to plough; that is, town councils tried to safeguard the interests of *labradores*, the rural middle class of independent producers that had access to the local political institutions that impelled sales. When the state assumed control of the process, shepherding rights were cast aside, and reserved uses such as *servidumbres* (charges on property) were more likely to be in favour of the rural lower classes, which could obtain supplementary incomes through re-collection and sale of such products as firewood, *esparto*, stone, or game. It thus reinforced a function for common goods and rights in favour of the poor, those who had not had any previous capital.<sup>21</sup>

The third argument relates to the emergence of some institutions that can be considered as clubs of commoners. When the Spanish government began to nationalise and auction off the common land in villages, some farmers wanted to help preserve the collective use of some resources or discourage those lands from being purchased by foreigners in auctions (González Dios 2005). In some cases cooperative societies emerged in the first years of the *Desamortización*, and the leaders of these societies, who were generally wealthy, respected farmers outbid foreigners at public sales. In other cases, societies later emerged that intended to purchase lands for private landowners (Sabio 2002). More than once lands were distributed between partners after a short time, but these cooperatives frequently survived for many years, providing important services to the area (electricity, a sewage system, running water). In Extremadura there were 66 collective associations in 1967 that owned 49,074 hectares, which included 17 percent of the land of 44 municipalities (Sánchez Marroyo 2006). In Navarra some of these societies (*Sociedad de Corralizas y Electra* of Artajona, *La Esperanza Sociedad Corralicera* of Carcastillo, and *Sociedad de Corralizas San Gil* in Larraga) continued to play an important role at the local level for many years. This was a response to interference by the liberal state in local spaces, substituting the old open community based on the municipality with a new form of closed community, like a club similar to the German *Markgenossenschaften* (Brakensiek 2002, pp. 233–236).<sup>22</sup>

The fourth and last argument refers to the link between common lands and social movements in the age of democracy. In September 1868 a political revolution brought about the demise of the monarchy in Spain and proclaimed

<sup>21</sup> This idea of common goods as a relief for the poor and to help alleviate social inequalities was part of the strategy of the French legislators during the French Revolutionary era and served as an argument to stop common-land privatisation and elimination of *vaine pature* (Béaur 2006).

<sup>22</sup> The *Sociedad de Corralizas* of Artajona bought eight estates comprising 2,600 hectares up to 1894. In 1887 it undertook to build a school and a market, public lighting in 1902, and a floor factory in 1910 (Jimeno Jurío 2005). In 1909 *La Esperanza* bought several estates comprising about 1,600 hectares valued at 139,958 pesetas; from 1921 to 1929 the society distributed 22,985 pesetas per year in dividends (Archivo General de Navarra, Gobierno Civil, Asociaciones, box 74/8).

Table 3: Valtierra (Navarra). Landownership structure in the irrigated fields before and after the distribution of the common allotment in 1869.

	1845				1889			
	Owners		Land		Owners		Land	
Hectares	n°	%	Ha.	%	n°	%	Ha.	%
0–0.99	50	41.0	29.96	3.1	367	82.3	146.2	12.7
1–4.99	41	33.6	104.19	10.7	47	10.5	95.15	8.3
5–9.99	11	9.0	80.15	8.2	14	3.1	105.39	9.2
10–49.9	16	13.0	376.89	38.7	12	2.6	270.08	23.5
50–99.99	2	1.6	119.3	12.3	4	0.9	269.54	23.5
100–160	2	1.6	262.98	27.0	2	0.4	259.92	22.7
Total	122	100	973.49	100	446	100	1146.27	100
Index		100		100		365		118

Sources: Archivo General de Navarra (AGN), Protocolos, Valtierra, J.M. Lapuerta, lg.224/2, no. 43; AGN, Administrativo, Catastro, book 3653.

universal male suffrage. In the following days local councils were opened up to the lower classes, and provincial authorities approved the claims for dividing more than 1,600 hectares among the residents of several villages in plots of under one hectare. Authorities justified this decision because “the number of casual labourers is too great and too few landowners monopolize the land”. So, “in order to improve the good fortune of the proletariat”, the conditions of the distribution were very clear: users had to be neighbours (whoever changed his abode would lose his lot); the land had to be cultivated regularly by the user (anyone who ceased cultivating the lot three years in a row would lose it); no one could sell or buy lots because “if this were the case, the lots might end up in the hands of the wealthy classes and our purpose would thus be contravened”; the use was not perpetual – it had to end in a 10, 12, or 25-year period, depending on the case; and finally, lands had to remain as open fields.<sup>23</sup>

Table 3 illustrates the local effects of this limited political reform. In the village of Valtierra, a revolt led to a claim for distribution of arable lots in the *sotos* (wooded meadows) in 1854, but the actual distribution had to wait for

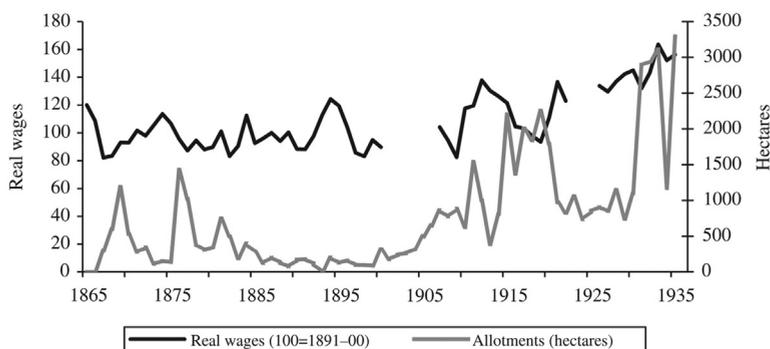
<sup>23</sup> Allotment in Villafranca, Ribaforada and Barasoain were approved in November; in Santacara in December; in Valtierra and Arguedas in January 1869; in Caparros in February; in Mélida in March (Archivo General de Navarra (AGN), Actas de la Diputación provincial, Book 76 (1-9-1868/10-6-1869); allotment conditions can be found in AGN, Delegación de Hacienda, Investigación, no. 130. This is not exceptional in Europe. Cutileiro (1977, pp. 22–27) analysed the consequences of the distribution of common lands (*aforamento dos baldios*) in southern Portugal since 1869, and the allotment movement seems to have had the same objectives in England between 1830 and 1850 (Burchardt 1997).

the change of political regime in 1868, which carried it out. The structure of landholding changed thanks to this reform. The number of landholders increased 3.65-fold by 3.65 and irrigated land rose by 18 percent. This served to consolidate landholdings of under one hectare. It could have effects on the labour market and on rents because workers and tenants improved their negotiating power. When the term expired, allotments were usually renewed under similar regulations. In the case of Valtierra, the distribution of common allotments was renewed in 1893, and new rules were approved in 1898, 1919, and 1930 (Gaastón Aguas and Lana Berasain 2002).

Democracy scarcely lasted six troubled years, but did put in place some of the guidelines that were to characterise the twentieth century. First, the labour question was placed at the centre of the political debate and thus the egalitarian challenge of a socialism that was still marginal. For the rural lower classes, these new ideas and this new language were not separate from the way they understood the commons: they viewed it as an opportunity to survive and help fulfil their unsatisfied demands for sharing the land. Many landless workers were mobilised under the flag of the commons against the rapaciousness of those who – using their political influence against the town councils – had become owners of *corralizas* (large estates) under conditions that were not always clear (Arín Dorronsoro 1930). In this way the rural labour movement claimed to uphold the idea of community, an idea that took hold and matured from the end of the nineteenth century up to 1936 (Majuelo 1989, pp. 68–75). This idea included recovery of the transferred and misappropriated common goods as its principal demand. The last objective of this *comunero* movement (which was ideologically ambiguous because it could also include social sectors identified with traditionalism (*carlismo*), social Catholicism, socialism, and anarchism) was to consolidate a network of small independent producers that had to adhere to the periodic redistribution of plots in the conserved and recovered common lands (Majuelo 2002, pp. 289–293).<sup>24</sup>

Figure 4 illustrates the chronology of these land distributions and enables us to see how the authorities in certain situations allowed for egalitarian cultivation to avoid the consequences the drop in real wages could have had on public order. This was not the case in the period from 1885 to 1905, when hardly any new distributions took place. The distributions were especially intense during the period 1917–1923, between the outbreak of the Bolshevik Revolution and the *coup d'état* by Primo de Rivera. The political factor again became important with the crisis in Primo's dictatorship and the proclamation

<sup>24</sup> We understand this social movement as “collective challenges by people with common purposes and solidarity in sustained interaction with elites, opponents and authorities” (Tarrow 1994, pp. 3–4). These mobilisations were especially dramatic and bloody in some cases – the revolts of Olite (1884 and 1914), Villafranca (1894), Tafalla (1908), Funes (1913), and Miranda de Arga (1918). As a consequence of these mobilisations, 12,258 hectares were recovered for common property from 1885 to 1936; in addition, collective rentals for *corralizas* were negotiated in four other towns (De la Torre and Lana Berasain 2000).



Sources: Iriarte Goñi (1997, 328–329); Lana Berasain (2002, 230–233)

Figure 4: Navarra, 1866–1935: Evolution of rural real wages and common allotments.

of the Second Spanish Republic in 1931 (Malefakis 1982, pp. 195–221). In addition to the extraordinary impulse given to the distribution of common plots, there was a definitive admission of the social purpose of common property through a reform of the municipal regulations of Navarra which excluded the wealthy from distributions and foresaw second plots for needy families.<sup>25</sup> The Republican Courts assumed the importance of common goods, emphasising that they were not subject to seizure or forfeit, and were inalienable according to sections 20 and 21 of the Law of Agrarian Reform of 1932. The recovery of privatised common goods was to be dealt with in a future law whose procedures were suspended by the outbreak of the Spanish Civil War in 1936 (Robledo 1996, pp. 289–301).

A survey performed by the provincial government in 1936 allows measurement of the impact of this distribution policy. The 51,498 cultivated hectares of common land were owned by 39,092 users with an average extent of 1.32 hectares per commoner, which includes 5 percent of the territory of the province, 11 percent of the common land, and 14 percent of all cultivated areas. Its relative incidence was much higher in towns in Zone IV, however, where 63 percent of the plots were concentrated, and in some cities such as Tudela, Corella or Tafalla. On the other hand, the number of users contrasts with the 93,569 owners of private lands in the province, which yields a proportion of 42 commoners for every 100 owners.<sup>26</sup>

<sup>25</sup> AGN, Library, *Legislación administrativa de Navarra*, resolution of the *Consejo Foral Administrativo* de Navarra, 13 January 1931.

<sup>26</sup> This survey can be found in AGN, Diputación Foral de Navarra (DFN), Agricultura y Ganadería, box 32,670. The number of owners has been taken from the report by the engineer Daniel Nagore – *La reforma agraria en Navarra*, December 1935 (AGN, DFN, Agricultura y Ganadería, box 32669/1).

It is not strange therefore that the commons has become one of the hallmarks of the province. Today it is maintained as such by both villages and public administration, in spite of the fact that the industrialisation of the 1960s and the social changes associated with it have substantially modified the context in which the egalitarian paradigm of the commons was developed.<sup>27</sup>

#### 4. Conclusion

The first part of this study maintains that the diversity of forms and long duration of common institutions that existed in Navarra before the nineteenth century can only be explained in terms of their adaptation to very different ecological and sociological environments. The common institutions contributed to the enduring quality of these environments because their main function was precisely to maintain the delicate equilibria of a vulnerable society, equilibria that affected the sustainable use of resources in conditions of low productivity and provided continuing incomes to the feudal monarchy, nobles, and the Church.

That the design and operation of these institutions emphasised the notion of equilibrium does not imply that the system remained in equilibrium at all times, just as the later importance of the concept of equity does not mean that the system was completely equitable. It was especially the equilibria of the system that crumbled between the last decades of the eighteenth century and the first decades of the nineteenth century, which facilitated a large-scale privatisation of common goods and a substantial reduction in collective uses.

The second part of this study analyses the process of change, and its consequences and limits. In spite of the fact that Spain, as elsewhere in Europe, experienced a formidable movement against communal land tenure, I maintain that community as a social link, and the common lands themselves, persisted, although with noticeable modifications. This idea is supported by the conservation of a substantial amount of municipal wealth and the persistence of collective practices such as collective flocks and open fields. The creation of collective rights (*servidumbres*) over privatised common goods and the establishment of collaborative societies to maintain traditional uses in the form of 'club goods' have also been interpreted in this way. Finally, we have stressed the role the commons played as a symbol and the strategic objective of collective action in zones with a major presence of agricultural landless workers. It is within the heart of this social *comunero* movement – which reached

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<sup>27</sup> Today, a specific section of the Department of Agriculture of the Provincial Government – whose origin dates back to 1866 – still has responsibility for the common goods. Just after the end of Franco's dictatorship and with the transition to democracy, social movements resumed some of the reformist agenda of the 1930s; among these, the recovery of common goods gave rise to an intense debate in the Parliament and in public opinion in 1981. In 1986 a specific Common Lands Law was approved (Lana Berasain and Iriarte Goñi 2006). Beyond its economic weight, the symbolic importance of common wealth is mentioned in works such as Floristán Samanes (1964) and Gaviria et al. (1978).

maturity during the brief but intense period of the Second Spanish Republic – that the notion of equity flourished more strongly as the backbone and reason for common lands to exist.

This is another example of the phenomenon Van Zanden (1999) called “the paradox of the marks”. The historical commons did not involve equity; in fact, the use of and profits from the commons were very unequal. Yet, after the Liberal Revolution and before the great structural transformation of the mid-twentieth century, the commons became synonymous with equitable uses. Metaphorically, they came to be regarded as the bread of the poor. This paradox can be explained by the great transformation that took place between the eighteenth and nineteenth centuries. The emergence and consolidation of capitalism stripped the historical commons of meaning and permanence, a development observed with astonishment and disbelief by the urban world. Nineteenth-century social scientists rushed to interpret these institutions as residues of a primitive communism (Giménez Romero 1990); they failed to notice, however, that European communal land tenure is no more than 1,000 years old (Fenoaltea 1991, pp. 113–122). Once the feudal structure (which had been the context in which the operation of common lands made sense) was dissolved, the notion of equilibrium was replaced by the notion of equity under capitalism. Both the urban academic observers and the rural lower classes agreed on that interpretation, although the latter reinterpreted the moral imperative of the community and the social role of common rights and goods.

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