José-Miguel Lana

From privatisation to governed nature

Old and new approaches to rural commons in Spain[1]

Introduction

For over fifty years now, rural commons have provided a constant source of interest for Spanish historians.[2] Yet it is also true to say that over the course of this time there has been a significant realignment of the research programme. During the 1970s and 1980s attention was focused on the privatisation process (and in particular on what is referred to in Spain as *desamortización civil*, or civil disentailment) as a milestone on the road to capitalism. Since the 1990s, however, researchers have revealed a growing interest in the use and management that rural communities made of their common resources, in the environmental effects this management had, and in the conflicts arising around them (within the heart of the community itself or in response to state intervention).

This realignment is consistent with the noticeable change in tendency across the social sciences as a whole. Nineteenth-century liberalism had dismissed the commons as 'non-property', a sign of backwardness that was a hallmark of a primitive arrangement of social life, and which had to be replaced by private ownership and the free enterprise of individual agents. A Marxist critique was not far removed from that perspective, inasmuch as it considered the disappearance of the commons to be an inevitable condition in the successions of modes of production and, in particular, an essential condition in the process of primitive accumulation that led to capitalism. The difference is that while the liberal interpretation valued this development positively in the pursuit of efficiency, the Marxist position assessed it negatively in terms of fairness. The development of the social sciences during the twentieth century remained faithful to this view until the 1980s. Both those authors who defended the property rights paradigm[3] and those who developed the collective action theory[4] understood that communal property was incompatible with the efficient allocation of resources and economic growth due to the incentive structure it involves.

During the last quarter of the twentieth century, two lines of thinking have contributed to the intellectual reinstatement of the commons. The first of this is to be found in the field of new institutional economics (NIE), which suggests a more complex reading than the one described earlier. It could be said that the core of the analysis has shifted from the individual making decisions to the rules or incentive structures that inform individual behaviour. This was how the 'second' Douglas North addressed the issue by describing the institutions as 'the humanly devised constraints that structure political, economic and social interaction', in short, as 'the rules of the game'.[5] Yet Elinor Ostrom was the one who embraced a more comprehensive approach to the simultaneous redrafting of the theory of goods (with the concept of common pool resources, CPR, differentiating between those publicly and those privately owned), the theory of property rights (understood as a 'bundle of rights') and the theory of

collective action for postulating the possibility of a third way, as opposed to the dichotomy between market and state. The key would lie in a set of rules or design principles that ensure the clarity, coherence, strength and flexibility of common institutions.[6]

The second line is based on the parallel notions of moral economy and moral ecology. On the one hand, there are those 'entitlement scholars', who defend the importance of the mechanisms of social inclusion when fostering development. By helping to mitigate inequality and poverty through access to resources, the commons would therefore contribute to social cohesion and to the self-sufficiency of local groups.[7] On the other hand, there are those scholars who see the concept of social metabolism as a bridge between purely physical parameters (flows of energy and materials) and those of a social and political nature, which are understood in terms of co-evolution. Within this framework, the 'environmentalism of the poor' refers to a model of social reproduction that is opposed to commercial exploitation and attentive to the capability of natural resources to renew themselves.[8]

The following pages will provide, first, a conceptual and quantitative description of what is understood by 'common lands' in Spain. This is followed by a review of the studies that have focused on the privatisation process and, finally, by an examination of the main research streams pursued by those studying the use and exploitation of these commons.

Spanish rural commons: What is in a name?

What should we understand by 'rural commons' in the Spanish case?[9] In linguistic terms, a perusal of the Spanish dictionary highlights the notion of plurality. Its 22nd edition (2001) includes the term *monte público*, in the singular, and defines it as 'uncultivated land, covered mainly by trees and other plants, which belongs to the state, province or council'. However, it changes to the plural when referring to *montes en mano común* (described as 'which belong to all the villagers'), or to *bienes comunales*, a synonym of *bienes concejiles* and *bienes de aprovechamiento común*, which the dictionary defines as 'which belong to a municipal or other local authority and whose purpose is to be used by the local community'. The plural is also used for a term that is closely related yet differentiated, namely *bienes de propios*, which it defines as 'those belonging to a municipality or minor local authority and whose purpose is not to be used by the local community but instead to generate income'.[10] Assets to be used freely by the local community and assets to be used to generate income to cover council costs: These are the two types of property that tend to be described in general terms in Spain as 'rural commons'.

Nevertheless, the boundaries between *bienes de aprovechamiento común* and *bienes de propios* have never been clearly defined. The property that local councils marketed was not so much a perfectly delimited tract of land but instead a specific use of the same. For example, a public auction could be held to rent the use of a communal plot as pastureland, whereby the grass was temporarily privatised in favour of a herder who had paid for it, while at the same time the villagers could continue to make free use of it (e. g. collecting firewood, esparto or wild berries). The ambiguity of the legal status in practical terms is the outcome of the myriad possible uses of the land providing resources.

The view that became consolidated in Spain between 1812 and 1848 was that all communal property belonging to villages and villagers was to be considered municipally owned *monte público*.[11] This imposed a restrictive interpretation of property rights that benefited local

authorities to the detriment of the villagers as a collective. Yet together with the state, or with its subunits such as provinces, we also encounter other administrative entities of medieval origin, which were eventually recognised by the municipal law of 1877. There are the small villages that enjoy political recognition, in the form of district councils and local magistrates. So, too, and by extension, do the federations of municipalities that receive an array of different names (e. g. *mancomunidades*, *comuneros*), which often have their own governing bodies (*juntas*) for managing the commons.[12] Since 1968, Spanish law also recognises a type of collective private property referred to as neighbourhood-owned commons (*montes vecinales en mano común*), which are particularly widespread in the region of Galicia, where the rights of use are linked to the status of *vecino,* a village citizen, and are lost when the person moves away to live somewhere else.[13] We are therefore dealing with a huge range of different formulas that reflects the diversity of the landscape in Spain, the manner in which it has been settled, and its social structures.

Towards the end of the twentieth century, when we have a more complete set of statistics, all these assets accounted for over twelve million hectares (ha) or 24 per cent of Spain's total surface area. Of these, according to the 1982 agrarian census, the greater part (5.5 million ha) were classified as council lands, given that through their rental or allocation they provided a source of revenue for covering the costs incurred by local corporations. A further 4.6 million ha belonged to public entities other than these municipalities (one of them being the state). Finally, around two million ha at this time were classified as *bienes de aprovechamiento común*, to be used freely (or in exchange for the payment of a token fee) by local villagers.[14]

If this is the scenario we encounter at the end of the twentieth century, then how large might the surface area occupied by rural commons have been before the intense process of privatisation that took place between the end of the eighteenth and the beginning of the twentieth century? There is no easy answer to this question. The general catalogue of public lands (*Catálogo general de los montes públicos*), published in 1859 to permit the implementation of the disentailment process, recorded an overall figure of 10.2 million ha, of which 3.4 million were considered alienable, and 6.8 million were released from disentailment.[15] One simply has to compare these figures with the data from the 1982 agrarian census to conclude that the catalogue's figures were considerably undervalued. The *Grupo de Estudios de Historia Rural* (GEHR) has proposed to increase this figure to 11.5 million ha, but probably the real figure was even above the 14 million ha suggested by Antonio López Estudillo.[16] These properties were not distributed uniformly throughout the country, as they were widely prevalent in certain regions while in others they had merely a token presence.

Beyond disentailment: the processes of privatising the rural commons

In a pioneering study published in 1985, Jesús Sanz Fernández referred to the period that began in 1855 as 'the triumph of the predators'. It was, in all certainty, the time when the massive conveyance of property rights over common lands into private hands peaked over the shortest period of time.[17] Nevertheless, the process of privatising common lands had already travelled a long distance.

Fiscal constraints and the need to find extra revenue for the treasury from the sixteenth century onwards forced the crown to alienate property rights over untilled lands. These alienations were concentrated in Andalusia (49 per cent of the revenue), the Duero Valley (25 per cent) and La Mancha (23 per cent), and enabled many ploughmen to legalise their misappropriation of uncultivated land. Both these sales and those that from 1625 onwards extended to the disposal of charters and public offices also provided investment opportunities for aristocrats, local potentates and business people.[18] Yet the Royal Treasury's pressing needs and the alienation of uncultivated lands and jurisdictions, while opening the door to the spread of private property, also allowed consolidating council property.[19] It has even been suggested that the initiative for the alienation of uncultivated lands might not have been prompted by a crown that was desperate for revenue, but instead by villages that were seeking to exploit these urgencies to consolidate their domain over crown property.[20]

The reformism of the Enlightenment ushered in a different way of conveying lands to private agents, exploiting the large stock of common lands in the villages. The aim was to consolidate a robust class of monied peasants not only as a way of increasing the Royal Treasury's tax base, but also with a view to mitigating the inequalities in the countryside and to guaranteeing public order, which was threatened by a wave of unrest in 1766.[21] A series of royal dispositions ordered the division and distribution of allotments among the rural proletariat, who 'neither owned nor leased land', in exchange for an annual payment or rent in kind or in cash. The pro-poor slant of these measures was rectified in 1770, when a new priority was established in favour of teamsters with one, two or three yokes of oxen, but without enough land of their own to use them.[22] Nevertheless, the policy of distributing common lands, in either one of its two facets, faced the opposition of powerful sectors both locally and at court, such as large stock-breeders, who, as a result of re-distribution, were deprived of cheap pasturelands, and landowners, for whom an increase in the land offer might mean a drop in real income.[23]

The Napoleonic invasion of Spain put an end to this resistance. The parliamentary decree of the *Cortes de Cádiz* on 4 January 1813 ruled that the status of private property should be applied to 'all untilled lands or crown property and land belonging to the council or leased out by it, distributing half in payment of national debt bonds to the creditors and the other half in the form of free lots for soldiers decommissioned from the army as a patriotic reward'. Rather than for its immediate effects, which were practically non-existent, the importance of this decree lies in its long-term impact upon popular aspirations, following its reinstatement in 1820 and 1836.[24] Of greater relevance were the disorderly process of squatting land and the alienation of assets by local councils subject to direct taxation by the warring armies. This latter case was to acquire enormous importance, being subsequently legitimised in 1811 (by the *Cortes de Cádiz*), 1818 (by the absolutist government) and 1820 (by the constitutional government).[25] With the legal backing provided by certain specific provisions between 1834 and 1852, the alienation process continued until it dovetailed seamlessly with the passing on 1 May 1855 of the 'General Law on Disentailment'. Until that date, the privatisation process responded to the needs and wishes of people in power locally and of social groups in a position to influence them, subsequently receiving the blessing of the provincial authorities.[26]

Table 1: Privatisation of rural commons in Spain, 1855–1924: the GEHR's estimate (1994) and the figures provided in regional reports on disentailment (ha)

Province	GEHR's estimate	Disentailment reports			Difference
	ha	Years	ha	Source	ha
Cáceres	306,492	1855–1870	568,837	García Pérez (1994)	-262,345
Guadalajara	30,591	1855–1901	154,123	González Marzo (2008)	-123,532
Albacete	142,265	1855–1909	214,310	Díaz García (2001)	-72,045
Badajoz	268,363	1855–1875	304,560	Fuentes Morcillo (2008)	-36,197
Ciudad-Real	513,864	1855–1900	531,371	Del Valle Calzado (2014)	-17,507
Tarragona	2,852	1859–1886	8,543	Rovira i Gómez (1987)	-5,691
León	32,115	1859–1881	36,486	Serrano Álvarez (2006)	-4,371
Almería	73,643	1856–1936	76,285	Vázquez Guzmán (2011)	-2,642
Soria	8,082	1859–1862	8,184	Ortega Canadell (1982)	-102
Balearic Isles	* 1,536	1855–1864	1,492	Grosske (1986)	+44
Ávila	106,401	1855–1883	100,816	Ruiz-Ayúcar Zurdo (1990)	+5,585
Granada	38,154	1855–1874	32,218	Gómez Oliver (1985)	+5,936
Burgos	44,827	1855–1869	34,009	Castrillejo Ibáñez (1987)	+10,818
Cádiz	88,296	1856–1898	74,751	Rodríguez Díaz (2001)	+13,545
Valencia	44,823	1855–1867	21,616	Pons Pons (1986)	+23,207
Santander	35,897	1859–1889	870	Sánchez Gómez (1994)	+35,027
Valladolid	84,855	1855–1868	35,574	Díez Espinosa (1985)	+49,281
Oviedo	69,179	1855–1894	7,000	Moro Barreñada (1986)	+62,179
Navarre	134,478	1855–1923	27,736	Iriarte Goñi (1997)	+106,742
Cuenca	276,678	1856–1884	107,496	González Marzo (1990)	+169,182
Zaragoza	482,773	1855–1875	130,713	Moreno del Rincón (1993)	+352,060
A Coruña	**102,130	1855–1903	3,222	Cordero Torrón (2012)	+ 87,143
Ourense		1855–1906	8,034	Balboa (1990)	
Pontevedra		1855–1908	3,731	Artiaga Rego (1990)	

* including Barcelona ** including Lugo
Source: see note 27.

From 1855 through to the law's suspension in 1924, the Treasury was responsible for arranging and managing the privatisation process. It is difficult to accurately assess the scale of the property conveyed, due to the process's intricacy. Although there are only specific studies available for a handful of provinces (see Table 1),[27] a comparison of the figures in the successive catalogues of lands of public interest has allowed to estimate the overall surface area that passed into private hands during the second half of the nineteenth century at between 4.8 and

7 million ha.[28] Nevertheless, the catalogues' inherent shortcomings mean that these estimates are unreliable. What is more, the bias does not appear to head solely into one direction. In certain southern provinces, such as Cáceres, Guadalajara and Albacete, the alienation figure in application of the law on disentailment vastly exceeds the difference between the figures in the catalogue of land of public interest. In other provinces, however, the differences point in the opposite direction, Zaragoza and Cuenca being the most extreme cases.

There is no easy explanation for this divergence in the figures. It might be found in the existence of alternative means of privatisation other than the sale through public auctions held by the state. These may have included the legalisation of unlawful ploughing based on ad hoc laws of 1893 and 1896, the consolidation of ownership in the case of partial property rights with a reduction in use-rights (*servidumbres*)[29] as well as the recording in the land register office of larger areas than those declared in the deeds of sale.[30] A second explanation might lie in the shortcomings of the inventories made between 1897 and 1901, which may have omitted certain lands set aside for specific use by the villagers, such as, for example, grazing land for cattle and croplands. The ploughing and distribution of lots for their cultivation was, indeed, a widespread phenomenon in provinces such as Navarre (54,000 hectares until 1935) and Zaragoza.[31] The process of 'individualisation' also occurred, with certain differentiating features, in Catalonia and Galicia. In the former, the practice of demarcating plots by means of *bans* issued by the royal court opened the door to the massive appropriation of common lands as from the beginning of the eighteenth century.[32] In the latter case, the imposition of the municipality as the basic administrative unit collided with a highly scattered residential structure that was not recognised by the liberal state, which meant that local communities chose to conceal their uncultivated lands from the state by individualising their use among the locals.[33] Some research has detected the existence of other methods of privatisation, which although atypical were no less significant.[34]

The ramifications of the market sell-off of this huge amount of land should not be underestimated. For a start, this led to the financial debilitation of the local administration, forced to convert its property assets (whose rental at public auction was an assurance of revenue that could be reviewed according to circumstances) into public debt bonds whose value soon depreciated.[35] On the other hand, although this process increased the number of owners, it sharpened social inequality by reinforcing a social segment of major landowners from a diversity of social backgrounds (aristocrats, financiers, urban professionals, cattle-raisers and wealthy farmers).[36] Finally, it paved the way for the spread of crop farming based mainly on cereal production, which within a context of population growth and tariff barriers ensured higher incomes for the new owners. The traditional equilibrium between forestry, arable and livestock farming tipped in favour of agriculture, thereby contributing to the profound livestock crisis of the final quarter of the nineteenth century.[37]

Nevertheless, the disentailment process did not put an end to rural commons in Spain. In fact, one might say it spawned a new kind of communal ownership designed to uphold the old system of collective exploitation by changing its legal aspect. Many rural communities in different parts of the country responded to state intervention by nominating some of the local villagers to attend the auctions and bid accordingly to keep ownership of the commons in the hands of a neighbourhood consortium. The outcome in these cases was the survival of the rural commons, no longer as a public asset managed by the local council but instead as private property owned and managed by a capital venture that involved a large number of villagers.[38]

The management of common resources: players, rules and conflicts

Following a considerable historiographical effort to profile the actual extent, different paths and consequences of the privatisation process, recent years have witnessed the application of new research streams that further accentuate the functionality and modes of management of common resources[39] as well as their ramifications (which are largely understood to be positive) in environmental, economic and social terms.[40]

Once again, diversity is the differentiating feature. The density of population and political and social structures explain the existence of different formulas for institutionalising community relations. The 'agro-cities' of southern Spain, with a rigid distinction between their inhabitants in terms of status and class, did not work in the same way as the tiny villages in the north, where daily interaction within a smaller circle tended to dilute (but not eliminate) those distinctions. The self-perpetuating arrangements in the south (municipal bodies controlled by a few patrician families that handed their offices down to their children) did not operate in the same way as the open assemblies in northern villages or as the complex structures of 'town and countryside' (*villa y tierra*) on the plains of Castile and southern Aragón (political structures with a city as their visible head and a variable number of dependent villages).

The institutional architecture we encounter from the low Middle Ages onwards is diverse, yet it has always been dynamic. Legal documents confirm how the institutional design of rural communities changed in response to the tensions that were created among the different agents involved.[41] To start with, there were the core principles, such as the definition of both the resource itself (or of its territorial setting) and of the group of users with rights. The lawsuits over the limits between villages and cities, the inspections and boundary markers, which featured so prominently in legal and notarial documents between the thirteenth and nineteenth centuries, are a good example of the former.[42]

In turn, the definition of the group of users was also a source of considerable controversy and provided a wide variety of solutions in terms not only of space but also of time. Generally, rights of use and management were linked to the condition of *vecino*, in other words, to the status of full member of the community. The two criteria that were commonly used to define this status referred to ownership of property and residence. Yet these two characteristics could be combined in a number of different ways. Owning a home and property in the village and living there for most of the year tended to be the necessary condition, although this was not always the case. In some places, someone who purchased property could have his application refused until a council assembly had expressly accepted him as a new villager and he had paid the entry fee. Even when inheriting a property and taking up residence in it, if the person's family had not previously held the status of *vecino* he could be demoted to the status of *morador*, inhabitant, with limited political and user rights.[43] In turn, some outside landowners could enjoy full rights, although communities often imposed restrictions or even bans on the sale of urban and rural properties to powerful absent nobles.[44] Although it was common to pose obstacles to the admission of new *vecinos* who might compete for resources, the stimuli for determining the size of the group of users did not necessarily have to be restrictive. Many communities might have an interest in attracting new inhabitants in order to share the payment of a tax or tribute stated in fixed terms.[45] In sum, access to rights

of use and management was a matter of civil and political identity that involved in many cases a struggle for recognition as a civic person.[46]

On the other hand, belonging to the community was no assurance of a fair distribution of rights. Controlling the reins of local power enabled some groups to reserve for themselves better conditions for the exploitation of resources, while the use made of them tended to be directly related to the number of animals owned. The rural commons were not, therefore, synonymous with equality. In fact, the distribution of their enjoyment tended to reflect the structures of access to land and political power in the community, being more egalitarian (although not necessarily more inclusive) in the north than in the south of Spain. What is more, oligarchic control over access to communal resources tended to grow throughout the nineteenth century, within the framework of the building of the modern state and the clientelist manipulation of the ballot box. Nevertheless, this did not go unchallenged, but gave rise to a series of conflicts that questioned that very clientelism (*caciquismo*) during the first third of the twentieth century.[47]

Tensions often ran high, too, with privileged users who neither owned property in the village nor even lived there. Such was the case of two guilds in Castile protected by the crown: *el Honrado Concejo de la Mesta* (which since 1273 grouped together the owners of the transhumance flocks linked to the production and export of fine wool) and the teamsters of *la Real Cabaña de Carreteros* (who since 1497 enjoyed privileges over the rights of way and the exploitation of pasturelands for their oxen and timber for their carts).[48] For these guilds (as well as for the stock-breeders of *la Casa de Ganaderos de Zaragoza*, in the Kingdom of Aragón), it was crucial to have rights of access to the resources in the vast droving areas required for the livestock that provided their livelihood. Farming communities, by contrast, sought to defend local resources for their own use, establishing *boalares* (oxen pastures) and reserved areas for their livestock, fencing in their crops or protecting their commons from access by outsiders. The competition between these two models of land use often gave rise to confrontation, violent exchanges and litigation in court, with the specific outcomes helping to shape the landscape.[49]

The tensions generated around the definition of the resource's boundaries and its group of users as well as the rights of access, foraging, exclusion and use were often resolved by written rules that regulated these aspects. Such regulations were sometimes the result of arbitral rulings made by crown superintendents and royal courts after hearings involving the interested parties, or otherwise through agreements reached by agents appointed by the conflicting parties, and subsequently ratified by royal or seigniorial authority. Royal approval was also often required for the bylaws or sets of local rules agreed by village assemblies. Bylaws were used to regulate numerous aspects of social life, economic activity and the political organisation of villages. While not moulded on a systematic basis, the bylaws were always consistent with the conditions and needs of local groups. They defined responsibilities in governance and supervision, rights of use, limitations and prohibitions, setting a list of the penalties to be imposed for any breach of the rules. These codes were not set in stone, but instead underwent a series of modifications, extensions and replacements by the local communities themselves.[50] The absence of written bylaws, however, does not mean there were no rules, or that these were imposed from above, but rather that in many cases there was no need to go to the notary to register a code based on everyday interaction, oral memory and co-active group practices – in other words, on custom and habit.[51]

Yet the interaction between local communities and the resources available to them also depended on the recognition by outside powers of their right to exploit them. In the case of the state, its intervention had been steadily growing over the preceding two centuries, threatening local autonomy and generating fierce resistance from villages.[52] Leaving aside the policy of disentailment (examined in the previous section), it is worth focusing on fiscal and forestry policies. The crown's fiscal policy impacted upon rural commons in two ways: indirectly and directly; indirectly because fiscal pressure meant higher costs and more debt for local corporations, thereby favouring the transformation of communal lands that were exploited freely into *arbitrios* (term agreements designed to generate cash income for the council through the auctioning of these uses), as a prior step to their definitive consideration as council lands (*bienes de propios*).[53] Its direct impact stemmed from the creation of the *Contaduría General de Propios y Arbitrios* in 1760, which led to the taxation of council revenue. The two per cent rate was raised to ten per cent in 1794, being used to pay off the depreciated royal bonds. Following a further rise in 1818, the rate stayed at 20 per cent until it was abolished in 1945. This tribute was compounded in 1877 by a new ten per cent tax on the value of exploitations of all kinds, burdened and free. This tax, rejected by the villages, meant that traditional uses of the commons were exercised in an unlawful manner.[54]

Forestry policy tended to pursue two goals, which were not always compatible: conservation and production. During the expansive stage in the sixteenth century, several decrees were enacted, on the one hand, to rein in the destruction of the tree cover and, on the other, to secure Madrid's supply of fuel, which meant limiting the land used by the people in the villages affected by these regulations.[55] The intervention became more extensive and enforced during the eighteenth century, following the enactment of the royal forest bylaws in 1748 (motivated by the need for timber for the navy's rebuilding programme), which provided for the country's division into forestry districts and the appointment of sub-delegated rural magistrates. They were vested with special jurisdiction to punish forestry misdemeanours on both public and private lands.[56]

The forest code of 1833 picked up the thread of the liberalising policy of the *Cortes de Cádiz*, curtailing the state's intervention to public rural commons through the recently created Directorate General for Forestry. Yet the introduction of modern forestry policy was only possible following the founding in 1848 of the Higher College of Forest Engineering and the establishment in 1853 of the Corps of Forest Engineers.[57] The new forest law of 1863 divided the country into forestry districts headed by engineers. Given the lack of accurate data on the physical conditions and output potential of Spain's forests, the engineers' task was simply to draft the annual 'provisional exploitation plans' according to the forecasts submitted by the respective councils.[58] The plans were to cover two kinds of exploitations: those of a communal nature, which were free and shared out among households on an equitable basis, and the rest, which had to be awarded at public auction. The new intervention model was rounded off and completed by the 1877 reforestation law, which made the *Guardia Civil* responsible for the safety and security of wooded areas. The relationship between forestry engineers, who viewed the local villagers' actions as nothing more than vandal devastation, and the traditional users of the commons was not an amicable one. Neither do historians see eye-to-eye on the matter: While some scholars defend the protective and modernising role played by the engineers,[59] others argue that corporate interests prevailed over ecological ones in their defence of the public forests.[60]

The two goals of forestry policy reached maturity during the 1890s. On the conservationist side, this was enshrined in the concept of 'lands of public interest' (still in force today), which were subject to special protection and supervised by engineers attached to the Ministry of Development.[61] The public land that was not classified as such remained under the control of the Treasury. On the productive side, this involved the introduction of forest zoning plans (*planes de ordenación*) aimed at the long-term planning of the rational use of forested areas according to the principles of multi-purpose forest husbandry of German inspiration. These plans, awarded at public auction, effectively involved privatising the management and use of the zoned areas, which remained in the hands of the highest bidding company and deprived their traditional users in the villages of any right of access. Up until 1930–1933, land zoning had spread to 587,856 ha (eleven per cent of *monte público*), with the bulk (72 per cent) emerging before 1918. The outcome of these actions is disputed. It is generally accepted that the process helped to modernise the exploitation of Spain's forests, although the distribution of its benefits is not clear.[62] In particular, those who have studied the land zoning prior to the 1918 reform highlight the ample room for manoeuvre that the successful companies enjoyed, to the detriment of the owner councils,[63] while some case studies for the subsequent period report a negative outcome for the business project.[64]

The state's intervention in common lands reached its zenith during Franco's dictatorship, when the principal instrument was the State Forestry Trust, an independent public agency created in 1935. Its remit was to reforest the country with a dual purpose: the production of forestry raw materials for industry at the service of the policy of autarchy, and the protection of water catchment areas and reservoirs. It had two types of tools: the direct purchase of lands (half a million ha up to 1983) and the subscription of *consorcios*, a type of agreement that was theoretically of a voluntary nature but which in reality meant that councils were subject to a forced confiscation that made this state agency a joint owner. The extent of the reforestation achieved by these means, involving mainly lands of public interest, amounted to 1.6 million ha between 1941 and 1970 and meant the replacement of plant species by fast-growing timber-producing trees (pine, eucalyptus) – a move that has been a subject of controversy among experts.[65] The work of this agency also meant restricting the traditional uses of villages and their inhabitants within a general context of low wages and shortages. This had a negative impact on the poor, who had hitherto foraged for produce in the forest to alleviate their hunger. Suppressed rage built up in the countryside in spite of the dictatorship's iron-fisted repressive structures.[66]

The state's increasing intervention did not stop certain episodes in which villagers' property rights were reinstated and acknowledged. The first of these, however, was scotched by the military rebellion in 1936, which ended the parliamentary process involving the bill for the recovery of communal assets. The bill responded to popular demand for a review of the process for privatising communal assets undertaken during the previous century and was seen as a step that would complement the agrarian reform that had been under way since 1932.[67] The second instance of devolution, which in this case was completed, was restricted to Galicia and involved the recognition of communal assets as a type of collective private property through a specific law on neighbourhood-owned commons enacted in 1968. This unexpected recognition within the framework of a heavily interventionist dictatorship is explained by the high level of social unrest (expressed in one way through intentional forest fires) caused by the authoritarian imposition of the model of forest husbandry on traditional

livestock farmers, by the support which livestock traders with influence in the regime gave to the villagers' claims and by the desire shown by the State Forestry Trust to extend the system of *consorcios*.[68] The lands returned in this way, occupying over half a million hectares, nonetheless face the same challenges as all the other rural commons: the devastating effects of the rural exodus and an ageing population, the end of subsistence farming and traditional livestock practices and vulnerability to forest fires and pests.[69]

Conclusion

In sum, the changes affecting the historical study of rural commons in Spain are related to a broader reinstatement recorded in the social sciences overall since the 1980s. From focusing on the privatisation of communal property, attention has now turned to setting that phenomenon within the wider framework of the dismantling of the communal system. This included methods of privatisation other than outright state expropriation: e. g. commercialisation through the conversion of communal property into *bienes de propios* or curtailing of communal uses brought about by forestry zoning plans and the *consorcios*, the agreements virtually imposed by state agencies. The weight of the research has thus shifted from ownership rights to effective forms of management and their ramifications in environmental and social terms. The focus has moved from quantifying sales to understanding methods of regulation, identifying agents and explaining conflicts. The issues addressed by historians have changed, in short, because the intellectual climate as a whole has evolved, and because historians are now called upon to reinterpret the past in the light of new questions that have been posed.

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