

# Commons and poor relief in pre-industrial societies

A case study on northwest Spain (León), 1850–1950<sup>1</sup>

## Introduction

The province of León in northwest Spain has around 1,200 villages that until well into the twentieth century were organically based peasant economies. Production depended on the land and on the physical labour of humans and animals alike, and although people went to market to sell their goods and services, a large part of the produce was used for self-consumption. A further characteristic was that economic activity took place within the framework of rural commons – in the formal and legal sense of communal lands – and communal institutions: A large percentage of the land, the main production factor, was collectively owned;<sup>2</sup> plots of private ownership were subject to collective use rights; and economic and social life was organised within a vast fabric of mutual assistance and obligations of solidarity.

This essay posits that in León, and in general throughout northwest Spain, the communal system operated as an effective institution of poverty relief.<sup>3</sup> It is argued that rural commons were essential for poor parishioners and landless families, not because they were short of means and this aroused the compassion of their neighbours, but instead because the poor were members of the community and protected by rights such as access to common land, and by a whole fabric of customs and use rights. Accordingly, commons need to be understood as a common pool resource, a common property regime and a common pool institution.<sup>4</sup> In other words, common lands were part of a system of communal solidarities and legal traditions that protected the poorer members of the local community.

The timeframe chosen is the period between 1850 and 1950, characterised by the attempts of liberal governments to dismantle the communal regime, to integrate agriculture into a capitalist economy and to generate greater economic individualism. This paper is divided into three parts: The first part identifies the types of use of common land in León as well as the community-based solidarities that remained in place until well into the twentieth century; the second part focuses on factors that compromised the way communal institutions worked; and the third part seeks to explain the survival of commons and community-based solidarities in northwest Spain.

## Commons and common rights: more than the mere livelihood of the rural poor

As regards communal organisation, and similarly to other rural ambits, each village operated as an indivisible social and economic whole.<sup>5</sup> Individuals being afforded the status of *vecino* (i. e., someone seen as a full member of the community) ‘inherited’ free access to communal resources and to the fabric of customs and the network of community rights of use and access. In exchange, they had to assume ‘obligations’ such as the *velanda* (requirement to hold public offices on a rota basis) and the *facenderas* (community work). Generally speaking, the status of *vecino* was acquired by being born locally or having lived in the village for a certain time ‘lighting fire’ – that is, with a household and owning property.

### *The direct exploitation of the commons*

The most important exploitation involved the common lands (arable land, pastures and scrubland) from which the local villagers directly obtained produce and income. As no land register data are available, it is almost impossible to calculate the outputs obtained. In León the area of common lands and their yields differed from village to village. Thus, for example, in 1850 in one of these villages, Ferreras de Cepeda (including the hamlet of Morriondo), the local *vecinos* had access to 2,400 hectares (ha) of communal land<sup>6</sup> so that around 85 per cent of the productive land was communally owned. Although some districts had irrigated lands of good quality in communal ownership, scrubland was normally used for extensive grazing with a low yield per ha. Around 1950, about 450 ha were cultivated in Ferreras de Cepeda;<sup>7</sup> the rest, some 2,000 ha – with the exception of a common meadow (*couto*) of 30 to 40 ha set aside for cows and oxen, and small enclosed woodland areas that provided timber and firewood – were used for the extensive grazing of cattle. Each *vecino* was entitled to a plot of communal cropland (*quiñón*), which was normally used to grow rye in a two-year crop-fallow rotation. Each of these arable plots (*quiñones*), redistributed by a draw every few years among the *vecinos*, covered an area of 4 to 5 ha and produced 7 to 8 metric quintals (100 kilos) of rye and 14 to 17 quintals of straw per ha.<sup>8</sup>

In the province’s southern districts, only the oldest *vecinos* were entitled to the arable land on the commons (*quiñones*), and it was also usually forbidden to lease it. Nevertheless, in some places, the *vecino* who had been allocated a plot could lease it out and earn some cash income. As documented in other parts of northwest Spain too,<sup>9</sup> this was a rudimentary system of social welfare designed to provide an income for older members of the community, a group particularly vulnerable in the countryside. The parish priest of Benavides de Órbigo, for instance, protested in a letter to the Institute of Agrarian Reform against the conveyance of the ‘quiñones del conde’ owned by the local council, as it was ‘a kind of old-age pension’ awarded to the elderly when they were no longer fit enough to work.<sup>10</sup>

Pasture was another major and direct use made of the commons. In 1865, León was one of the Spanish provinces with the largest number of livestock, although these were usually held in very small herds or flocks, with an average of three heads of cattle and 27 sheep per owner.<sup>11</sup> The type and number of livestock varied from one district to another, as did the

degree of dependence on the commons, which once again explains why it is impossible to quantify the income obtained from communal land. The benefits (mainly work, meat, milk and manure) provided by the livestock were vital for these peasant economies. In the period under study, a couple of cows, fed from May to October on the communal pastures, returned 180 to 200 days of work per year, produced one or two calves, a little milk that could be turned into cheese or butter, and manure. Two dozen sheep, left to graze all the year round on the communal scrubland, produced 10 to 15 lambs, some 20 kilos of wool, as well as manure and sheepskins. So, on the one hand, the livestock provided by-products that enabled household economies to be more self-sufficient; on the other hand, the replenishment of the entire agricultural system depended on the commons, because manure was the only fertiliser used until the first decades of the twentieth century.<sup>12</sup> This was in addition to the fact that the use of communal pastureland was free, and the application of the *veceras*, a system involving turn-taking in collective herding, meant major labour saving. Accordingly, a household that owned two dozen sheep needed to take responsibility for their herding for only a few days every month. Moreover, this task mainly fell to young boys and women.

Further direct uses of the commons involved the gathering of timber and firewood, lime, bark for tanning, resin, dry fruits, medicinal herbs, acorns, honey, wax, and game and fish. The income obtained from these goods varied. Whereas beekeeping or the sale of timber and firewood provided supplementary revenue for large sectors of the village population, others, such as the harvesting of asphodels for fattening pigs, were means of subsistence for those villagers without resources. Timber was especially important in mountain districts, where during the winter the peasants made farm tools to be sold in other parts of the province. Although Spain's Reforestation Law of 1878 banned these uses, crofters continued to trade with the timber from the forests, with the first decades of the twentieth century recording a significant amount of 'unlawful' dealing in timber destined for the coalmines.<sup>13</sup> Likewise, in villages close to urban centres, the sale of charcoal or firewood was a source of income for the poorest, especially in times of hardship. In Ferreras de Cepeda, for example, during the post-civil war period, in the 1940s, the poorer peasants cut heather under cover of darkness that was then sold in neighbouring villages. The meagre income obtained from a cartload of heather was enough to buy a sack of flour for making bread.

There is little point in attempting to quantify the income from the sale of a few bushels of rye, some lambs or several carts of firewood. The importance of the income obtained from the direct exploitation of the commons should instead be assessed more in terms of its temporal and situational context than in its actual magnitude.<sup>14</sup> The significance of the income was not the same across households, but was linked to the burdens they had to bear (number of members, debts, etc.). Also, the revenues from the commons cannot be compared to a factory or farm worker's wages, as in the second half of the nineteenth century there was no true labour market. What is more, peasants in northwest Spain combined wage-earning work with farming and livestock activities. Nevertheless, as reported in the extensive literature on the subject, the direct use of the commons had a series of positive impacts on poorer households by protecting them against the risk of chronic poverty,<sup>15</sup> especially in times of crisis and price fluctuations, or by holding back proletarianisation<sup>16</sup> thanks to a lesser dependence on wages and the labour market.

As regards poverty, we have noted that the common land provided those peasants of little means with a minimum amount of income. Accordingly, within a situation of high prices

for staples, or in times of scarcity, the commons acted as a kind of insurance against extreme poverty. The commons not only protected the peasants against price fluctuations, with the cost of living in Spain rising by 65 per cent between 1909 and 1933,<sup>17</sup> but a tract of communal land, two cows and a couple of dozen sheep also provided independence from wage-earning labour. Secondly, the presence of communal land was linked to a higher standard of living,<sup>18</sup> indicating that the commons had slowed the proletarianisation of the peasantry. Further proof of this is the fact that according to the *Censo de Campesinos* (Census of the rural population) drawn up in 1931 by the newly instated Republican government in preparation for agrarian reform, northwest Spain was the region with the fewest number of *jornaleros* – day labourers.<sup>19</sup> The census also reveals that the highest percentage of *jornaleros* in León was to be found in those districts with the smallest area of commons. In fact, the number of land owners in León actually grew over the period under study, and this increase came about at the expense of communal property (see below).

A final aspect worth mentioning are the revenues of the local council coffers from leasing out communal properties. In Lario, for example, as in other mountain villages, the income received from the lease of high pastures around mountain passes was used by the local civic body (*concejo*) to hire a teacher, a surgeon and rural guards.<sup>20</sup> So thanks to the commons, the local people could enjoy these services without having to face a higher tax burden. Furthermore, in some villages, the *concejo* also owned such facilities as a village hall, mills, ovens and forges that could be used by the local people free of charge, or canteens or butchers where the provider of the service sold goods at a price set by the *concejo*.

### *Neighbourhood rights and solidarities: the other advantages of the commons*

In León, as in other traditional societies, for centuries individual peasant ownership was combined not only with communal property, but also with myriad collective rights over privately owned land.<sup>21</sup> Accordingly, and through to the middle of the twentieth century, many villages in northwest Spain upheld servitudes, users' rights and other common rights. Especially valuable for people in a situation of vulnerability (e. g., the elderly, orphans, widows) was the continuation of practices such as the *escarda* (gathering of thistles and hay on private land to provide fodder for domestic animals), the *poznera* (the right to plant, own or exploit trees, generally chestnuts or walnuts, on communal land) and the gleaning of cereals (*espigueo*), vines (*racimeo*) and potatoes (*rebusca*), that is, permission to enter private land to collect the leftover crops after the harvest.

Customs such as gleaning, considered a crime as of 1848, were essential for the poorest households, inasmuch as the produce obtained – whether potatoes, grapes or cereals – could provide free sustenance for the family for several weeks a year,<sup>22</sup> especially in times of shortage or high prices.<sup>23</sup> For example, in Ferreras de Cepeda in the 1940s, during the time of the potato harvest, three or four families of little means resorted to the *rebusca* for potatoes. By calculating that on average they obtained 6–7 kilos per day, the reward for 15 days of foraging was around 100 kilos of potatoes, enough to feed a family for 50 days. Seen as an alternative to charity,<sup>24</sup> it was preferable for someone to use the produce that would otherwise be left to rot in the soil.<sup>25</sup> Furthermore, thanks to these activities associated with the informal economy,

women and children contributed to the household economy, while forbidding the practice or its disappearance would have increased a family's dependence on wages.<sup>26</sup>

Economies of this nature were so precarious that any serious illness of the head of the household, the death of a work animal or the burning down of the home condemned a family to poverty. In relation to this, a second type of solidarity whose survival is recorded in northwest Spain involved commitments for aiding those members of the community in a more serious state of vulnerability or stricken by misfortune. Two such obligations stand out: the provision of financial assistance for anyone down on their luck because of the death of a work animal or the burning down of their home; and help for neighbours who were in another vulnerable situation. In the former case, when a work animal was fatally injured in an accident, it was slaughtered and the meat was bought by all the neighbours at the price agreed by a committee of *vecinos*: The villager recouped part of the animal's cost, which could then be used to buy another work animal.<sup>27</sup> In the nineteenth century, this practice became a mutual livestock insurance that was commonplace in other parts, such as Aliste, Galicia or Alto Aragón.<sup>28</sup> Recorded in council bylaws in the eighteenth century,<sup>29</sup> it survived in some districts in León until the 1950s. Another occasion on which community-based solidarity manifested itself was when a family lost its home in a fire. In order to help their unfortunate neighbours, the entire local community came together to raise a collection throughout the surrounding villages.

Yet another 'solidarity commitment' involved the 'obligation' to help widows and orphans, or those who because of illness or through no fault of their own could not undertake urgent farming tasks (e.g., harvesting, threshing) or any other task that was labour-intensive or needed to be performed within an allotted time (e.g., house building). This practice, also referred to as *andecha*, occurred in other parts of northwest Spain, such as Asturias, Cantabria, Zamora and Galicia, too.<sup>30</sup> However, it should be stressed that these 'obligations', which were commonplace at household and community level on an informal and spontaneous basis, were recorded as being of a mandatory nature in the council bylaws of León.<sup>31</sup>

Finally, a brief reference should be made to the obligations to assist beggars, mendicants and the homeless. One such obligation was called the *badaje*, an undertaking among the villagers to alternately transport any disabled beggars to the next village or to a nearby hospital. Another obligation was the *palo de los pobres* (stick of the poor).<sup>32</sup> In the eighteenth century it was recorded in the council bylaws<sup>33</sup> and it survived into the first decades of the twentieth century.<sup>34</sup> In this case, all the *vecinos* were required to take it in turns to provide board and lodging (generally in the barn or stable) for any poor people who arrived in the village.

Although it seems that actions of mutual support emerged wherever survival was precarious and that there was an interdependence,<sup>35</sup> a distinctive feature of the expressions of solidarity in León was their statutory nature. They were often regulated and featured in council bylaws. In other words, together with informal practices of mutual assistance and reciprocities based on family, community or clientelist relationships, there were solidarity rules of mandatory compliance for all the members of the community. One example of this is that when reviewing the council bylaws to check for any that might be in breach of the law, the Secretary of the Provincial Council made the following note in the margin of one of the pertinent rules: 'vigente por ser obligación constituida por todo el vecindario' [in force because it is an obligation observed by the entire neighbourhood], providing irrefutable proof that these solidarities were upheld at the express wish of the local people.<sup>36</sup>

## A system under threat and in precarious equilibrium

In León, we encounter a communal regime that was extremely variable, dynamic and capable of adapting to circumstances. It provided the foundations upon which the agrarian system was based because it guaranteed the equilibrium between agriculture and livestock farming, between cultivated and uncultivated areas and between the population and the resources available. Nevertheless, during the period under study, factors such as state intervention, the penetration of a new market model and population growth compromised these delicate balances.

The state was one of the players that most distorted the functioning of communal institutions. In the second half of the nineteenth century, with the aim of deregulating production factors such as land, the liberal governments delegitimised communal property: On the one hand, village properties were seized and sold off; on the other hand, ignoring the interests of local communities, the management of communal scrubland and forests came under the supervision of state functionaries. Measures such as the privatisation of common land and the banning of traditional exploitations such as shepherding or ploughing the scrubland threatened the livelihood of the poorest peasants. It was precisely for this reason that the attempt to seize properties and capabilities failed in León,<sup>37</sup> as the peasants closed ranks in defence of the commons and of the 'ancient' collective organisation.<sup>38</sup> What is more, just as from the fifteenth century onwards council proceedings on the commons reinforced neighbourhood ties,<sup>39</sup> in the nineteenth century the defence of the commons against outside interference reinforced community ties.

A further factor threatening the commons was demographic growth. León's population rose from 348,273 inhabitants in 1860 to 441,882 in 1930,<sup>40</sup> creating the need to feed a population that was increasingly impoverished and more numerous. Agriculture in León recorded scarce technical improvements, so enlarging the area of cultivated land was one of the few ways of raising output. Between 1900 and 1930 the farmed area grew by 19.54 per cent, from 353,320 to 422,382 ha,<sup>41</sup> indicating that in the first third of the twentieth century the ploughing of commons was a widespread phenomenon. This is confirmed by several documentary sources<sup>42</sup> and by the enactment of laws and decrees in 1914, 1921, 1929 and 1932 authorising the cultivation of common scrubland. Despite the favourable legislation, the forestry administration systematically rejected the requests by the *vecinos*, who therefore opted to plough without state permission.<sup>43</sup> In fact, in times of crisis or in order to deal with the growing population, the commons were used as a loan, ploughing part of the scrubland and sharing it out among the *vecinos*.<sup>44</sup> For example, in Ferreras and Morriondo the population increased by 44 per cent between 1863 and 1920, from 247 inhabitants to 356;<sup>45</sup> this growth was rendered possible by ploughing the common lands, as the entire population lived off agriculture and livestock farming.

One of the periods in which the pressure to plough scrubland became most intense was during the 1930s. Widespread economic crisis was accompanied by the fall of the monarchy and the arrival of the republic, with the new government's remit to introduce extensive agrarian reform. The novelty was that the more impoverished sectors of the peasantry called not only for the right to plough but also for the permanent division and distribution of the commons (transfer to individual ownership). Hitherto, many villagers had already increased their private properties at the expense of the commons: either by agreement with the entire

local community or illegally, as some *vecinos* had chosen not to reinstate to communal ownership the land they had been assigned to cultivate on a temporary basis. Indeed, in 1923 the government was forced to legitimise the ownership of unlawfully acquired plots of communal scrubland. In the province of León between 1927 and 1937, over 10,000 plots (c. 2,000 ha) were recognised: e. g., 429 plots (c. 103 ha) in Ferreras and Morriondo involving 58 *vecinos* with an average of 1.82 ha each.<sup>46</sup> This process, occurring throughout the province, albeit impacting more on the province's poorer districts, shows that there was local consensus on the ploughing or appropriation of common scrubland, which enabled the poorer segments of the peasantry to acquire smallholdings.

The preceding paragraphs have revealed how in the early decades of the twentieth century the course was set for making more intensive use of communal lands. This reined in the proletarianisation of the peasantry, but also led to changes in production. Following the removal of restrictions on the number of livestock allowed to graze on communal pastures, for example, the extensive area of common land in mountain districts led to livestock specialisation, which had already begun in previous centuries. The so far low density of livestock allowed for a more intensive use of the commons without them being rapidly exhausted.

Typically, the inclusion of agriculture in a capitalist economy generated conflicts and threatened communal property: On the one hand, collective institutions seem to have become more fragile in the presence of expanding markets;<sup>47</sup> and on the other hand, economic prosperity undermined solidarity.<sup>48</sup> However, although liberal capitalism sought to dismantle or overlook the ancestral right to existence within the heart of the community and to subordinate social ties to the market,<sup>49</sup> in León there was a recognisable consensus, or moral economy, which dictated that the right to 'subsistence' of all members of the community prevailed over the market or the laws of the state.<sup>50</sup>

It may be that ever stronger relationships of capitalist production widened the gaps within the community, and also weakened community ties. Nevertheless, as Francisco Beltrán-Tapia has shown, the survival of common lands provided peasants with mechanisms different from the market, thus making the transition to a market economy more socially sustainable.<sup>51</sup> However, it was not the common land but values of solidarity and collective organisation that tempered the influence of market capitalism. In northwest Spain, the peasants did not reject the market, nor were their solidarities a defence against the market, but instead they adapted to the market within a community framework.<sup>52</sup> They resorted to traditional collective action to defend against outside interferences and to resituate themselves within a world increasingly penetrated by relations of capitalist production.

## The commons and community-based solidarity: two sides of the same coin

Edward A. Wrigley has contended that poverty in traditional societies was a very common phenomenon, and one that was difficult to overcome regardless of the prevailing institutional forms of political and social organisation. He has also affirmed, however, that not all traditional societies were equally poor, nor was poverty equally widespread and acute in all of them, as social and political structures played a considerable part in determining how many

were poor and how poor they were.<sup>53</sup> Accordingly, as we have seen, communal institutions in northwest Spain may have mitigated poverty. The question arising at this point is why common lands and local solidarities survived in northwest Spain. It seems that the first part of the question is easy to answer. As in other places,<sup>54</sup> common lands in León survived because they were defended. Yet, although it has been verified that traditional agrarian societies are able to devise informal mechanisms of social welfare<sup>55</sup> and that solidarity is pervasive in rural communities,<sup>56</sup> it is not easy to explain the persistence of community-based solidarity.

A good point of departure is offered by the economist Nicholas Georgescu-Roegen, who has claimed that ‘one may remain indifferent to a starving family but hardly so if the family is his next-door neighbor.’<sup>57</sup> In this regard, we are dealing with villages that had about a hundred inhabitants, where all the local people were linked by family ties, where everyone was someone, and both the richest and the poorest made up a single local community. The village operated as an economic unity, and the status of *vecino* entailed rights and obligations. The community’s rules and burdens were there to be shared equally by everyone, regardless of whether one was slightly richer or slightly poorer, and irrespective of whether or not there was an actual willingness to do so, as Ruth Behar has noted.<sup>58</sup> Although a person’s wealth had an impact on the use of communal property, there were rules governing its exploitation according to the control and prevalence of collective rights.<sup>59</sup> The inequalities existing within the community should not therefore lead to the undervaluing of mutual assistance or support mechanisms.<sup>60</sup> Although several authors report that unequal use was made of common land and the richest profited the most,<sup>61</sup> in northwest Spain the poor still obtained the bulk of their income on the commons. However, this should not blind us to the fact that common lands were subjected to village politics, in some cases dominated by local elites.

The right to use the commons was the same for everyone: a draw was made and each *vecino* received the same amount of communal land and had the same rights of grazing and cutting timber or firewood. This egalitarian approach was reinforced by two principles suggested by Georgescu-Roegen, namely ‘only labor creates value, and hence, labor must constitute the primordial criterion in the sharing of the community’s income’ and ‘equal *opportunity* for all, and [...] not equal *income* for all’. Each one worked his own area on the commons; he did not own the land. Accordingly, the commons benefited the neediest insofar as the system permitted each member of the community to have a fair start in life.<sup>62</sup>

In spite of the egalitarian approach, one should not idealise this arrangement. The commons and agrarian collectivism, given mythical status and considered by some to be the remnants of primitive communism,<sup>63</sup> were no ‘paradigm of economic equality or the very expression of the much lauded „natural communism”’.<sup>64</sup> The existence of collective forms of organisation and community-based solidarities did not imply an idyllic rural world. In fact, the use of the commons could give rise to conflicts emerging from their exploitation and not from how they were to be shared out, although sometimes, as happened in the first third of the twentieth century, the landless workers called not only for the right to plough but also for allotment. We need to look no further than at many villages in León where the bitter confrontations over the use of communal lands during the Second Republic (1931–1936) later led to repression, violence and death under Franco’s dictatorship. Furthermore, these traditional societies were no strangers to usury, exploitation, violence or marginalisation.

But it has to be considered that the solidarities were no mere folklore either. Rather they were part of the village’s traditions, reflecting the values present in these societies. The first

thing to point out is that regarding economic matters 'village tradition has at all times contained a core as hard in its force and sanctions as British common law'.<sup>65</sup> Furthermore, these solidarities were underpinned by specific values. They arose out of material relationships and were embedded in people's consciousness, which altered only very slowly.<sup>66</sup> Communal institutions expressed an alternative way of owning,<sup>67</sup> being to a certain extent the 'properties of the poor'. In the event, having emerged in the early modern period in order to relieve the limitations imposed by poverty and the precarious conditions of a large part of the population,<sup>68</sup> community-based solidarities became a cohesive feature of rural communities in the nineteenth century when their customs and livelihoods were under threat.

## Conclusion

The commons were vital for many households. On the one hand, common lands were a basic point of departure for those who formed a family, and a support for many with little land. On the other hand, community-based solidarities were an insurance against adversities. To put it another way, communal institutions relieved a great deal of poverty. Nonetheless, the commons and community-based solidarities did not impede the widespread impoverishment of the peasantry, as the processes of social differentiation did not depend so much on the existence of commons and the use made of them, but instead on the forms of social organisation and how the surplus was extracted. In spite of everything, commons constituted a way of distributing means and agricultural resources, and an assurance of the more or less equitable sharing of usages, avoiding the accentuation of differences within the community. The key lies in the fact that all members of the community were not only legitimised to use the commons but also protected by a series of collective rights, which sheltered them from adversity. There is no doubt, therefore, that the persistence of the communal system and of the rural commons favoured processes of social inclusion. Over the first decades of the twentieth century, communal institutions and the prevailing way of using and managing the land continued to be a guarantee of stability as regards both the exploitation of resources and the distribution of income across the different social sectors.

On the other hand, it should be stressed that the commons survived because they were defended. Rural commons and collective organisation continued to be the pillar that sustained agrarian organisation, and their survival enabled peasants to defend themselves against outside interferences and to adapt to the changing economic landscape. Accordingly, solidarities survived not because of some form of harmony in the countryside but because these solidarities were a form of protection. There was still a 'need' to uphold the forms of traditional management, as the agrarian system relied on the commons, and both the state through its laws and prohibitions and the imposition of a capitalist rationale threatened the survival of a large number of households.

Based on what we have seen in the province of León, it may be posited that the existence of commons involved a more even distribution of resources and less social polarisation. Furthermore, communal lands and community-based solidarities acted as a kind of social security, helping to maintain social equilibrium. Still, these are hypotheses that need to be confirmed by further research.

## References

- 1 The research for this article has received financial support from the Spanish Ministry of Economy and Competitiveness (Projects HAR2012–30732 and HAR2010–18544). A preliminary version was discussed at the workshop *Naturaleza gobernada. Recursos, comunidades y reglas en perspectiva histórica*, organised by José Miguel Lana at the University of Navarre. I am grateful to him and to the participants for their suggestions. I would also like to thank the journal's editors for their useful comments, and Ian Macnair for his help with the English translation.
- 2 Circa 1850, the commons in the province of León covered around 900,000 ha (about 58 per cent of the entire area), of which 850,000 were scrubland around the villages; see José A. Serrano, *La defensa del comunal y de los usos colectivos, León (1800–1936): ¿una 'economía moral'?*, in: *Historia Agraria* 37 (2005), 431–463, here 434.
- 3 Regarding the role the commons played in rural economies and for the poorest, see Tine De Moor/Leigh Shaw-Taylor/Paul Warde (eds.), *The management of common land in north-west Europe, c. 1500–1850*, Turnhout 2002; Ruth Behar, *Santa María del Monte. The presence of the past in a Spanish village*, Princeton 1986; Jeanette M. Neeson, *The opponents of enclosure in eighteenth-century Northamptonshire*, in: *Past & Present* 105 (1984), 114–139; Jan L. Van Zanden, *The paradox of the marks. The exploitation of commons in the eastern Netherlands, 1250–1850*, in: *Agricultural History Review* 47 (1999), 125–144; Tine De Moor, *Avoiding tragedies. A Flemish common and its commoners under the pressure of social and economic change during the eighteenth century*, in: *Economic History Review* 62 (2009), 1–22; Nadine Vivier, *Propriété collective et identité communale. Les biens communaux en France, 1750–1914*, Paris 1998.
- 4 De Moor, *Avoiding*, see note 3, 10; see also Id., *The silent revolution. A new perspective on the emergence of commons, guilds, and other forms of corporate collective action in Western Europe*, in: *International Review of Social History* 53 (2008), 179–212.
- 5 Nicholas Georgescu-Roegen, *The institutional aspects of peasant communities. An analytical view*, in: Clifton R. Wharton (ed.), *Subsistence agriculture & economic development*, London 1970, 61–93, here 68.
- 6 *Classification of Public Scrubland made by the body of engineers responsible pursuant to the provisions of the Royal Decree of 16 February 1859 and the Royal Order of the same month, and passed by a Royal Order of 30 September subsequent*, Madrid 1859.
- 7 *Distrito Forestal de León, Catálogo de los montes de utilidad pública y relación de los de libre disposición de la provincia de León*, León 1964.
- 8 *Yields recorded in the Cartilla evaluatoria (notice of assessment) of Quintana del Castillo*, in: *Archivo Diputación Provincial de León (ADPL) – Legajo 5.809/4. 1943–1946, 'Amillaramientos del Partido Judicial de Astorga'*.
- 9 Joaquín Costa, *Colectivismo agrario en España*, vol. 1: *Doctrinas* (1898), Madrid 1983.
- 10 *Archive of the National Institute for Agrarian Reform and Development (AIRYDA, in its Spanish acronym), Colonias, Carracedo, Legajo (Bundle) 25/3 (2), 'Expediente sobre irregularidades en la fundación social del Conde de Luna. Benavides de Órbigo'*.
- 11 *Junta General de Estadística, Censo de la ganadería de España según el recuento efectuado el 24 de septiembre de 1865*, Madrid 1868.
- 12 *Junta Consultiva Agronómica, Materias fertilizantes empleadas en la agricultura. Resumen hecho por la Junta Consultiva Agronómica de las Memorias de 1919, remitidas por los Ingenieros del Servicio Agronómico provincial*, Madrid 1921, 179.
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- 21 Enric Tello, *La historia cuenta. Del crecimiento económico al desarrollo humano sostenible*, Barcelona 2005, 97.
- 22 Specifically, in England toward the end of the eighteenth century, in some households the gleaning of cereals could account for between 5.5 and 13.7 per cent of their annual income; see Peter King, *Customary rights and women's earnings. The importance of gleaning to rural labouring poor, 1750–1850*, in: *The Economic History Review* 44 (1991), 461–476, here 462.
- 23 *Ibid.*, 466; Humphries, *Enclosures*, see note 15, 34.
- 24 *Ibid.*, 38
- 25 Alfredo García Ramos, *Estilos consuetudinarios y prácticas económico-familiares y marítimas de Galicia*, Madrid 1909, 53.
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- 28 Santiago Méndez, *Costumbres comunales de Aliste*. Report that was awarded the first runners-up prize in the first special competition on common law and popular economics, Madrid 1900; Luis Mouton, *Derecho consuetudinario español y europeo Colección de costumbres jurídicas, nacionales y extranjeras*, Madrid 1911, 141–158.
- 29 Chapter 46 of the bylaws of Riofrío de Órbigo (1702) decreed as follows: '[...] que si acaso sucediere desgraciarse una res vacuna en la vecera de manera que no tenga una, se reparta a libras entre los vecinos de dicho lugar y han de pagar la libra a 10 maravedies y no más [...]' [If by chance a mishap should arise involving a head of cattle in the *vecera* and the person should be left without one, it will be distributed by pounds, with payment of 10 *maravedis* per pound and no more.], in: ADPL, Fondo Histórico, Libro 4, 'Ordenanzas de Riofrío de Órbigo'.
- 30 See Jorge Uría, *Asturias 1898–1914. El final de un campesinado amable*, in: *Hispania* 62/3, no. 212 (2002), 1059–1098; García Ramos, *Estilos*, see note 25, 47; Costa, *Colectivismo*, see note 9, 133–138.
- 31 Chapter 50 of the bylaws of Burón (1821) reads as follows: 'Una de las costumbres de pueblo es la de que llegando el caso de que algún morador haga casa habitación le ayuden los demás a conducir los materiales de madera y piedra por cuanto en un país tan nevoso y frío [...] previniendo que todo el vecino que tenga yunta ayude al edificante con dos viajes de piedra y uno de madera, y el que no tenga yunta se emplee de peón con su persona o un criado en cualquier otra labor conducente por espacio de un día [...]' [One of the customs in the village is that when a local person builds a dwelling, the other villagers help to bring the timber and masonry since it is such a snowy and cold country [...] foreseeing that every neighbour with a team of oxen helps the builder with two loads of masonry and one of timber, and those without such a team contribute as labourers through either their own persons or a servant in any other associated task for the period of one day.], in: ADPL, Fondo Histórico, Libro 6, 'Ordenanzas de Burón, 1821'. The bylaws of Huerga de Garaballes state the following: 'Que si algún vecino de este lugar cayese malo de manera que no pueda acudir a coger su pan y pastos que el concejo tenga en cuenta de se lo hacer guardar y si el bago que quedase embarazado por el dicho pan, el concejo y regidores hayan de traérselo a la era, por cuenta de dicho pan, por amor a Dios, de modo que los dichos frutos no se pierdan.' [If any neighbour of this village should fall ill and is rendered unable to collect grain or harvest, the council shall ensure it is saved and if the payment is burdened by that grain, the council and aldermen shall bring it to the threshing floor, on the account of that grain, for the love of God, to ensure the fruits are not lost.], in: Archivo Histórico Provincial de León (AHPL) – Protocolos Notariales, Caja 7.356.
- 32 The custom's name refers to the wooden stick or rod that was used as a marker for turn-taking; for more details see Behar, *Santa María*, see note 3, 183.
- 33 Chapter 48 of the bylaws of Huergas y El Millar decreed as follows: '[...] que por corrida en vecindad vayan los pobres y de corrida a otro pueblo, no pudiendo andar por sí guardando velanda en su condición, y lo lleven de la casa donde toque, pena de diez reales.' [When the poor are making their way in the neighbourhood or passing through to another village, not being able to walk and their condition being noticed, they are to be taken

- to the house whose turn it is, under a penalty of ten reals.] Cited by Laureano M. Rubio, *El sistema político concejil en la provincia de León*, León 1993, 214.
- 34 Behar, Santa María, see note 3, 182–184; Elías López Morán, *Derecho consuetudinario y economía popular en la provincia de León*, Madrid 1900.
- 35 Jean Philippe Platteau, Mutual insurance as an elusive concept in traditional rural communities, in: *The Journal of Development Studies* 33 (1997), 764–796.
- 36 ADPL, Fondo Histórico, Libro 6, 'Ordenanzas de Burón, 1821' [Bylaws of Burón].
- 37 According to Serrano, *Defensa*, see note 2, 441, five per cent of the overall surface area of common lands was privatised.
- 38 Vicente Flórez de Quiñones, Contribución al estudio del régimen local y de la economía popular de España. Los pueblos agregados a un término municipal en la historia, en la legislación vigente y en el derecho consuetudinario leonés, León 1924; López Morán, *Derecho*, see note 34; José A. Serrano, When the enemy is the state. Common lands management in northwest Spain (1850–1936), in: *International Journal of the Commons* 8 (2014), 107–133.
- 39 Laureano M. RUBIO, Pobres y ricos. Estructura social, pobreza y asistencia a las comunidades campesinas del Reino de León durante la Edad Moderna, in: Laureano M. Rubio (red.), *Pobreza, marginación y asistencia en la Península Ibérica (siglos XVI–XIX)*, León 2009, 13–28, here 27.
- 40 Dirección General del Instituto Geográfico y Estadístico, Censo de la población de España, Madrid (several years); Nomenclátor estadístico de la provincia de León, formado con sujeción al censo oficial, León 1863.
- 41 Carreras/Tafunell (eds.), *Estadísticas*, see note 17, 134.
- 42 Between 1931 and 1934, over 90 requests were made to plough village scrubland. See AHPL, Fondo ICONA, Expedientes; also AIRYDA, *Reforma Agraria (Montes)*, Legajo (Bundle) 3. In the same years, 257 instances of unauthorised ploughing were reported, with the local council featuring in 24 of them.
- 43 Thus, for example, in Ferreras de Cepeda in 1911 and 1915 a number of villagers were reported for ploughing small plots, and in 1913 and 1932 the forestry administration prosecuted the entire village. See AHPL, Fondo ICONA, *Denuncias (Lawsuits)*, book 69, 30/03/1914; book 70, fol. 73; book 88, fol. 170, 20/05/1932.
- 44 Behar, Santa María, see note 3.
- 45 See note 40.
- 46 José A. Serrano, *La pervivencia del comunal en la transición a una economía capitalista. León (1800–1936)*, unpublished PhD dissertation, Barcelona 2006, 470–476.
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- 49 Tello, *Historia*, see note 21, 102.
- 50 Serrano, *Defensa*, see note 2.
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- 52 Uría, *Asturias*, see note 30.
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- 61 See among others: Iñaki Iriarte Goñi, Common lands in Spain (1800–1995). Persistence, change and adaptation, in: *Rural History* 13 (2002), 19–37; José Miguel Lana Berasain, 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, in: *International Journal of the Commons* 2 (2008), 162–191; Vivier, *Propriété*, see note 3.
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- 63 López Morán, *Derecho*, see note 34; Costa, *Colectivismo*, see note 9.

- 64 Georgescu-Roegen, Institutional aspects, see note 5, 81.
- 65 *Ibid.*, 80.
- 66 Edward P. Thompson, *The poverty of theory and other essays*, London 1980, 363–369; Paolo Grossi, *Un altro modo di possedere. L'emersione di forme alternative di proprietà alla coscienza giuridica postunitaria*, Milano 1977, 38.
- 67 Thompson, *Customs*, see note 16.
- 68 Rubio, *Pobres*, see note 39, 26.