

Commons and Dynamics of Power in Medieval Southern Europe

A Comparison between Northern Italy and the Duero Plateau (Seventh–Fifteenth Centuries)

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The subject of the commons has become central to recent European historiography, especially in the wake of economic history studies focusing on central and northern Europe and the early modern period. Yet the way that the topic has been treated in general leaves a number of blind spots that this article will seek to tease out through a *longue-durée* comparative analysis. The volume published by Martina De Moor, Leigh Shaw-Taylor, and Paul Warde in 2002 marked a turning point in the field by applying Elinor Ostrom’s theoretical work on the commons to historical contexts.¹ Since the late 1990s, when this approach began to emerge, De Moor and other scholars have highlighted the solidity of these resources within local economies and their capacity to produce significant forms of wealth redistribution.² However, this

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1. Martina De Moor, Leigh Shaw-Taylor, and Paul Warde, eds., *The Management of Common Land in North West Europe, c. 1500–1850* (Turnhout: Brepols, 2002); Elinor Ostrom, *Governing the Commons: The Evolution of Institutions for Collective Action* (Cambridge: Cambridge University Press, 1990).

2. Jan Luiten van Zanden, “The Paradox of the Marks: The Exploitation of Commons in the Eastern Netherlands, 1250–1850,” *Agricultural History Review* 47, no. 2 (1999): 125–44; Bas van Bavel and Erik Thoen, “Rural History and the Environment: A Survey

historiography has largely focused on the analysis of northern Europe and on certain recurring themes, such as the case of the English woodlands or more recently the communal lands of Flanders.³ Most of these studies also concern the late medieval or early modern period, a choice no doubt influenced by the greater documentary visibility of the commons in those centuries, but which also has an impact on the way they are analyzed. Characteristic features such as their formalization in terms of communitarian property or the role of usurpations have become central axes of research, obscuring the fact that in the early and High Middle Ages the dynamics around the commons were very different.

Italy and the Iberian Peninsula have remained mostly peripheral to research on the commons, despite the existence of a few studies, also by and large centered on the early modern period, that have helped bring them into the debate.⁴ Historiographical interest in the “Little Divergence” between northern and southern Europe has given traction, in recent years, to the thesis of a basic contrast between the former, characterized by an egalitarian society—or rather a society capable of absorbing social inequality precisely through the solidity of its commons—and the latter, where the power of the lords and the gradual disappearance of collective properties favored the emergence of unequal societies that were also more fragile and less capable of resisting major economic and environmental changes.⁵ This is, however, an overly simplistic portrayal of the situation of the commons in southern Europe, which—while certainly less widely known in the international debate—was complex and marked by specific features. When considered alongside the data presented for northern Europe in the late Middle Ages and the early modern period, the comparative study of the commons in central northern Italy and the north of the Iberian Peninsula across a wider period can thus reveal a different picture in terms of both chronology and social and institutional balances.

This comparison is not, however, straightforward, and these regions of course have their own particularities. The urban network and population density were far

of the Relationship between Property Rights, Social Structures and Sustainability of Land Use,” in *Rural Societies and Environments at Risk: Ecology, Property Rights and Social Organisation in Fragile Areas (Middle Ages–Twentieth Century)*, ed. Bas van Bavel and Erik Thoen (Turnhout: Brepols, 2013), 15–42; Tine De Moor, “The Silent Revolution: A New Perspective on the Emergence of Commons, Guilds, and Other Forms of Corporate Collective Action in Western Europe,” *International Review of Social History* 53, supplement 16 (2008): 179–212; Maïka De Keyzer, *Inclusive Commons and the Sustainability of Peasant Communities in the Medieval Low Countries* (London: Routledge, 2018).

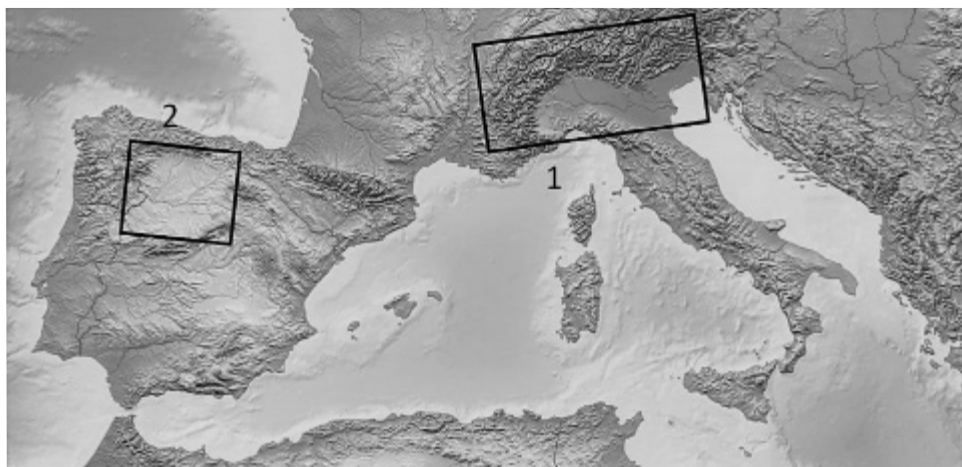
3. Jean Birrell, “Common Rights in the Medieval Forest: Disputes and Conflicts in the Thirteenth Century,” *Past & Present* 117 (1987): 22–49. On Flanders, see the works cited in footnote 2 above.

4. Guido Alfani and Riccardo Rao, eds., *La gestione delle risorse collettive. Italia settentrionale, secoli XII–XVIII* (Milan: FrancoAngeli, 2011); José Miguel Lana Berasain, “From Equilibrium to Equity. The Survival of the Commons in the Ebro Basin: Navarra from the 15th to the 20th Centuries,” *International Journal of the Commons* 2, no. 2 (2008): 162–91.

5. Daniel R. Curtis and Michele Campopiano, “Medieval Land Reclamation and the Creation of New Societies: Comparing Holland and the Po Valley, c. 800–c. 1500,” *Journal of Historical Geography* 44 (2014): 93–108.

greater in northern Italy than on the Duero Plateau, and nowhere more so than in the Po Valley. The documentation for both urban and rural communities is likewise far more abundant in Italy, especially for the twelfth to fifteenth centuries. Crucially, their political organization differed in these centuries: a robust monarchy in the Iberian region contrasted with a system based on city-states (*communes*) and later broader regional states in Italy. But the differences are also historiographical. Italian scholars have emphasized the “commercialization” of the commons and their role in shaping urban economic and political control over rural areas. Spanish scholars, on the other hand, have highlighted the role that commons, especially fallow lands, played in the “repopulated” territory in northern Iberia or “reconquered” lands in former Islamic areas—regions where the importance of livestock and the need to occupy vast zones with sparse populations were integral. Chronological divergences in the focus of these studies in turn reflect different temporalities, but also the disparate and uneven nature of the available sources. This diversity invites us to make a comparison that takes into account not only shared features but also the regional differences that allow a more complex approach to the commons as a whole. Our aim is thus the formation of global interpretations that integrate the specificities of both case studies cases while also shifting the frame of the historiography on the commons.

Figure 1. Location of the two case studies



Source: Iñaki Martín Viso.

Zone 1 corresponds to central northern Italy, zone 2 to the plateau of the Duero river.

Our *longue-durée* comparison of the commons in northern Italy and on the plateau of the Duero river seeks to highlight three aspects. First, and contrary to what the historiography might suggest, the commons in these areas were far from marginal or residual in the period under consideration. Until the end of the Middle Ages (and beyond), they were key to the management of the economy and the internal balance of rural and urban societies, playing an important role in local politics.

Second, there were similarities but also profound differences between different parts of southern Europe, which makes it interesting to compare particular regions. Finally, we emphasize the historical significance of the commons, showing that these resources were at the center of intricate relations between state and local institutions (from monarchies and urban communes to rural communities), but were also subject to more spontaneous forms of pressure and appropriation by communities, or certain groups within them. The commons must therefore be understood not as a static reality, but rather as resources constantly on the verge of being assimilated into either public or private goods.

The analysis of the medieval commons in southern Europe thus reveals the complex and delicate equilibrium in which they existed. This encourages us to take a critical look at one of the key elements to have emerged from studies on the commons in northern Europe: the idea that these resources depended almost entirely on the communities that used them, or, at any rate, on the institutions and rules by which those communities governed access to them. This tendency to approach the commons exclusively in terms of their relationship with communities of users derives from theoretical studies focusing on their economic and legal dimensions—most notably by Garrett Hardin, Carol Rose, and Ostrom—but only partly helps to understand the complex realities of medieval southern Europe.⁶ In our view, the efforts of historians in recent decades to define the commons by drawing on approaches honed in other disciplines have led to certain distortions that continue to influence the debate. Historical research has thus set the commons apart as an artificial category, defined according to the restrictions of jurists, sociologists, and economists, when in fact such a category rarely existed in past societies, except in relation to other—public and private—institutions. We also consider that the economic conception of the commons has led scholars to ignore other relevant aspects, such as the search for internal social balance and leadership, the construction of local identities, and the involvement of external authorities. The present article seeks to offer a dynamic explanation that incorporates these factors and recognizes that, while the institutional formalization of the commons is key, it is also necessary to pay attention to non-formalized practice and to the relations among the various actors who influenced those institutions.

The regulation of these resources did not require the commons to be defined in terms of ownership, but did not exclude it either. Throughout the Middle Ages the concept thus evolved towards a legal formalization of certain entitlements, including rights of access. Those rights were exercised over specific areas, lands, and even buildings, all of which could be the setting of the commons, considered essential to the construction of a notion of collectivity. As we will see, this eventually merged with a more theoretical conception of the “common good,” which was in turn formalized and displaced to the public sphere. Finally, it seems crucial

6. Garrett Hardin, “The Tragedy of the Commons,” *Science* 162 (1968): 1243–48; Carol Rose, “The Comedy of the Commons: Custom, Commerce, and Inherently Public Property,” *University of Chicago Law Review* 53 (1986): 711–81; Ostrom, *Governing the Commons*.

to consider the meaning assigned to the term *comunia* by the societies of medieval southern Europe. In contrast to the strict definitions formulated in today's juridical and economic debate, it implied a dynamic relationship with a vast range of goods, beginning with public properties and royal estates. Particularly in Italy, the commons included not just pastures and woods—and more generally fallow lands—enjoyed collectively, but also all other goods pertaining to local communities.⁷ In medieval Iberia, too, the *Partidas*, compiled as a statutory code by Alfonso X of Castile (r. 1252–1284), included a great range of goods as commons.⁸

The Commons in Italian and Spanish Historiography

In Italy, the medieval commons were first studied by legal historians, who in the late nineteenth and early twentieth century asked whether such forms of land use developed in continuity with the Roman model or via contact with the Germanic world, through the arrival of the Lombards in Italy. In the second half of the twentieth century, the topic of the commons was addressed more episodically. While in the legal sphere the question continued to attract the sustained interest of leading specialists, the social and institutional history of the Middle Ages long overlooked collective lands, which were relegated from the years after the Second World War to a secondary topic, complementary to the development of landscapes and communities.⁹

Apart from a few pioneering works, it was only from the late 1980s that a turn occurred, in conjunction with the increasing integration of Italian historiography into the international debate.¹⁰ In particular, the renewed field of Italian medieval studies drew attention to a strand of research that had until then been practically absent from European studies on the commons: their place in urban areas and their role in the polarization of social conflict within the communes.¹¹ Over the past fifteen years, the historiography on Italian communes has extended its focus to the immaterial dimension of the commons, in other words to the “discourse” on the common good, understood as an ideal principle expressing the fundamental

7. Sandro Carocci, “Le *comunali* di Orvieto fra la fine del XII e la metà del XIV secolo,” *Mélanges de l'École française de Rome – Moyen Âge* 99, no. 2 (1987): 701–28.

8. Alfonso X, *Las siete partidas*, ed. José Sánchez-Arcilla (Madrid: Reus, 2007), *partida tercera*, título XXVIII, ley XI, p. 569.

9. See especially Paolo Grossi, *Il dominio e le cose. Percezioni medievali e moderne dei diritti reali* (Milan: Giuffrè, 1992); Grossi, “Un altro modo di possedere.” *L'emersione di forme alternative di proprietà alla coscienza giuridica postunitaria* (Milan: Giuffrè, 1977).

10. Among the individual works that had already drawn attention to the commons in the 1970s, see Andrea Castagnetti, “Primi aspetti di politica annonaria nell'Italia comunale. La bonifica della ‘palus comunis Verone’ (1194–1199),” *Studi medievali* 15, no. 1 (1974): 363–481.

11. On commons and the history of communes more generally, see the historiographical overview in Maria Teresa Caciorgna, “Beni comuni e storia comunale,” in *I comuni di Jean-Claude Maire Vigueur. Percorsi storiografici*, ed. Maria Teresa Caciorgna, Sandro Carocci, and Andrea Zorzi (Rome: Viella, 2014), 33–49.

and shared rights of a community.¹² This has been explored in relation to political and economic thought, but also in regard to material evidence and public buildings in Italian cities.¹³ Many of these studies point to the need for a comprehensive interpretation that connects the ideal dimension of the public good to the material ways that the commons were represented and used.¹⁴

Yet recent historiography's focus on the commons in cities between the twelfth and fourteenth centuries has meant that other possible avenues of research have been explored in a far more asymmetrical and episodic way. The commons of the early Middle Ages, for instance, which provided the starting point for the debate in the early twentieth century, have been almost entirely neglected.¹⁵ Likewise, despite the wealth of legal sources on *usi civici* (civic usages) in the early modern period, the management of the commons in the medieval southern Italian countryside remains practically unexplored, not least because of the paucity of documents produced by local rural communities, which were far more fragile than the urban communities of the north. The work of Sandro Carocci nevertheless suggests the presence of original forms of commons management in the south, based on the rotation of fields collectively used for the cultivation of cereal crops.¹⁶ Finally, the transformation of the commons between the fourteenth and fifteenth centuries, with the rise of new forms of statehood, has been studied only slightly more, and much work remains to be done.

In more general terms, the resurgence of interest in Italian history since the 1980s has also concerned the medieval countryside, with the commons seen as a central factor in the rural economic system.¹⁷ Researchers have thus far struggled

12. *Il bene comune. Forme di governo e gerarchie sociali nel basso medioevo*, conference proceedings (Spoleto: Fondazione CISAM, 2012). At the European level, the reference work is the volume edited by Élodie Lecuppre Desjardin and Anne-Laure Van Bruaene, *De bono communi: The Discourse and Practice of the Common Good in the European City (13th–16th C.)* (Turnhout: Brepols, 2003).

13. For example, the evocatively titled contribution by Élisabeth Crouzet-Pavan, “Pour le bien commun...”: à propos des politiques urbaines dans l'Italie communale,” in *Pouvoir et éditité. Les grands chantiers dans l'Italie communale et seigneuriale*, ed. Élisabeth Crouzet-Pavan (Rome: École française de Rome, 2003), 11–40.

14. Igor Mineo, “Cose in comune e bene comune. L'ideologia della comunità in Italia nel tardo Medioevo,” in *The Languages of Political Society: Western Europe, 14th–17th Centuries*, ed. Andrea Gamberini, Jean-Phillippe Genet, and Andrea Zorzi (Rome: Viella, 2011), 39–67, here p. 53.

15. Andrea Castagnetti, “La campanea e i beni comuni della città,” in *L'ambiente vegetale nell'alto Medioevo* (Spoleto: Centro italiano di studi sull'alto medioevo, 1990), 1:137–74.

16. Sandro Carocci, “‘Metodo regressivo’ e possessi collettivi: i ‘demani’ del Mezzogiorno (sec. XII–XVIII),” in *Écritures de l'espace social. Mélanges d'histoire médiévale offerts à Monique Bourin*, ed. Didier Boisseuil et al. (Paris: Éd. de la Sorbonne, 2010), 541–55. On the southern Italian juridical tradition of “civic usages,” see Stefano Barbacetto, “Servitù di pascolo, ‘civicus usus’ e beni comuni nell'opera di Giovanni Battista De Luca († 1683),” in *Cosa apprendere della proprietà collettiva. La consuetudine fra tradizione e modernità*, ed. Pietro Nervi (Padua: Edizioni Cedam, 2003), 267–97.

17. To begin with, see Euride Fregni, ed., “Terre e comunità nell'Italia Padana. Il caso delle Partecipanze Agrarie Emiliane: da beni comuni a beni collettivi,” special issue,

to find, however, a broader key to interpret the development of rural commons as a whole, despite having several possible historiographical models available—though these once again have chiefly been confined to the early modern period. In particular, original historical-ecological and microhistorical interpretations, primarily based on the examination of territorial practices, form part of an influential current that found its first concrete expression with the 1992 special issue of *Quaderni storici* edited by Diego Moreno and Osvaldo Raggio.¹⁸ Focused on rural areas in the early modern period, these studies have highlighted, on the one hand, local conflicts around the commons (notably disputes over borders and tensions between local and state authorities), and, on the other, environmental practices involving the commons, for example temporary cultivations and forms of arboriculture. These productive approaches have not, however, been adapted for studies of the medieval period. Even the resurgence in studies on the commons sparked by Ostrom's research and its application to economic history, which has helped better define the relationship between institutions and the commons, has overwhelmingly concerned the early modern period.

There is a similarly long, though likewise uneven, tradition of studies on the role of commons in the Iberian Peninsula. Coinciding with the definitive loss of the last Spanish colonies, Joaquín Costa's 1898 volume *Colectivismo agrario en España* achieved unquestionable success.¹⁹ This work vindicated the commons against liberal economic ideas and was part of the "regenerationist" movement that sought to reform a Spain divested of its imperial aspirations. Costa's works had a considerable impact on the nascent ethnography of the rural world.²⁰ However, this field had a weak historical basis and barely considered the Middle Ages. Spanish historians, on the other hand, seem to have had little interest in the commons and long skirted around issues such as their origins or their medieval uses.

The renewal of Spanish historiography in the 1960s and 1970s changed this situation. Scholars such as Abilio Barbero and Marcelo Vigil saw collective property as a central feature of the tribal societies that had survived in northern

Cheiron. Materiali e strumenti di aggiornamento storiografico 14/15 (1990–1991); Marco Bicchierai, *Beni comuni e usi civici nella Toscana tardomedievale: materiali per una ricerca* (Florence/Venice: Giunta regionale Toscana/Marsilio, 1995); Renzo Zagnoni, ed., *Comunità e beni comuni dal Medioevo ad oggi* (Bologna: Gruppo di Studi Alta Valle del Reno-Società Pistoiese di Storia patria, 2007).

18. Diego Moreno and Osvaldo Raggio, eds., "Risorse collettive," special issue, *Quaderni storici* 81 (1992). As the editors note, this volume should be taken together with two essays published in issue 79 of the journal, "developed within the same project": Osvaldo Raggio, "Forme e pratiche di appropriazione delle risorse. Casi di usurpazione delle comunaglie in Liguria," *Quaderni storici* 79 (1992): 135–69, and Jean-René Trochet, "Terre comuni nel nord-est della Francia e nel massiccio armoricano: genesi, usi, pratiche," *Quaderni storici* 79 (1992): 105–34.

19. Joaquín Costa, *Colectivismo agrario en España. Doctrinas y hechos* (Madrid: Imprenta de San Francisco de Sales, 1898).

20. See Jorge Dias, *Rio de Onor. Comunitarismo agro-pastoril* (Lisbon: Editorial Presença, 1984); and Luis Ángel Sánchez Gómez, *Sayago. Ganadería y comunismo agropastoril* (Zamora: Caja España, 1991).

Iberia throughout the early medieval period, arguing that the gradual transition to a feudal model took place through the creation of village communities and the gradual privatization of communal property.²¹ The impact of these studies led most medievalists to accept an ancestral origin for commons in northern Spain. In the 1980s, however, analysis of eleventh- and twelfth-century texts showed that these resources did not completely disappear with the establishment of the lordship system.²² This led scholars to suggest that the agricultural interests of the lords triggered a policy of aggression against commons used as pastures, which gave rise to conflicts but also led to common lands being more clearly defined. The importance and density of rural commons decreased in the territories located between the Cantabrian Mountains and the Duero. Conversely, studies of the northernmost regions argued that their commons were more resilient, even though the written sources often proved equivocal.²³ Such research often cited the example of *sernas* (discussed further below), which were regarded as areas collectively plowed in the early Middle Ages and thus subjected to an equally collective ownership.²⁴

From this perspective, commons, defined in the historiography as communal property, were a key terrain for the formation and evolution of communities, with developments driven by the lords' attempts to erode such uses.²⁵ Nevertheless, other analyses showed that common lands remained an important element in the organization of rural communities from the tenth to the twelfth century. The picture that emerges is thus not one of total collapse but of local power adapting to existing conditions without feeling the need to eradicate prior systems.²⁶ The contributions of archaeology also support the conception of communal spaces in the north of the Duero plateau as complex and resilient elements, with their origins rooted in the early Middle Ages.²⁷

21. Abilio Barbero and Marcelo Vigil, *La formación del feudalismo en la Península Ibérica* (Barcelona: Crítica, 1978).

22. Reyna Pastor, *Resistencias y luchas campesinas en la época del crecimiento y consolidación de la formación feudal. Castilla y León, siglos X–XIII* (Madrid: Siglo XXI, 1980); José Ángel García de Cortázar, *La sociedad rural en la España medieval* (Madrid: Siglo XXI, 1988).

23. Carmen Díez Herrera, *La formación de la sociedad feudal en Cantabria* (Santander: Universidad de Cantabria/Asamblea de Cantabria, 1990), 117–28.

24. José Ángel García de Cortázar, “La serna, una etapa del proceso de ocupación y explotación del espacio,” *En la España Medieval* 1 (1980): 115–28; Esperanza Botella Pombo, *La serna. Ocupación, organización y explotación del espacio en la Edad Media (800–1250)* (Santander: Tantín, 1988).

25. José María Mínguez Fernández, “Ganadería, aristocracia y reconquista en la Edad Media castellana,” *Hispania* 151 (1982): 341–54; Iñaki Martín Viso, *Poblamiento y estructuras sociales en el norte de la Península Ibérica (siglos VI–XIII)* (Salamanca: Ediciones Universidad de Salamanca, 2000).

26. Juan José Larrea Conde, “Aldeas navarras y aldeas del Duero: notas para una perspectiva comparada,” *Edad Media. Revista de Historia* 6 (2003–2004): 159–81; Iñaki Martín Viso, “Commons and the Construction of Power in the Early Middle Ages: Tenth-Century León and Castile,” *Journal of Medieval History* 46, no. 4 (2020): 373–95.

27. Margarita Fernández Mier and Juan Antonio Quirós Castillo, “El aprovechamiento de los espacios comunales en el noroeste de la Península Ibérica entre el período romano y el

The data available for the areas located in the southern part of the Duero Plateau, on the other hand, suggest the significant presence of common lands, mostly associated with livestock rearing. Since the 1970s, scholars have drawn attention to a crucial difference between this region and the northernmost territories: the prominence of urban *concejos* (councils), political structures under royal lordship that dominated a landscape marked by a scarcity of lay or ecclesiastical lords. From their creation in the twelfth century, these *concejos* controlled large expanses of territory with a wealth of areas devoted to community usage, a model that reflected factors including the local elite's interests in livestock, the demographic weakness of the mountainous territories, and geological limitations posed by the abundance of granitic soils.²⁸ Research on the plateau to the south of the Duero has thus seen communal lands, understood as properties of the *concejos*, as central to the region's sociopolitical and economic dynamics. However, this is once again an evolutionist approach that regards commons as an ancestral tradition gradually eroded by the actions of the powerful. There is also a certain determinism implicit in the centrality given in these studies to demographic and geographical factors.

Studies on the upper valleys of the Pyrenees have portrayed them as the custodians of a stronger tradition of collective spaces due to the solidity of their community ties,²⁹ often explained by the particular conditions of a mountainous habitat where livestock was one of the main economic activities. Yet during the late Middle Ages, the formation of transhumance routes shifted the dynamics inherent to such spaces and led to the segregation of certain inhabitants from areas where livestock belonging to a few larger-scale owners was given priority.³⁰ Historiography has made similar assumptions about the areas conquered by Christian armies, such as the Guadalquivir valley in Andalusia. Here, the development of a system based on large *concejos* and their extensive properties has generally been understood as a consequence of the massive expulsion of the Muslim population in the mid-thirteenth century.³¹ Once again, a lack of population is assigned the role of *deus ex machina*

medieval," *Il Capitale Culturale: Studies on the Value of Cultural Heritage* 12 (2015): 689–717.

28. Ángel Barrios García, *Estructuras agrarias y de poder en Castilla. El ejemplo de Ávila (1085–1320)*, 2 vols. (Salamanca: Ediciones Universidad de Salamanca/Institución Gran Duque de Alba, 1983–1984); Jesús Martínez Moro, *La Tierra en la comunidad de Segovia. Un proyecto señorial urbano (1088–1500)* (Valladolid: Ediciones Universidad de Valladolid, 1985); José María Monsalvo Antón, "Comunales de aldea, comunales de ciudad-y-tierra. Algunos aspectos de los aprovechamientos comunitarios en los concejos medievales de Ciudad Rodrigo, Salamanca y Ávila," in *El lugar del campesino. En torno a la obra de Reyna Pastor*, ed. Ana Rodríguez (Valencia: Universitat de Valencia, 2007), 141–78.

29. Roland Viader, *L'Andorre du IX^e au XIV^e siècle. Montagne, féodalité et communautés* (Toulouse: Presses universitaires du Mirail, 2003); Guillermo Tomás Faci, *Montañas, comunidades y cambio social en el Pirineo medieval. Ribagorza en los siglos X–XIV* (Toulouse: Presses universitaires du Midi, 2016).

30. Esther Pascua Echeagaray, *Señores del paisaje. Ganadería y recursos naturales en Aragón, siglos XIII–XVII* (Valencia: Universitat de Valencia, 2012).

31. Carmen Argente del Castillo Ocaña, *La ganadería medieval andaluza, siglos XIII–XVI (Reino de Jaén y Córdoba)*, 2 vols. (Jaén: Diputación Provincial de Jaén, 1991); María Antonia Carmona Ruiz, "Los bienes comunales y su papel en la economía rural de

in the creation of commons, disregarding how, from the conquerors' point of view, these areas were an integral part of the agricultural system they were seeking to establish. Similarly, the numerous appropriations or "usurpations" of *concejo* properties that took place during the fourteenth and fifteenth centuries have been seen as a result of a trend towards privatization, provoked by population increase.³²

Different perspectives thus seem to have guided the way in which the topic of the medieval commons has developed in Italy and Spain. In Italy, historians have chiefly focused on city-states, particularly within the context of urban political conflicts. In Spain, much attention has been devoted to rural areas in the central Middle Ages: in particular, on the basis of the Marxism-inspired approaches of the 1960s, greater emphasis has been placed on the role of the commons in relation to the establishment of feudal modes of production and lordships. However, certain points of convergence are also to be found. In each case, the topic seems to have attracted interest in late nineteenth-century legal history, before undergoing something of a resurgence after a period of neglect in the mid-twentieth century. Italian city-states aside, both scholarly traditions also share a particular geographical focus on mountainous areas. Most importantly, however, both foreground a tendency to understand the commons as a traditional feature of local societies, often in connection with a rather stereotypical idea of peasant egalitarianism and communitarianism. The commons have thus long been interpreted as the expression of a marginal and residual economy, developed by rural communities and contrasted with a drive towards privatization promoted either by lords or by urban authorities. What follows draws, of course, on these historiographical traditions, but is also part of a project to revisit the primary sources and trace larger patterns in new ways.³³

The Early Middle Ages

In Italy, the use of fallow land by peasants was largely unregulated in the early centuries of the Middle Ages. The *Edictum Rothari* of 643, the legal corpus of the Lombard Kingdom, only established sanctions against certain practices in royal forests, such as the catching of goshawks and the gathering of honey, suggesting that there were no restrictions on grazing or the collection of wood, including on

Carmona," in *Carmona, 7000 años de historia rural*, ed. Manuel González Jiménez (Carmona: Ayuntamiento de Carmona, 2011), 285–306.

32. José Luis del Pino, "Pleitos y usurpaciones de tierras realengas en Córdoba a finales del siglo xv: la villa de Las Posadas," *Estudios de Historia de España* 12, no. 1 (2010): 117–60; María Dolores García Oliva, "Usurpaciones de tierras comunales en el término de Plasencia a fines de la Edad Media," *Studia Historica. Historia Medieval* 35, no. 1 (2017): 157–78; Javier Plaza de Agustín, *Tierras comunales y lucha por el poder en la Guadalajara medieval* (Alcalá de Henares: Universidad de Alcalá de Henares, 2021).

33. See the projects cited in the initial footnote, now finished; this article is one of the research outcomes.

private estates.³⁴ Throughout the eighth century, the Lombard kings extended their rights over the use of public properties, which made peasants' access to royal fallow land contingent upon the payment of a levy. The Carolingian conquest of Italy strengthened the royal hold over fallow lands, which, in certain cases—for instance in Istria—gave rise to disputes with the local inhabitants who made use of such areas. An additional source of conflict emerged in the ninth and tenth centuries, when kings and emperors granted monasteries and ecclesiastical institutions concessions over royal forests and the related rights regarding the use of fallows.

From the last decades of the eighth century, the collective use of land is attested in terms that evoke the ownership of certain goods by local settlements and their communities, for instance, *vicanalia* and *paganica*, respectively from *vicus* and *pagus* (village), or *comunalia* and *comunia*. These expressions are sometimes included in legal formulae concerning alienated properties; the use of the commons thus emerged as a right connected to land ownership in Italian documents issued between the eighth and tenth centuries.³⁵ What kind of goods did these terms actually describe? The documentary evidence suggests that they were more than just open fields or collective practices involving fallow lands belonging to large landowners, lords, and the Crown.³⁶ They also included lands that the local inhabitants had specifically reserved for the gathering of wood or grazing, or which were distributed among local landowners, large and small, on an annual basis, possibly also for cultivation.³⁷ Moreover, in a few cases, the term *interconcordia* is used in the sources, apparently to describe less territorially defined goods or commons, possibly shared by several owners or villages.³⁸

Overall, these collective practices may be interpreted as the first sign of bonds of solidarity, however weak, between the inhabitants of local areas—or *vici*, as these localities are termed in the Italian documents.³⁹ However, throughout the

34. Claudio Azzara and Stefano Gasparri, eds., *Le leggi dei Longobardi. Storia, memoria e diritto di un popolo germanico* (Rome: Viella, 2005), 92, § 319–20.

35. Riccardo Rao and Igor Santos Salazar, “Risorse di pubblico uso e beni comuni nell’Italia settentrionale: Lombardia, 569–1100,” *Studia Historica. Historia Medieval* 37, no. 1 (2019): 29–51; Vito Loré, “Spazi e forme dei beni pubblici nell’alto medioevo. Il regno longobardo,” in *Spazio pubblico e spazio privato. Tra storia e archeologia (secoli VI–XI)*, ed. Giovanna Bianchi, Maria Cristina La Rocca, and Tiziana Lazzari (Turnhout: Brepols, 2018), 59–87.

36. The open fields of the early Middle Ages are an elusive presence in Italian documentation, but their existence is explained in a passage from the *Edictum Rothari*: Azzara and Gasparri, *Le leggi dei Longobardi*, 102, § 358.

37. Two pieces of information may be deduced from these arrangements. First, that *comunalia* are included in the lists of properties adjacent to the plots undergoing transition (and hence that we are dealing not just with a right, but with estates permanently reserved for collective use); and second, that the documents mention the quotas of common goods assigned to certain owners, sometimes even specifying their extension.

38. Rao and Santos Salazar, “Risorse di pubblico uso,” 38–40.

39. Within the extensive bibliography on the existence (or non-existence) of communities in the early Middle Ages, see Elisabeth Zadora-Rio, “The Making of Churchyards

early medieval period, the prerogatives that these embryonic communities exercised over the commons appear to have been rather limited. They did not entail the exercise of any power to dispose of the land, which is to say to alienate it or change its use: we have no deeds of sale for the commons by local communities, or even evidence suggesting that common forests were converted into fields through deforestation and tillage. Ultimately, the fragile communities of the early Middle Ages could not fully manage their commons, which were affected by the interplay between the extensive powers of both public authorities, particularly from the Carolingian period onwards, and large landowners.

The Duero Plateau is an extensive area of 90,000 square kilometers in the middle of the Iberian Peninsula (map 1). The diversity among its subregions means that it can in fact be seen as a series of microcosms, each with its own similarities to and differences from other Iberian regions: as a case study, this makes it possible to avoid the construction of closed models while at the same time suggesting a general evolution. The information available on the commons in the sixth and seventh centuries is extremely sparse. Visigothic law, covering a vast area without regional specification, was not concerned with a matter that, by definition, was beyond its field of action.⁴⁰ However, paleopalynological (pollen) analysis has proved the importance of deforestation in mountainous areas such as the Central System during the post-Roman period,⁴¹ a phenomenon evidently related to collective action but not necessarily to the creation of shared-use resources.⁴² Some partial studies have noted the connection between certain mid-altitude pastures in common use and the presence of rock-cut graves, which worked as physical landmarks for the claiming of collective rights by different communities.⁴³

After the extremely scarce charters from the eighth and ninth centuries, the tenth-century evidence is more extensive and offers better information. This increase in the documentary record coincides with the consolidation of Asturian dominance over the plateau and with the sociopolitical regeneration of the entire region. The role of *sernas* under royal control is particularly interesting. Though

and Parish Territories in the Early Medieval Landscape of France and England in the 7th–12th Centuries: A Reconsideration,” *Medieval Archaeology* 47, no. 1 (2003): 1–19; Chris Wickham, “Space and Society in Early Medieval Peasant Conflicts,” in *Uomo e spazio nell’alto Medioevo*, conference proceedings (Spoleto: Centro italiano di studi sull’alto medioevo, 2003), 551–86.

40. Pablo C. Díaz, “Cerdos y otras bestias. Pastos comunales/pastos públicos en la *Lex Visigothorum*,” *Mélanges de la Casa de Velázquez* 51, no. 2 (2021): 15–33.

41. Antonio Blanco-González et al., “Medieval Landscapes in the Spanish Central System (450–1350): A Palaeoenvironmental and Historical Perspective,” *Journal of Medieval Iberian Studies* 7, no. 1 (2015): 1–17.

42. Juan Antonio Quirós Castillo and Alfonso Vigil-Escalera, “Archaeology of Medieval Peasantry in Northwestern Iberia,” in *Mediterranean Landscapes in Post-Antiquity: New Frontiers and New Perspectives*, ed. Sauro Gelichi and Lauro Olmo-Enciso (Oxford: Archaeopress, 2019), 129–44, here p. 132.

43. Iñaki Martín Viso and Antonio Blanco González, “Ancestral Memories and Early Medieval Landscapes: The Case of Sierra de Ávila (Spain),” *Early Medieval Europe* 24, no. 4 (2016): 393–422.

their precise definition is elusive, *sernas* were plots of land in collective use whose “ownership” was arranged into two different levels: a lower one based on everyday use by the families of a community, possibly subjected to periodic redistributions and shared duties, and an upper one that reflected the safeguarding of such use from external threats.⁴⁴ In León, to the northeast of the plateau, *sernas* are evidenced for the most part among royal property, although the kings were not the only ones to own them.⁴⁵ Many of these *sernas* were associated with “central places” or important settlements that may well have preceded the integration of the Duero Plateau into the Asturian kingdom.⁴⁶ In the second half of the tenth century, the number of royal *sernas* decreased considerably, while that of *sernas* in other hands remained steady. One explanation for this development could be a shift in the way that the kings exerted control over the power mechanisms associated with local rule. In the eighth and ninth centuries they assumed direct control over the mostly small territories, many with a stronghold at their center, within which the *sernas* played a key role in the exercise of local authority. As time went on, transferring control over these lands became a means to guarantee the support of other groups, so that they became part of the flow of properties donated by kings.

In the northeastern part of the Plateau, a new polity emerged from the local lordships at the turn of the ninth and tenth centuries: the County of Castile.⁴⁷ Here, the number of *sernas* documented over the tenth century is much larger than in León, despite the smaller number of texts preserved. Yet the Castilian counts had no monopoly, not even a partial one, over these *sernas*. It was during this century that the counts began to gain control over the collective use of spaces associated with certain territories.⁴⁸ One of the ways they exercised their authority was their hold over those territories’ commons, as a jurisdiction positioned above the local elites.⁴⁹ In Castile, the preservation of such common areas was thus a key factor in

44. García de Cortázar, “La serna, una etapa del proceso”; Botella Pombo, *La serna*; Juan José Larrea Conde, “Construir iglesias, construir territorios: las dos fases altomedievales de San Román de Tobillas (Álava),” in *Monasteria et territoria. Elites, edilicia y territorio en el Mediterráneo medieval (siglos V–XI)*, ed. Jorge López Quiroga, Artemio Manuel Martínez Tejera, and Jorge Morín de Pablos (Oxford: Archaeopress, 2007), 321–36. On the two levels of organization, see Martín Viso, “Commons and the Construction of Power.”

45. Iñaki Martín Viso, “Las propiedades regias y la formación del Reino Asturleonés (850–950),” in *Biens publics, biens du roi. Les bases économiques des pouvoirs royaux dans le haut Moyen Âge*, ed. François Bougard and Vito Loré (Turnhout: Brepols, 2019), 179–212.

46. Álvaro Carvajal Castro, “Prácticas colectivas y gestión de los espacios agrarios en la Alta Edad Media: una perspectiva comparada desde Irlanda y el Noroeste de la Península Ibérica,” *Historia Agraria* 73 (2017): 151–83, here p. 165.

47. Julio Escalona, “In the Name of a Distant King: Representing Royal Authority in the County of Castile, c. 900–1038,” *Early Medieval Europe* 24, no. 1 (2016): 74–102; Igor Santos Salazar, “Competition in the Frontiers of the Asturian Kingdom: The *Comites* of Castile, Lantarón and Álava (860–940),” in *Coopétition. Rivaliser, coopérer dans les sociétés du haut Moyen Âge (500–1100)*, ed. Régine Le Jan, Geneviève Bührer-Thierry, and Stefano Gasparri (Turnhout: Brepols, 2018), 231–51.

48. Martín Viso, “Commons and the Construction of Power.”

49. Ernesto Pastor Díaz de Garayo, *Castilla en el tránsito de la Antigüedad al feudalismo. Poblamiento, poder político y estructura social del Arlanza al Duero (siglos VII–XI)* (Valladolid:

the construction of central power. As their power expanded, the counts of Castile did not relinquish this control in return for support, as León's kings had done, but instead kept a close hold on it. This different evolution is perhaps explained by the fact that in Castile these spaces continued to serve as a crucial connection between central authority and local power.

Apart from *sernas*, the archives from this period also contain occasional references to shared common areas—as in the well-known case of Pardomino—and especially to lands belonging to the inhabitants of particular villages, perhaps reflecting the communal condition of such spaces.⁵⁰ But the inalienable nature of these commons necessarily made them less visible in written documentation than the *sernas*, whose upper level of control could be transferred, especially to a higher regional or royal power. This, along with the fact that the management of these lands may well have involved the payment of dues, favored their circulation as properties and, therefore, their visibility in the archives.

Documentary Revelation: Rural Communities and Commons (1000–1300)

In northern Italy, from the early eleventh century and in parallel to the establishment of rural lordships, the emergence of politically organized rural communities led to an increase in conflicts over the commons and intense negotiations between the *vicini* (inhabitants of local villages) and lords and large landowners, who claimed legal ownership of the commons as an attribute of their *ius iudicium*. Until the end of the century, however, local communities did not have any power to dispose of the commons. The agreements that were struck generally acknowledged the community's right to use the commons, while formalizing the lords' existing dominion over them.

A transformation is only attested from the last years of the eleventh century and over the course of the twelfth, when the system of consuls was put in place and local communities began to gain a clearer institutional profile.⁵¹ At the same time, they started acquiring full rights over the commons—including the right to sell them. Even the increasingly frequent conflicts between lords and local communities for the most part ended with the partition of the commons or their concession to the community as a fee, enabling it to dispose of such resources

Junta de Castilla y León, 1996), 160–61.

50. For example, the orchards and flax fields of the *concilio* (a term used to refer to the community) of Marialba de la Ribera. See Emilio Sánchez and Carlos Sánchez, eds., *Colección documental del Archivo de la Catedral de León (775–1230)*, vol. 2, 935–985 (León: Centro de Estudios e Investigación San Isidoro, 1987), doc. 293. On Pardomino, see Álvaro Carvajal Castro, “Resistencias campesinas en el noroeste ibérico altomedieval: confrontando la tragedia,” *Revista de Historia Jerónimo Zurita* 95 (2019): 13–33, here pp. 31–32.

51. Chris Wickham, *Comunità e clientele nella Toscana del XII secolo. Le origini del comune rurale nella Piana di Lucca* (Rome: Viella, 1995), 199–205.

without any restriction. These dynamics led to the formalization of rights over the commons, which was nonetheless associated with a profound reappraisal of such resources compared to the previous centuries. The commons became a right that was no longer associated with property but rather with residence, a distinction clearly drawn in several court cases decided in Piedmont and Lombardy in the twelfth and early thirteenth centuries, which limited access to inhabitants of local villages.⁵² This kind of process went hand in hand with an increase in conflicts over the commons, leading to frequent disputes. Woods and pastures regarded as resources broadly available to local communities became increasingly territorially defined and sometimes even circumscribed by linear boundaries (*termini*).⁵³ It seems reasonable, therefore, to speak of a profound spatialization of social relations in this period, including when it came to the commons.

The new institutional balances surrounding the commons led to both their management and their physical form being differentiated depending on geography. Following consistent demographic expansion, communities in the lowlands cleared forests and converted extensive areas of the land available to them into fields, sometimes selling substantial portions in the process. Once turned into fields, the commons were mostly leased to private individuals. They did not therefore disappear, but were rather transformed. While retaining their central importance for local economies, they became patrimonial assets that were managed indirectly and placed on the property market, their collective nature retained only in terms of their legal ownership. The new forms of management often caused rifts within communities, particularly between poorer families deprived of fallow lands for collective use and rural elites eager to increase the profits from leasing such properties. Pastures and woodland for collective use endured most often along river courses and on floodplains, where drainage work was regularly undertaken—and sometimes included tillage and the planting of vineyards on river islands available for common use.⁵⁴ In the Po Valley in particular, commons in fluvial areas displayed a degree of resilience that enabled the survival of a “marginal” economy based not so much on agriculture as on pastoral and woodland activities. The exploitation of winter pastures for livestock from the Alps acquired central importance: transhumance is once again attested in late medieval documentary sources, and its itinerary largely overlapped with river courses.⁵⁵

52. Riccardo Rao, “Beni comuni e identità di villaggio (Lombardia, secoli XI–XII),” in *Paesaggi, comunità, villaggi medievali*, ed. Paola Galetti, 2 vols. (Spoleto: Centro italiano di studi sull’alto Medioevo, 2012), 1:327–43.

53. A process of definition that made it possible to define the commons in territorial terms—although this did not always entail the tracing of unbroken, linear boundaries—has been highlighted in relation to the thirteenth and fourteenth centuries by Luigi Provero, “Una cultura dei confini. Liti, inchieste e testimonianze nel Piemonte del Duecento,” *Reti Medievali. Rivista* 7, no. 1 (2006): <https://doi.org/10.6092/1593-2214/165>.

54. Mario Marrocchi, “Lo sfruttamento di un’area umida: comunità locali e città nella Val di Chiana centrale (secoli XII–XVI),” *Riparia* 3 (2017): 58–94.

55. Riccardo Rao, “Abitare, costruire e gestire uno spazio fluviale: signori, villaggi e beni comuni lungo la Sesia tra Medioevo ed età moderna,” in *I paesaggi fluviali della Sesia fra*

In mountain areas, larger swathes of common lands were preserved. However, the exploitation of fallows became far more intense and entailed a “vertical” use of the mountain landscape, progressively specialized according to altitude: pasture lands were increased, whereas forest resources were exploited through coppicing. The exploitation of commons in mountainous areas translated into the establishment of detailed regulations, traces of which survive in the significant presence of rural charters from the thirteenth century onwards.⁵⁶ Most of these rural charters were issued by village communities, but at times they involved several villages jointly managing shared resources such as forests and pastures.⁵⁷ Another peculiar case is that of lagoon areas, the foremost being that along the Adriatic coast between the Veneto and Emilia. Starting in the twelfth and thirteenth centuries, local communities developed largely mixed forms of management in these regions, entailing an extensive use of resources that enabled local communities to collect small amounts of fish, while at the same time leasing areas to entrepreneurs who, not least through infrastructural investments, made intensive use of local resources, chiefly directed towards large urban markets often located quite a distance away.⁵⁸ Above all, the growing visibility of commons in the sources reflects both the evolving political structure of communities and their increasing textual production. Their progressively well-defined management of the commons in turn encouraged the fixing of written regulations governing access to these goods.

On the Duero Plateau, too, the visibility of the commons in written sources increased throughout the eleventh and twelfth centuries. The changes that took place during this period were the product of greater formalization of a sort of commons that should be understood as usage rights managed via customary rules. This may have been due to the increasing prevalence of lordship and an interest in legal arrangements that ensured those lords’ overarching control over local commons. Nonetheless, the information remains very vague: actual descriptions of the commons are rare, and accounts of their day-to-day management nonexistent, generally because these dimensions were not the prerogative of lordship but related to the communities themselves. Most of the references are once again to *sernas*. In some texts it is possible to observe the twofold structure of rights that characterized these resources, notably in cases where plots of land within a *serna* were handed over to

storia e archeologia. Territori, insediamenti, rappresentazioni, ed. Riccardo Rao (Florence: All’insegna del giglio, 2016), 13–29.

56. Bicchierai, *Beni comuni e usi civici*.

57. Paola Guglielmotti, *Comunità e territorio. Villaggi del Piemonte medievale* (Rome: Viella, 2001), 207–28; Gian Maria Varanini, “Beni comuni di più comuni rurali. Gli statuti della Comugna Fiana (territorio veronese, 1288),” in *Città e territori nell’Italia del medioevo. Studi in onore di Gabriella Rossetti*, ed. Giorgio Chittolini, Giovanna Petti Balbi, and Giovanni Vitolo (Naples: Liguori, 2007), 115–37.

58. Riccardo Rao, “De la gestion directe au service public. L’exploitation des communaux marécageux et des lagunes dans les campagnes littorales de l’Italie du centre-nord au Moyen Âge,” in *Le paysan et la mer. Ruralités littorales et maritimes en Europe au Moyen Âge et à l’Époque moderne*, ed. Jean-Luc Sarrazin and Thierry Sauzeau (Toulouse: Presses universitaires du Midi, 2020), 33–50.

its owner. Here, the superior level can be easily identified with lordship and this dominance seems to have involved the payment of dues.⁵⁹ It is harder to establish who had the right to use the *sernas*; there was probably a broad range of configurations, though some texts support identification with a rural community.⁶⁰ Such plots were devoted to different crops (cereal growing, vineyards, flax fields) and even to the gathering of firewood.

Areas shared by several communities (*mancomunales*), also defined as *montes*, or “uplands,” are likewise frequently cited in the documentation.⁶¹ These were used as pastures and for collecting fuel, as well as to grow seasonal crops: as households survived through a combination of agriculture and livestock breeding, they needed pastures to graze their cattle and access to basic necessities like firewood. A large proportion of these *montes* related to territories that included few settlements. Scholarship has suggested that, though later appropriated by royal power, these spaces may have emerged in the early Middle Ages through a “bottom-up” process,⁶² and that their communal management was originally part of early medieval models of local political organization.⁶³ It was therefore not by chance that the kings laid claim to superior power over such commons. Although it has been argued that this was a consequence of the royal prerogative to *bona vacantia* (ownerless goods),⁶⁴ the *montes* definitely belonged to someone: communities had usage rights over them and their management provided a framework for political action at the local scale that, despite its weak level of formalization, was effective. Control of such critical resources was not a question of legal principle, but a way to implement royal authority over local territories.

Most of the references to *montes* concern disputes caused by the exclusion of one of the communities for becoming part of a lordship’s estate while the rest remained under royal control (*realengo*), or by the appropriation of part of a *monte* by a lord. The first case seems to have been perceived as a threat to the status quo.

59. Javier Gómez Gómez and Iñaki Martín Viso, “*Raciones y decimas: evidencias sobre la gestión de las sernas en el siglo xi en el Noroeste de la Península Ibérica*,” *Espacio, tiempo y forma. Serie III. Historia medieval* 34 (2021): 359–82.

60. See the cases of Valdeúnco or Arce: José María Fernández Catón, ed., *Colección documental del Arce de la Catedral de León (775–1230)*, vol. 5, 1109–1187 (León: Centro de Estudios e Investigación San Isidoro, 1990), doc. 1518 (1162/06/13); Fernando García Andruva, ed., *El Becerro Galicano de San Millán de la Cogolla. Edición y estudio* (Logroño: Cilengua, 2010), doc. CCCXLIV.1 (1186/06).

61. Iñaki Martín Viso, “Mancomunales, identidad comunitaria y economía moral en el norte de la Península Ibérica (siglos x–xii),” *Mélanges de la Casa de Velázquez* 51, no. 2 (2021): 63–90.

62. Julio Escalona, “Mapping Scale Change: Hierarchization and Fission in Castilian Rural Communities during the Tenth and Eleventh Centuries,” in *People and Space in the Middle Ages, 300–1300*, ed. Wendy Davies, Guy Halsall, and Andrew Reynolds (Turnhout: Brepols, 2007), 143–66.

63. Carlos M. Reglero de la Fuente, *Espacio y poder en la Castilla medieval. Los Montes de Torozos (siglos x–xiv)* (Valladolid: Diputación de Valladolid, 1994), 226.

64. José María Mínguez Fernández, *Las sociedades feudales*, vol. 1, *Antecedentes, formación y expansión (siglos vi al xiii)* (Madrid: Nerea, 1994), 140.

The involvement of a new actor meant that in cases of conflict, a powerful protector could tip the scales in favor of one party or the other. Lords generally sought to defend their vassals and preserve their participation in communal land use, and the resolution of some of these disputes shows that their appeals to the king were listened to. In the second case, the king would have granted the lord control over a common area, so that he exerted superior authority as the guarantor of such use. However, this authority was defined in terms of property and was often confused with it, meaning that the beneficiary sometimes claimed the right to graze his livestock—usually more numerous—in these areas or imposed some type of levy for using them. Such appropriation naturally triggered a response from the other users, and the solution frequently consisted in separating off part of the community space, which became the exclusive property of the lord.⁶⁵ Above all, then, lordship and the actions of those who benefitted from it served to make visible potential tensions over common use, which had once been resolved in local and informal ways. When disputes arose, they were now settled in legal settings regulated by an authority external to the community of users. Even those agreements that were not based on property rights but on custom and the use of ordeals thus created and consolidated a framework for action that was conditioned by lords.⁶⁶

References to commons linked to villages are so remarkably scarce as to be statistically insignificant. This is because lordship was fundamentally based on overarching control of communities as a whole, whereas the practical management of commons was left to the communities themselves. Where it does occur, the mention of such lands in the documents is thus limited to a lord's allocation of control over such collective areas to the rural communities concerned, never intervening in their management.⁶⁷ In a sense, the few surviving sources can be understood simply as evidence of a textual custom related to local lordship; in practice, these commons had always been in the hands of rural communities.

Finally, several texts point to the existence of local churches managed by what are referred to as community assemblies (*conceios*)—that is, groups of individuals defined by their place of residence or simply a number of household heads with no family ties among them. The existence of these community-controlled churches is especially notable in the records from the second half of the eleventh century in the context of their transformation into parishes, sometimes at the initiative of the bishops or under the authority of one of the main monasteries. Generally, agreements with ecclesiastical power are well recorded, so we know that part of the tithes paid and the appointment of the priest in charge of the church remained

65. For these arguments, see Martín Viso, “Mancomunales, identidad comunitaria y economía moral,” 76–80.

66. For two cases of trial by ordeal, see Julia Montenegro Valentin, ed., *Colección diplomática de Santa María de Piasca (875–1252)* (Santander: Consejería de Cultura, educación, juventud y deporte, 1991), doc. 34 (1050); and García Andrevia, *El Becerro Galicano*, doc. CCXXVII.e.1 (1097).

67. Carlos M. Reglero de la Fuente, “Las comunidades de habitantes en los fueros del Reino de León (1068–1253),” *Studia Historica. Historia Medieval* 35, no. 2 (2017): 13–35, here p. 23.

in the communities' hands.⁶⁸ Archaeological surveys have shown that many local churches were built from the eighth and ninth centuries onwards, a striking contrast with the preceding centuries.⁶⁹ Though many of these foundations were, of course, linked to elite activity, on other occasions the initiative is likely to have come from communities themselves.

Urban Communes and Communal Goods (1100–1300)

It is not until the end of the eleventh century, with the emergence of Italian communes and their government by consul, that we find traces of a form of commons management independent of the episcopal authorities that had ruled Italian cities in the early Middle Ages, along with the first instances of their sale and alienation. The formalization of the commons thus occurred from this period onwards, increasing in frequency from the late twelfth century with the establishment of a better-defined institutional order. A significant turn occurred around 1190–1220, when many communes launched inquiries (*inquisitiones*) with the purpose of retrieving the commons from external control, whether episcopal, aristocratic, or private.⁷⁰ This innovation, associated with the production of registers and the spread of records in the form of lists, took place in parallel with the establishment of *podestà*; these officials, foreign to the city and appointed annually, enabled the circulation of such documents as they moved from one Italian commune to another.⁷¹ The inquiries were directed against local urban *milites* (knights) or bishops who continued to exercise jurisdictional rights over lands in common use. They were justified, as in Vercelli in 1192, by the need to respond to acts of “usurpation” by private individuals. Based on the study of cases chiefly concerning central Italy, Jean-Claude Maire Vigueur

68. Pascual Martínez Sopena, “La Reforma de la Iglesia y las comunidades campesinas: León y Castilla en el siglo xi,” in *Penser la paysannerie médiévale, un défi impossible? Recueil d'études offert à Jean-Pierre Devroey*, ed. Alain Dierkens, Nicolas Schroeder, and Alexis Wilkin (Paris: Éd. de la Sorbonne, 2017), 347–61, here pp. 354–61; Mariel Pérez, “Proprietary Churches, Episcopal Authority and Social Relationships in the Diocese of León (Eleventh–Twelfth Centuries),” *Journal of Medieval Iberian Studies* 10, no. 2 (2018): 195–212, here pp. 205–207.

69. Juan Antonio Quirós Castillo and Igor Santos Salazar, “Founding and Owning Churches in Early Medieval Álava (North Spain): The Creation, Transmission, and Monumentalization of Memory,” in *Churches and Social Power in Early Medieval Europe: Integrating Archaeological and Historical Approaches*, ed. José C. Sánchez Pardo and Michael G. Shapland (Turnhout: Brepols, 2015), 35–68.

70. Riccardo Rao, “Le inchieste patrimoniali nei comuni dell’Italia settentrionale (xii–xiv secolo),” in *Quand gouverner c’est enquêter. Les pratiques politiques de l’enquête princière (Occident, XIII^e–XIV^e siècles)*, ed. Thierry Pécout (Paris: De Boccard, 2010), 285–98.

71. Massimo Vallerani, “Logica della documentazione e logica dell’istituzione. Per una rilettura dei documenti in forma di lista nei comuni italiani della prima metà del xiii secolo,” in *Notariato e medievistica. Per i cento anni di Studi e ricerche di diplomatica comunale di Pietro Torelli*, ed. Isabella Lazzarini and Giuseppe Gardoni (Rome: Istituto storico italiano per il medioevo, 2013), 109–45, here pp. 111–14.

has repeatedly emphasized the local urban *milites*' monopoly over the commons, a prerogative deriving from their willingness to go to war to defend the city's interests. The commons certainly constituted a significant source of conflict between the people and the aristocracy, although we should not assume that the latter exercised exclusive control over all commons in all cities.⁷²

It was nevertheless the ruling classes of the communes, including the popular ones that emerged from around the mid-thirteenth century, that benefited most from their allotment of land. The “documentary revolution” carried out by popular communes reinforced the tendency to bureaucratize these resources, a movement in which the inquiries fully participated.⁷³ These investigations did not seek the re-establishment of the common use of fallow lands, which for the most part had been brought under cultivation and leased out. They did, however, extend to goods that until then had never been reserved for collective uses, counting at least three different kinds of goods as *comunia* alongside collective pastures and forests. First, they included arcades, streets, and bodies of water, which jurists had started to treat as public rights (*regaliae*) pertaining to urban authorities. They also took in buildings owned by the communes, such as mills, houses, and public palaces. Finally, the Italian communes seized vast areas beyond their city walls, in the *contados* (extended territories that were politically dependent on them and had largely the same borders as dioceses). These were acquired either by expropriating episcopal properties or through purchases and confiscations to the detriment of local lords and even rural communities: the *comunia* of the countryside became crucial to feeding the growing urban population. The collective fallow lands available to rural communities were thus drastically reduced as—reflecting rhetoric about the need to convert *sterilitas* into *fertilitas*—the *comunia* of the *contados* were turned into cultivated lands and put on the property market via leases.⁷⁴

Over the thirteenth century, the commons—converted into large patrimonies under the communes' authority and managed through leases and sales—were integrated into a complex administrative system that featured officials in charge of such resources, periodic inquiries, and extensive record-keeping. The *comunia*'s management was increasingly bureaucratized, in keeping with a new understanding

72. Jean-Claude Maire Vigueur, *Cavaliers et citoyens. Guerre, conflits et société dans l'Italie communale, XI^e–XIII^e siècles* (Paris: Éd. de l'EHESS, 2003). On this issue, see also Paolo Grillo, “Il Comune di Milano e il problema dei beni pubblici fra XII e XIII secolo. Da un processo del 1207,” *Mélanges de l'École française de Rome – Moyen Âge* 113, no. 1 (2001): 433–51; and Riccardo Rao, *Comunia. Le risorse collettive nel Piemonte comunale* (Milan: Led Edizioni Universitarie, 2008), 42–43, for the case in Vercelli in 1192.

73. Jean-Claude Maire Vigueur, “Révolution documentaire et révolution scripturaire: le cas de l'Italie médiévale,” *Bibliothèque de l'École des chartes* 153, no. 1 (1995): 177–85.

74. Francesco Panero, *Due borghi franchi padani. Popolamento ed assetto urbanistico e territoriale di Trino e Tricerro nel secolo XIII* (Vercelli: Società Storica Vercellese, 1979); Riccardo Rao, “‘Stérile et infertile’: gaspillage et dilapidation dans la gestion des biens communaux durant le bas Moyen Âge (villes de l'Italie septentrionale, siècles XII^e–XIII^e),” in *La dilapidation de l'Antiquité au XIX^e siècle. Aliénations illicites, dépenses excessives et gaspillage des biens et ressources à caractère public*, ed. Bruno Lemesle (Dijon: Éditions universitaires de Dijon, 2014), 127–43.

of their public utility (*publica utilitas*): the commons were no longer conceived of as a means to benefit the population directly, but rather as a way to contribute indirectly to public revenues. In other words, urban communes helped give the commons a new consistency, both in terms of their overall area and in their very definition, as they increasingly came to be envisaged as goods belonging to the communes and managed as part of their overall assets.

Urban development in the Duero Plateau took place at a far slower pace than in northern Italy. However, in the twelfth and thirteenth centuries, the formation of towns (*villas*) was a very active process in the Christian areas of the Iberian Peninsula.⁷⁵ *Villas* were political communities defined by residence in a place that had received a charter of township (*fueros*) granting them a particular political and legal status—in the Duero Plateau, these *fueros* were generally, though not exclusively, granted by the king. Over this period, the political power of the Crown of Castile came to be expressed in new ways, establishing a “superior” level of royal control over local territories. The Crown thus ceded direct control of the royal estate (*realengo*) to the newly created *villas*, on the condition that the new political institution, the *concejo*, recognized the supreme authority of the monarch, who demanded dues and maintained partial—though never intensive—jurisdiction over the political systems of the *villas*.⁷⁶

As a result of this reorganization, *villas* assumed the control that the king had previously exerted over the commons. Some twelfth-century *fueros* attest to the participation of *concejos* in the commons.⁷⁷ On other occasions, *villas* managed fallow lands and held control over access rights.⁷⁸ The emergence of these new actors naturally modified the way commons were handled. Though relations were sometimes strained due to a lack of clearly defined boundaries, *villas* sought to reach agreements with one another so that such rights could be clearly formalized, including through the use of boundary markers.⁷⁹ However, the main result of towns’ participation in the commons was their transformation into property belonging to the *concejos*. Access rights became a part of the condition of being a “neighbor” (*vecino*) of the town and the proper management of these resources became essential for the defense of “common property.”

The southern Duero valley was characterized by the existence of powerful *concejos* in control of large hinterlands, some of which enjoyed great political agency

75. José Luis Sáinz Guerra, ed., *Las villas nuevas medievales en Castilla y León* (Valladolid: Ediciones Universidad de Valladolid, 2014).

76. José María Monsalvo Antón, “Los territorios de las villas reales de la Vieja Castilla, siglos XI–XIV: antecedentes, génesis y evolución (Estudio a partir de una docena de sistemas concejiles entre el Arlanza y el Alto Ebro),” *Studia Historica. Historia Medieval* 17 (1999): 15–86.

77. See the case of Pancorbo in Gonzalo Martínez Díez, ed., *Fueros locales en el territorio de la provincia de Burgos* (Burgos: Caja de Ahorros Municipal de Burgos, 1982), doc. 18 (1147/03/08).

78. As in the case of Lerma. See Julio González, *Reinado y diplomas de Fernando III* (Córdoba: Monte de Piedad y Caja de Ahorros de Córdoba, 1980–1986), doc. 221.

79. Reglero de la Fuente, *Espacio y poder en la Castilla medieval*, 226–30.

in the absence of secular or ecclesiastical lords.⁸⁰ The commons were central to the functioning of these *concejos*, especially in the mountainous areas of the Central System, sparsely inhabited lands where livestock farming was the main activity.⁸¹ The evolution of the southern part of the Duero Plateau, which did not have a strong tradition of lordship and was integrated relatively late into the Christian kingdoms, favored a local organization in which shared commons became the cornerstone of political practice. The earliest written documents concerning this area show that there were already commonly used areas under the control of certain towns in the first half of the twelfth century,⁸² though it is reasonable to believe that there were other resources in the hands of rural groups that were initially beyond the authority of the *villas*.⁸³ In the fourteenth and fifteenth centuries, the *villas*' commons, devoted specifically to livestock grazing, were subject to a particular system of rights: they could be accessed by both the inhabitants of the small villages located nearby and livestock owners living in the *villa*.⁸⁴ It is highly probable that the *concejos*' power over the countryside was built through the progressive establishment of control over preexisting collective resources. Once again, the key to that process was the definition of such rights and spaces by the authorities that controlled them. If lands once in common use became *concejo* properties and the participation of the *villas*' inhabitants was allowed, in practice only those who owned enough cattle and the means to transport their herds to these sites were able to access them.⁸⁵

Resilient Commons: The Reorganization of Collective Property (1300–1500)

The period 1300–1500 has received significant attention in anglophone scholarship due to the centrality of enclosures in late medieval England.⁸⁶ However, it is

80. Barrios García, *Estructuras agrarias y de poder en Castilla*; José María Monsalvo Antón, “Frontera pionera, monarquía en expansión y formación de los concejos de Villa y Tierra. Relaciones de poder en el realengo concejil entre el Duero y la cuenca del Tajo (c. 1072–c. 1222),” *Arqueología y territorio medieval* 10, no. 2 (2003): 45–126.

81. Barrios García, *Estructuras agrarias y de poder en Castilla*, 2:121–26.

82. Iñaki Martín Viso, “Territorios resilientes: mancomunales y concejos en el Sur del Duero durante la Edad Media,” *Vínculos de Historia* 9 (2020): 226–45.

83. Antonio Blanco-González and Iñaki Martín Viso, “Tumbas, parroquias y espacios ganaderos: configuración y evolución del paisaje medieval de la Sierra de Ávila,” *Historia Agraria* 69 (2016): 11–41.

84. Monsalvo Antón, “Comunales de aldea.”

85. See the case of the *devasos* (an enigmatic term applied to certain common areas) in the *concejo* of Ciudad Rodrigo; Martín Viso, “Territorios resilientes,” 237–39; Monsalvo Antón, “Comunales de aldea,” 158–69.

86. On England itself, where the scholarship has concentrated on the late Middle Ages and the eighteenth and nineteenth centuries, see in particular J. A. Yelling, *Common Field and Enclosure in England, 1450–1859* (Hamden: Palgrave, 1977); Roger B. Manning, *Village Revolts: Social Protests and Popular Disturbance in England, 1509–1640* (Oxford:

arguably the least studied era in Italian historiography on the commons. Though the reduction of the commons and the restriction of access by certain social classes can also be observed in Italy, here these shifts were marked by more open forms of social interplay. It would therefore be misleading to present this simply as a process of the commons being eroded at the hands of large landowners and urban elites to the detriment of powerless communities.

Generally speaking, the idea of a process of expropriation and proletarianization of the rural masses, whereby—particularly in the fourteenth century—these groups were transformed into hired workers and sharecroppers with limited access to the commons, still holds true.⁸⁷ However, this interpretation must recognize the overall endurance of rural communities in northern Italy, particularly in mountain areas and wetlands,⁸⁸ and integrate an economic framework in which commercialization processes enabled wider access to consumer goods.⁸⁹ The most dramatic impact on the commons can be observed in the lowlands and hilly areas, where the phenomenon of “lost” villages was particularly prominent in the fourteenth and early fifteenth centuries. Processes of abandonment brought village community structures into crisis, undermining their capacity to manage either their commons or their tax burden. Even the temporary abandonment of villages could lead to the disappearance of the commons, which would be appropriated by private individuals or alienated. In other circumstances, purchases made by large landowners interested in increasing their pastures could lead to the depopulation of villages and mark the end of the commons.⁹⁰

As far as the management of the commons is concerned, it is possible to identify at least three major innovations in this period. First, we must consider the role

Oxford University Press, 1988); Robert C. Allen, *Enclosure and the Yeoman: The Agricultural Development of the South Midlands 1450–1850* (Oxford: Oxford University Press, 1992); Nicholas Blomley, “Making Private Property: Enclosure, Common Right and the Work of Hedges,” *Rural History* 18 (2007): 1–24, as well as the dedicated bibliography on the site *Collective Action*: http://www.collective-action.info/_BIB_Main.

87. Crucial contributions include Monique Bourin et al., “Les campagnes de la Méditerranée occidentale autour de 1300: tensions destructrices, tensions novatrices,” *Annales HSS* 66, no. 3 (2011): 663–704; Paolo Grillo and François Menant, eds., *La congiuntura del primo Trecento in Lombardia (1290–1360)* (Rome: École française de Rome, 2019).

88. Samuel K. Cohn Jr., “Inventing Braudel’s Mountains: The Florentine Alps after the Black Death,” in *Portraits of Medieval and Renaissance Living: Essays in Honor of David Herlihy*, ed. Samuel K. Cohn Jr. and Steven A. Epstein (Ann Arbor: University of Michigan Press, 1996), 383–416.

89. For an overview, see Sandro Carocci, “Il dibattito teorico sulla congiuntura del Trecento,” *Archeologia medievale* 40 (2016): 17–32; and Maria Ginatempo, “Processi di impoverimento nelle campagne e nei centri minori dell’Italia centrosettentrionale nel tardo medioevo,” in *El empobrecimiento. Economías de la pobreza en la Edad Media*, ed. Sandro Carocci et al. (Madrid/Rome: Casa de Velázquez/École française de Rome, forthcoming).

90. Massimo Della Misericordia, *Divenire comunità. Comuni rurali, poteri locali, identità sociali e territoriali in Valtellina e nella montagna lombarda nel tardo medioevo* (Milan: Unicopli, 2006), 186–89; Bas van Bavel, *The Invisible Hand? How Market Economics Have Emerged and Declined since AD 500* (Oxford: Oxford University Press, 2016), 97–144.

played by the state: from the late thirteenth century, Anjou, followed by Venice and Siena, all famously witnessed the transfer of the commons to increasingly powerful states and their subsequent reduction.⁹¹ The second was legal in nature: in the face of growing pressure on the commons, communities tended to reinforce the system of laws ensuring access to them by creating extensive written regulations governing their use. The third was a question of organization: in certain regions, particularly in Trentino, the Veneto, and Emilia, this period witnessed the establishment of *partecipanze*, a particular way of managing access to the commons by limiting it to the descendants of a community's original inhabitants and excluding recent immigrants. In other words, these regulations created a community within a community that laid claim to the use of the commons on a hereditary, and usually patrilineal, basis—a configuration that has prompted some of the most interesting studies of commons and gender in Italy.⁹²

Finally, whereas in the Alpine and Apennine regions the commons continued to cover broad areas, in the flatlands communities began to reorganize the management of their commons in reaction to the reduction of such resources. Many of their collectively used lands were sold off to invest in ovens and mills, which combined the pursuit of public interest with a logic of profit. This new way of structuring the commons was no doubt driven by the growing pressure on communities, not least in terms of taxation. However, it also reflected the imperative to provide essential services to local inhabitants, insofar as those managing this infrastructure on behalf of the community were required to provide bread and flour for the population. Ovens and mills became the keystones of collective resources and were jealously guarded; they only began to be eroded once the last common land had been leased out. These operations also struck a balance between the need to exploit the commons as a source of revenue and the necessity of preventing the community from falling too deeply into debt, met via the auctioning of contracts to exploit them. The commons were thus gradually transformed into public utilities of sorts. While collectively used fallow lands, pastures, and forests did endure in the flatlands, they became increasingly limited in extension and thus used in an intensive and carefully regulated way.

This communitarian reorganization went hand-in-hand with a growing number of lawsuits over the usurpation of common resources in the fifteenth

91. Stefano Barbacetto, *“La più gelosa delle pubbliche regalie”. I “beni comunali” della Repubblica Veneta tra dominio della Signoria e diritti delle comunità (secoli XV–XVIII)* (Venice: Istituto Veneto di Scienze, 2008); Riccardo Rao, “Dal comune alla corona: l’evoluzione dei beni comunali durante le dominazioni angioine nel Piemonte sud-occidentale,” in *Gli Angiò nell’Italia nord-occidentale (1259–1382)*, ed. Rinaldo Comba (Milan: Unicopli, 2006), 139–60; Davide Cristoferi, *Il “reame” di Siena: la costruzione della Dogana dei Paschi e lo sviluppo della transumanza in Maremma (metà XIV–inizi XV secolo)* (Rome: Istituto storico italiano per il medioevo, 2021).

92. Marco Casari and Maurizio Lisciandra, “Gender Discrimination in Property Rights: Six Centuries of Commons Governance in the Alps,” *Journal of Economic History* 76, no. 2 (2016): 559–94.

century.⁹³ Contrary to what studies on similar phenomena in different parts of Europe suggest, this dramatic increase should not be interpreted simply as a sign of the pressure exerted on collective resources by the ruling classes, but rather as a reflection of broader social conflicts triggered by the new forms of commons management introduced by local communities.⁹⁴ The legal proceedings that urban and rural communities brought against such usurpations primarily attest to their desire to reorganize the management of the commons. Paradoxically, several of these trials saw large landowners who had significantly contributed to the impoverishment of collective resources opposing community attempts to lease out or even sell the commons in order to invest in ovens and mills. They found themselves defending free and unrestricted access to such resources because they had the most to gain from being able to pasture considerable amounts of livestock.

When it comes to the Duero Plateau, documentary sources from the thirteenth to fifteenth centuries show that the notion of commons relating to villages endured even in areas south of the river. Community-controlled churches also survived, and became the backbone of resistance against the parochial interests of the great monasteries.⁹⁵ However, studies on the late Middle Ages have highlighted the growing pressure from those who sought to privatize the commons. Many of these “usurpers” belonged to the elite of the *concejos*, creating an apparently paradoxical situation in which the highest officials of the *villas* led the (often violent) actions against *concejos*’ rights. This must nonetheless be interpreted in the context of the internal conflicts of urban oligarchies. As different families sought to secure their position in local politics, forming small rural lordships or claiming control over pasture areas and other resources could serve to strengthen their status.⁹⁶ Eventually, these practices led to the formulation of a political discourse among the non-elite (*pecheros*) that defended the commons as “common property” against the ambitions of the urban oligarchy.⁹⁷

It is interesting to note, however, that local peasants also took part in such “usurpations,” which cannot be entirely attributed to the oligarchy’s greed.

93. Raggio, “Forme e pratiche di appropriazione delle risorse.”

94. Riccardo Rao, “Ripensando la gestione dei commons fra quattro e cinquecento. *Public utilities*, usurpazioni e pratiche di terreno nella pianura vercellese,” *Quaderni storici* 164 (2020): 467–96.

95. Isabel Alfonso Antón, “Iglesias rurales en el Norte de Castilla: una dimensión religiosa de las luchas campesinas durante la Edad Media,” in *Sombras del progreso. Las huellas de la historia agraria*, ed. Ricardo Robledo (Barcelona: Crítica, 2010), 27–65.

96. María Asenjo González, *Espacio y sociedad en la Soria Medieval (siglos XIII–XV)* (Soria: Diputación de Soria, 1999), 337–43; José María Monsalvo Antón, “Usurpaciones de comunales. Conflicto social y disputa legal en Ávila y su Tierra durante la Baja Edad Media,” *Historia Agraria* 24 (2001): 89–122.

97. José María Monsalvo Antón, “Aspectos de las culturas políticas de los caballeros y los pecheros en Salamanca y Ciudad Rodrigo a mediados del siglo xv. Violencias rurales y debates sobre el poder en los concejos,” in “Lucha política. Condena y legitimación en la España medieval,” ed. Isabel Alfonso Antón, Julio Escalona, and Georges Martin, special issue, *Annexes des Cahiers de linguistique et de civilisation hispaniques médiévales* 16 (2004): 237–96.

Common use probably benefited the main owners of livestock over families that preferred other forms of exploitation, such as flax growing or vineyards.⁹⁸ One possible explanation for these conflicts is thus that the emerging idea of town property had altered traditional forms of usage, and that what were considered “usurpations” from the perspective of *villas* actually represented legitimate uses for many peasants. Commons in the hands of the urban municipalities were not always managed in favor of rural populations, who could not afford to establish the private lands that would enable them to pay taxes or participate fully in the booming market economy.

The pressure on the commons did not cause them to disappear but rather proved their resilience, especially in the *concejos* south of the Duero. Examples of regulations imposing collective use from above have been taken as evidence of the need to face threats against the commons.⁹⁹ If this was so, the goal was achieved, since the commons survived. Still, the possibility that such regulations could have also served to consolidate the *concejos*’ political power over these resources should not be overlooked. At the same time, the success of the royal fisc also played a role in their transformation into *concejo* properties that could be leased in exchange for a fee (*bienes de propios*). This process involved an increasing agrarianization of common lands in order to maximize the income derived from them. The so-called *tierras sernas* of Medina del Campo, for instance, were plots of land that could be cultivated by members of the community, but that were also partly exploited in exchange for a fee. This combination must have been quite frequent, making it possible to maintain a notion of identity and belonging to a community while simultaneously collecting the revenues required for the local treasury.¹⁰⁰ Despite the frequent trading of uncultivated land in sixteenth-century Castile,¹⁰¹ the commons continued to be an essential component of agrosystems in the northern Iberian Peninsula into the modern era.

98. Monsalvo Antón, “Comunales de aldea,” 167–68.

99. Hilario Casado Alonso, *Señores, mercaderes y campesinos: la comarca de Burgos a fines de la Edad Media* (Valladolid: Junta de Castilla y León, 1987); María Asenjo González, *Segovia. La ciudad y su tierra a fines del Medievo* (Segovia: Diputación de Segovia, 1986), 179–181; Corina Julia Luchía, “Por que los montes de esta villa se conserben, e no se disipen como al presente estan: la regulación de los recursos forestales en la Corona de Castilla (siglos XIV–XV),” *Espacio, tiempo y forma. Serie III. Historia medieval* 33 (2020): 303–32.

100. Hilarión Pascual Gete, “Las tierras *sernas* de Medina y su Tierra: peculiaridad jurídica y trascendencia socioeconómica de una propiedad concejil en el Antiguo Régimen,” in *Historia de Medina del Campo y su tierra*, vol. 1, *Nacimiento y expansión*, ed. Eufemio Lorenzo Sanz (Medina del Campo: Ayuntamiento de Medina del Campo, 1986), 369–404.

101. David E. Vassberg, *La venta de tierras baldías. El comunitarismo agrario y la Corona de Castilla durante el siglo XVI* (Madrid: Servicio de Publicaciones Agrarias, 1983).

Shared but Different Experiences

This double itinerary through the evolution of the commons in northern Italy and the Duero Plateau points to certain shared experiences that we will attempt to draw out in this final section. For both regions, a careful reading of disparate documentation and archaeological evidence provides a glimpse of the existence of commons from the early Middle Ages on. Commons in this period were poorly defined and had an informal governance system, probably as a result of the weak institutional definition of rural communities. Moreover, since they were in collective use and not defined in terms of property, their presence in written documentation is elusive, and it is not easy to establish a timeline for their emergence. One hypothesis is that the early Middle Ages, when peasants potentially enjoyed greater social agency, was a time of expansion for such collective resources. In this context, commons may have been one of the main axes structuring local political praxis. An effective means of integrating higher levels of power into local arenas was thus the participation of central authorities in their management, generally from an overarching position unconcerned with everyday activity. For this reason, properties in collective use were often mistaken for public property or property belonging to the king—as both our case studies show in different ways.

In the eleventh century, there was a gradual formalization of the rights associated with spaces in common usage. In both regions, the manner and form of use were codified and a type of management where communities enjoyed a wide scope for action took shape. Far from posing a threat to the commons, local lords sought to establish a status quo that allowed them to play the role of protectors of such spaces and their use by the peasants under their lordship. This resulted not in the creation of the commons—which already existed—but in their adjustment to the conditions of a local and “spatialized” power characterized by the crystallization of social spaces, both physical and conceptual.¹⁰² This process was accompanied by a greater territorialization of the commons, which came to be increasingly well defined, including through material boundaries. Their formalization was thus a performative act that gave new meaning and shape to collective use, but did not entail an *ex nihilo* creation. The commons gradually became community property, which implied a different conception of those spaces by those who managed and used them.

Over the centuries that followed, this community property was also integrated into urban political structures. Though this process was evidently quite different in each of the regions studied, during the High Middle Ages cities and *villas* acquired a growing role in the structuring of such communal property. Key to this was their transformation into an essential component of the “common good,” understood as an ideal as well as concrete practice. This conceptualization facilitated their survival in the hands of cities, princes, and kings in the late medieval period. At the same

102. Joseph Morsel, “Appropriation communautaire du territoire, ou appropriation territoriale de la communauté? Observations en guise de conclusion,” *Hypothèses* 9, no. 1 (2006): 89–104.

time, it allowed these authorities to adopt various forms of commons management, including leasing or clearances. All this involved another process of transformation and adaptation of the commons, which once again acquired new meaning. Nevertheless, there is also evidence of attacks and usurpations. In the last centuries of the Middle Ages, the commons were subject to appropriation, sometimes legal but more often not, by different social groups. There is no question as to the prominent role played by urban elites in their eagerness to build small lordships and consolidate their position within the urban political system. However, members of these elites were also among the most strident defenders of spaces in communal use, quite possibly because they afforded easy access to pastures at a time when livestock farming was highly profitable. And usurpations of the commons were also carried out by peasants, perhaps with the aim of creating private lands that could be used for cultivation to meet the demands of urban markets.

As the commons became a “common good,” the growth of state power in the later Middle Ages ensured that the control, appropriation, and surveillance of communal property increasingly fell to state institutions. Overall, the commons were an important element in the construction of the royal demesne in the High and late Middle Ages, although they have not featured prominently in even in-depth studies on the issue—including those focusing on France.¹⁰³ More generally, it could be argued that in both northern Italy and the Duero Plateau the medieval commons cannot be viewed in isolation from public goods. Over the *longue durée*, they should thus be considered to exist in a sort of unsteady balance between communities and the rights of states, a cycle of continual transformation of commons into public goods and vice versa.

As well as similarities, our ongoing comparative analysis of these regions has revealed significant differences, especially concerning forms of management, the role of cities, and the structure of communities. First of all, there is the more markedly agrarian character of the Italian commons, particularly in the lowlands. Whereas extensive and undivided forms of use by local communities were predominant in Iberia, in Italy the commons were often turned into cultivated lands and leased out. Overall, it seems to have been typical for commons to be shared by several villages in the north of the Iberian Peninsula, where they were likely one of the main ways of organizing collective property during the High Middle Ages. In Italy, by contrast, commons shared by several villages were only occasionally found in Alpine and fluvial areas. The drawing of definitive boundaries was a particularly lengthy process, which continued throughout the early modern period. We also know of cases in which alternative solutions were adopted, in the twelfth and thirteenth centuries, via the creation of laws governing access to fallow lands by two neighboring

103. Works of reference include Jacques Krynen, *Idéal du prince et pouvoir royal en France à la fin du Moyen Âge (1380–1440). Étude de la littérature politique du temps* (Paris: Éditions A. et J. Picard, 1981), 303–312; Guillaume Leyte, *Domaine et domanialité publique dans la France médiévale (XI^e–XV^e siècles)* (Strasbourg: Presses universitaires de Strasbourg, 1996), 170–72, 219–58, and 415–32.

communities.¹⁰⁴ Nevertheless, the attempt by communities to establish exclusive control over such resources is especially noticeable in this period.¹⁰⁵ On the whole, there seems to have been a sharper tendency towards the geometrization and linear delimitation of the commons at the village level in Italy.

The particular relevance acquired by river commons, especially in the Po Valley, was also specific to Italy. In contrast to the Duero Plateau, a substantial number of Italian commons were located along river courses and shaped crucial economic activities such as transhumance. The commons in river areas emerged as peculiar ecological niches compared to the surrounding territory, and were often framed in particular juridical terms through the laws concerning bodies of water, with commons located near rivers often being defined as public rights, or *regaliae*. Another crucial difference is the role played by cities in the organization of the commons in Italy, where the communes acted as genuine driving forces for their transformation in both urban and rural contexts. The communes developed innovative practices for the appropriation and management of the commons, such as the inquiries into usurpations discussed above; they also promoted the transformation of fallows into cultivated lands to meet the dietary requirements of their growing urban populations. In northern Iberia, the influence of cities extended over far more limited areas and had much less impact on the collective and extensive use of common resources.

Finally, there are also differences with respect to the institutions that exercised control over the commons. In the case of Italy, communities enjoyed greater institutional prominence. In the Duero Plateau, communities appeared very early on, already revolving around the commons in the tenth century, but their degree of institutionalization was relatively poor: with the odd exception, there was no formalization of usages and rights concerning the commons, though these mechanisms were occasionally evoked when disputes arose. Community-controlled churches and the resulting prominence of local groups may well have been due to the lack of solid central authorities in the eighth and ninth centuries, when local churches began to be established in the region. While the implementation of the Gregorian Reform over the eleventh and twelfth centuries made this situation visible, it did not eradicate the peculiar presence of churches in the hands of rural communities, which in certain bishoprics endured into the fourteenth century. Nothing of the sort seems to have occurred in northern Italy, where a powerful process of internal community organization took place, often stimulated by the presence of rural lords who sought to gain control over the commons. This also led to the creation of detailed regulations governing access to such resources, laid down in writing as rural charters. In contrast, in the Duero Plateau the system of lordship had to

104. Luigi Provero, *Le parole dei sudditi. Azioni e scritture della politica contadina nel Duecento* (Spoleto: Centro italiano di studi sull'alto medioevo, 2012), 100–106.

105. Paola Guglielmotti, "Introduzione," in "Distinguere, separare, condividere. Confini nelle campagne dell'Italia medievale," ed. Paola Guglielmotti, special issue, *Reti medievali. Rivista* 7, no. 1 (2006): 1–12; Elisabeth Zadora Rio, "Communautés rurales, territoires et limites," in Galetti, *Paesaggi, comunità, villaggi medievali*, 1:79–90.

adapt to the presence of extremely strong, preexisting community solidarities. As the customs and practices of lordship were established they therefore tended to disregard the commons, whose daily management thus remained in the hands of communities that did not need to formally define their rights.

At the beginning of this article, we evoked the historiographical tableau that compares northern European societies, more cohesive and less unequal because of the strength of their commons, with those of southern Europe and the Mediterranean world, where lordship and the weakness of more volatile commons may have shaped more unequal societies. It is certainly possible to identify some significant differences between the southern regions studied here and northern Europe. Overall, collective agricultural practices like open fields were less widespread in southern Europe, particularly during the High and late Middle Ages. The southern European commons were also marked by a higher proportion of cultivated lands, which became the main focus of agrarianization and privatization processes. While similar cases may be found in northern Europe—not least enclosures in England—the greater presence of pastures not suitable for cultivation probably favored the long-term endurance of the commons. However, the extensive presence of farmland and agrarianized commons managed via leases in southern Europe should not lead us to underestimate their structuring role: in many cases, common farmland remained under the control of local communities and played a crucial role in the collective economy. In the Mediterranean world, the very creation of enclosures often reflected a communitarian drive in opposition to the interests of large landowners engaged in intensive animal husbandry, who had the most to gain from open pastures. From this perspective, the analysis of the commons in Iberia and Italy suggests we should make more cautious use of the categories of public and private. This challenges the approach of even the most recent historiography on the subject, where the former category is usually associated with the communitarian defense of the commons and the latter with the tendency to usurp and privatize them. The picture that emerges from our comparative, *longue-durée* study is in fact far more nuanced. It was often local communities themselves that limited the collective use of fallow land to promote more complex forms of commons management.

These two cases, which reflect a more general dynamic with regional variations, underline that the commons were by no means marginal in southern Europe. The power of lordships, cities, or states did not ultimately lead to the dilution of collective use. To the contrary, these authorities consistently sought to establish themselves in a safeguarding role over the commons, as a means of legitimizing their power on a local scale. Over time, substantial changes took place in the arrangement and conceptualization of such common resources, but they did not disappear. One of their most characteristic features was their resilience, meaning their capacity to adapt to changing conditions and the presence of new social actors. The fact that the commons became more visible in the sources from the middle centuries of the medieval period on did not reflect a new creation, but was

rather another step in a long sequence of adaptations. Though this is never evoked in the primary sources, one explanation could be that the commons were related to a “moral economy,” an ethics of subsistence which considered that all of a given community’s households should be able to support themselves (but by no means entailed equality between them). This social logic would have favored internal cohesion, although it must have varied from one locality to another. It would also better explain the interest of superior powers in defending, albeit in different forms, the commons.¹⁰⁶ Lordship and its system of power, whether at the urban or the state level, did not necessarily imply overturning this “moral economy” regarding collective action. On the contrary, it benefitted from the social stability and financial advantages that it offered.

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106. Edward P. Thompson, *Customs in Common: Studies in Traditional Popular Culture* (New York: The New Press, 1993); Jean-Pierre Devroey, *La Nature et le roi. Environnement, pouvoir et société à l'âge de Charlemagne (740–820)* (Paris: Albin Michel, 2019), 375–93. This by no means involved the acceptance of egalitarianism, since inequality was already an intrinsic element of the commons. See Daniel R. Curtis, “Did the Commons Make Medieval and Early Modern Rural Societies More Equitable? A Survey of Evidence from across Western Europe, 1300–1800,” *Journal of Agrarian Change* 16, no. 4 (2015): 646–64.