

## 3.4. Ruling the Commons. Part I

**Panel organiser: Alfani, Guido, Bocconi University, Italy; De Moor, Tine, Utrecht University, Netherlands**

Commons are again a hot topic, in particular in scientific disciplines other than history. Whereas since the late 1960s they were perceived from a negative point of view, this perception seems to have changed recently, due to the work of Ostrom (Nobel Prize in 2009) and due to the economic and social crisis, which enforces the call for new models of governance, other than market and state-based models. The input of historiographical knowledge in the debate is still limited but nevertheless very important as only the study of the long-term evolution of institutions for collective action such as commons can help us to understand why they might be viable, and more resilient, alternatives to other forms of resource governance. The two sessions will focus mainly on the way in which commons were internally organized and how the commoners adapted their institution to the changing circumstances. Two misunderstandings that are still alive in some parts of the social sciences are the supposed lack of internal organization and the idea that commons are accessible to all, as in an open access would be the case. These two issues will form the focus of our two sub-sessions which will be chaired by the organisers. In three of the underneath listed papers, the internal organization in particular in the form of regulation will receive special attention, and this for different countries in Europe and periods since the late middle ages. Several of the presented papers use a new methodology that is currently being developed as part of an international project (Utrecht-Pamplona-Lancaster) whereby for a substantial number of cases the regulation of commons is analyzed and compared over time according to a collectively set-up analysis framework. Related to the issue of access to the commons, several papers will focus on the ways resources were divided within the commons and how inequality influenced the functioning of the commons. In fact, only rarely were rights over the commons equally distributed among all the households or all the individuals of a community. Instead, different categories with unequal access could exist, or the community could be split between those who enjoyed the rights to the common resources, and those who did not. These distinctions created conflict within the community and generated specific issues of governance and control. Sometimes, unequal rights were one of the reasons leading to the progressive erosion of the commons, or even to their final disappearance.

**Chair: Alfani, Guido, Bocconi University, Italy**

**Tuesday, 20 August 2013 // 0800 – 1000 // Session 3 – Room A 201**

### 3.4.1. Commons and Inequality in Renaissance Lombardy

**Di Tullio, Matteo, Bocconi University, Italy**

In the last few years, international Early Modern history has drawn the attention of scholars interested in a fairly new field: that of the development in time of institutions for collective action and the management of commons in ancient societies. However, Renaissance Italy has been neglected, in spite of the fact that the Peninsula was the cradle of many of these institutions. The goal of this paper is to understand how local societies face to a period of general crisis, investigating the local socioeconomic dynamics during the long period of the Italian Wars (1494-1559) and focusing on a boundary area, disputed by Milan and Venice, constantly crossed and occupied by armies. The area of Geradadda was a sort of self-governing province, over which in the course of time no central institution had been able to gain complete control, but highly desirable for foreign investors, considering the nature of the territory and its agriculture, the passage of important commercial routes, the widespread presence of small holdings and medium-sized farms and of extensive as well as lucrative communal property. For these reasons this paper particularly focuses on the management of commons, such as the capacity of the institutions and of the social network to adopt policies for the use, exploitation, rationalisation and defence of local resources. The study shows how local societies were not inactive in the face of war. On the contrary, they co-operate in defence of local resources, developing innovative credit systems and encouraging a process of redistribution.

### 3.4.2. The changing culture of commons governance in northern England, medieval to modern

**Winchester, Angus, Lancaster University, UK**

This paper takes a long view of the evolution of rules governing the use of common land in northern England. Its focus is the changing character and operation of manorial courts, the seigniorial courts which formulated and policed regulations governing the use of commons and applied sanctions to those who broke the rules. The regulations formed a body of local byelaws, unique to each manor. Using a corpus of byelaws recorded in the records of manorial courts from across northern England and a more detailed

analysis of regulations from a selection of courts in Cumbria (north-west England), the paper examines not only the content of the byelaws but also the changing pattern of sanctions imposed by the courts.

The paper argues that it is possible to discern shifts in the balance between seigniorial and grassroots control over the regulation of commons by manorial courts between the late-medieval period and the nineteenth century. Local custom with deep roots in the medieval centuries was absorbed into more formal regulations and recorded by seigniorial officials in the era 1550-1700 but, in the face of weakening manorial control and increasing pressure on the resources of common land in the eighteenth century, agrarian communities themselves increasingly came to dominate the rule-making process.

### 3.4.3. Participation versus punishment. The relationship between institutional longevity and sanctioning in the early modern times (case studies from the East of the Netherlands)

Paper

**De Moor, Tine, Utrecht University, Netherlands**

Sanctioning is in most studies on common resources considered a necessity to avoid freeriding. Without the threat of punishment commoners and outsiders alike will choose the personal benefit over that of the collectivity. But sanctioning can altogether however be a costly affair: sanctions need to be designed, agreed upon collectively; bad behavior needs to be detected and a punishment needs to be executed. It is to be expected that in many cases the benefit of the sanction (the price paid by the free-rider) is lower than the costs this whole process would entail. Our study of 9 Dutch cases furthermore demonstrates that commoners in the early modern period were aware of this negative trade-off and that they choose other ways to convince their commoners to follow the rules instead of breaking them. Moreover, a negative correlation was found between the longevity of the common as an institution and the time and energy spent on designing sanction. The commons that lived longest spent on average the least time in designing such sanctions. The study suggests that – contrary to the idea that sanctions are needed to avoid freeriding – there might be cheaper and more effective ways to create a sustainable institution.

### 3.4.4. Local governance: controversy over distributive justice of the commons in early modern England, focusing on Gillingham Royal Forest dispute, c. 1620s-1650s

Paper

**Inui, Hideaki, Hokaido Public School, Japan**

Many of the arguments for seigniorial control over forest, fenland or the commons tended to make much of class-based readings of the social profile of participation, and characterized the riots of the 1620s and 1630s as artisanal in the west counties and gentrified in the east county, but paid less attention to the relationship of complaints/riots against the enclosures to governance at a lower level. This paper begins from the premise that demands for devolution originated from national level (Elizabethan poor laws) required the involvement of actors and institutions at lower governance levels. And it will focus on the 'petitions' to understand how policies worked as instruments of governance to pursue social stability within systems of power and authority through the lens of 'deforestation and land-readjustment' and 'land trust'. In what follows, 'petitions' is used as an umbrella term, which includes 'complaints' or 'appeals' as well as explicit 'petitions'. It will examine local governance concerning the commons on a range of under-written subjects: (1) Execution capability: market regulation & relief of the vulnerable, (2) Rule of law: pursuing stability & participation in the political process as agency – increased role and participation of non-state actors; understanding decision making in terms of complex overlapping networks – public meeting of township or parish, county bench, and central court and (3) Corruption control: governance scandal.

#### Participants

##### **Alfani, Guido**

Guido Alfani is Associate Professor of Economic History at Bocconi University, Italy and Honorary Research Fellow at the University of Glasgow, UK. He is a member of Dondena Centre for Research on Social Dynamics and chief editor of the journal *Popolazione e Storia*. His research interests include economic inequality, social alliance systems (particularly godparenthood), historical demography (particularly epidemics and famines). He is the Principal Investigator of the ERC-funded project EINITE-Economic Inequality across Italy and Europe, 1300-1800.

##### **De Moor, Tine**

Tine De Moor is Professor of "Institutions for Collective Action in Historical Perspective" at the Department for Social and Economic History of Utrecht University. Her research combines extensive empirical research and analysis with modeling and a strongly theoretical framework. She is an executive board member of The International Association for the Study of the Commons, and co-founder of the peer-reviewed open-access International Journal of the Commons. Currently she is in charge of several projects on institutions for collective action, of which one is an ERC Starting Grant ([www.collective-action.info](http://www.collective-action.info)).

##### **Di Tullio, Matteo**

Matteo Di Tullio obtained his PhD in social and economic history from Bocconi University (Milan, Italy) in 2010. Currently, he is working as Post-doc researcher at Bocconi

University, as member of the ERC project EINITE-Economic Inequality Across Italy and Europe. He teaches Economic History at "Insubria" University of Varese. His principal research interests are: History of local communities, History of taxation and finance, Economic inequality, Historical demography and Environmental History of northern Italy during the Early Modern period; management of commons and natural resources; agricultural innovations, family history.

##### **Inui, Hideaki**

After obtaining a Master of Economics at Osaka University of Economics, Hideaki Inui finished his doctoral program without a PhD degree at the Graduate School Literature Department of Hokkaido University. In 2005-2006, he worked as a part-time lecturer at Sapporo Gakuin University. Currently, he is Vice-principal at Otaru City Public School (Japan).

##### **Winchester, Angus**

Angus Winchester is Professor of Local and Landscape History at Lancaster University, UK. His publications include *The Harvest of the Hills: rural life in northern England and the Scottish Borders, 1400-1700* (Edinburgh University Press, 2000), which examined the management of hill commons by manorial courts. More recently, he co-directed a major study of common land in England and Wales, published in C. P. Rodgers et al, *Contested Common Land: Environmental Governance Past and Present* (Earthscan, 2011).