

*Commons in the Late Medieval Crown of Aragon:
Regulation, Uses, and Conflicts, 13th-15th centuries*

Introduction

In this paper, we shall show some characteristics of the use of pastures and commons in the Crown of Aragon between the thirteen and fifteenth centuries. As is widely known, the Crown of Aragon was configured in the twelfth century by the union of the kingdom of Aragon and the principality of Catalonia, to which the kingdoms of Valencia and Majorca joined in the thirteen century after the conquest of its southern Islamic lands. By this period, the Crown of Aragon occupied the eastern parts of the Iberian Peninsula and constituted four different political entities that operated autonomously, with different legal systems and political institutions. This system differed widely from the Crown of Castile, for which there was a unique general legislation for the whole territory thereby allowing the creation of broader institutions such as the Mesta, which regulated livestock. The Mesta is well known because it was one of the main guilds of stockbreeders in pre-modern Europe: it brought together stockbreeders of Castile and Leon in 1273 through a series of royal privileges that protected their herds and gave them free pastures in some areas around the so-called ‘cañadas,’ or cattle routes. In the Crown of Aragon, however, the stockbreeder institutions organized in smaller regions according to their territorial diversity. Moreover, there was another particularity and it was that the capital of each kingdom enjoyed freedom of pastures in the respective countries as we shall explain.

1. Catalonia

Late-medieval Catalonia was predominantly an agricultural and commercial country, densely populated with about 600,000 inhabitants in the early fifteenth century in which livestock was only important in the north, especially in the Pyrenees. In these regions, there were strong communities in the valleys of Aran, Andorra, or Pallars that retained the free ownership of all the pastures of their lands. In other valleys, such as

Ribes, Querol, or Àneu, the communities enjoyed the use of communal pastures for their neighbours in exchange for paying a small annual amount to the king. On the other hand, in the northeast of Catalonia, where there was a predominance of large, isolated farms, farm owners exploited the resources of surrounding forests and grasslands, donated to them by the lords. Finally, the large district of the city of Tortosa, in southern Catalonia, was the other area where livestock was important since livestock was moved there from the Pyrenees to spend the winter. Here, in Tortosa, the local customs compiled in 1272 reserved free use of the pastures of the district for all inhabitants of the city, establishing the payment of a royal tax (the 'herbage') for those herds which arrived from outside.

In the rest of Catalonia the general law established that meadows, pastures, and forests belonged to the lords, but they should be used freely by local towns. In practice, lords and communities made agreements on the uses of those lands, which was previously protected from the intrusion of outsiders by imposing taxes for cattle crossing and grazing. There was, however, one exception, which we shall also see in the case of the kingdoms of Aragon and Valencia: flocks belonging to inhabitants of the capital city of Barcelona were completely exempt from paying those taxes to the king or any other lord. They obtained two royal privileges in the 1230s that allowed them to graze on any uncultivated land, except the orchards and vineyards of the district of Barcelona itself, without paying any tax across the Crown. The literature of the time says explicitly that those privileges were given to facilitate the supply of meat to the capital. Sometimes, however, the lords and other municipal councils required taxes on the shepherds of Barcelona. The city then had to complain or to send its host to demand the return of the money or property taken. However, the conflicts were not very common, since a recent doctoral thesis on the subject has only documented about 100 cases from 1300 to 1500.

Another type of conflict in relation to the commons related to the pastures near the city, where the cattle were brought for slaughter. This caused a conflict between farm owners and urban butchers, whose cattle could not graze on farmland in the district of Barcelona because it was the only place throughout Catalonia where it had been banned. On the other hand, as we said, the general legislation of Catalonia did not provide anything concrete about creating spaces for communal use and this should have been agreed upon by the lords of each town, in this case, the king who was the lord of Barcelona. However, two wetland areas on the Northern and Southern border of

Barcelona were reserved for the butchers' cattle in order to avoid dispute. However, especially the Southern area, this system was not exempt from conflict because by the late fourteenth century, many owners began to close their fields, obtaining royal licenses to do so in exchange for money. This led to constant clashes with the municipal authorities until the end of the fifteenth century, when legislation clearly determined the spaces that could be freely used by the butchers.

2. Aragon

The Kingdom of Aragon was very different from Catalonia. It was a sparsely populated country: it had 250,000 inhabitants at the beginning of the fifteenth century, or less than the half of the population of Catalonia in an area 1.5 times as large. This low density favoured the making of a cattle economy, which, as in Catalonia, was very important in the area of the Pyrenees but also in the rest of the kingdom. This is probably why the Aragonese general laws, compiled in 1247, included a special chapter devoted to pasture. It regulated the so-called 'alera', which was the right to graze in the neighbouring town except in the areas denominated 'bovalares'. These were exclusively reserved spaces for the communal use of the inhabitants of each town. On the other hand, Aragon was a kingdom where nobles and knights were stronger than in Catalonia and the same laws recognized their right to bring their cattle across the kingdom without paying any tax to the king, as long as they respect the aforementioned 'bovalares' of each town. The mention of the 'bovalares' in the laws of 1247 is also indicative of the importance of livestock in Aragon, since the vast majority of Aragonese towns should have a reserved area for the cattle of their own inhabitants, where non-inhabitants could not enter, in the mid-thirteenth century.

The importance of cattle in Aragon is also clearly seen in the south of the kingdom, where two institutions were created between the late thirteenth and early fourteenth centuries: the Mesta and the Ligallo, which managed all aspects of livestock in the broad districts of Albarracín and Teruel. All the stockbreeders whose cattle grazed in these districts belonged to the Mesta and the Ligallo which controlled the pastures and defended their communal rights. Lastly, the stockbreeders of the capital of the kingdom, Zaragoza, also had an important institution which was strongly privileged by the kings. But here and different from Barcelona, the privileges were not aimed to bring meat to

the capital. In other words, while meat could be easily supplied due to the large amount of cattle in the kingdom, legislation promoted the livestock business of the stockbreeders of Zaragoza. They created a guild in 1230 called 'La Casa de Ganaderos', which obtained from the king full freedom to transit livestock and allow grazing across Aragon except in the above-mentioned 'bovalares'.

More important is that that the guild had a court to judge all disputes related to cattle from Zaragoza. In fact, there were two different gallows in the capital: the king's and the Casa de Ganaderos' gallows. This jurisdictional power relied on a privilege granted to the inhabitants of Zaragoza called 'tortum per tortum', according to which they could use force against anyone in defence of their own interests. In this case the conflicts between the capital and the rest of the kingdom were more frequent than in Barcelona, since 284 complaints were documented from 1416 to 1454. This is probably due to the greater intensity of cattle activities in Aragon, and, as we will explain, there were also many conflicts in the kingdom of Valencia.

3. Valencia

We shall give more details about the kingdom of Valencia, as it is currently the subject of our research. First, we must keep in mind that this kingdom was created in the thirteenth century after the conquest of the Islamic lands by the Catalan and Aragonese people. King James I compiled a legal code in 1238, entitled the 'Furs', or charters of Valencia, that had to be applied in the whole kingdom. The king, taking advantage of his experience in Catalonia and Aragon, tried to make a law about common areas that benefited himself and also the inhabitants of the capital of the kingdom, the city of Valencia.

First, he declared that all places, roads, forests, riverbanks, streams, water, forests, wood, stones, and any other area of the kingdom were public and common for all the inhabitants of the kingdom. Strongly influenced by 'ius commune' theories, away from a private concept of power, he tried to avoid the privileges of the nobility from interceding on natural resources. In fact, the 'Furs' forbade the nobles to enclose any land for their private use; only the 'bovalars', were allowed with royal license. As we have seen, the 'bovalars' were present in Aragon and were reserved areas for the cattle of the inhabitants of each town including plow oxen, local herds, and animals to be

consumed. Therefore, according to the Furs of Valencia all the pastures were public and all the inhabitants of the kingdom could use them freely, respecting the local ‘bovalars’, which should be proportional to the size of each town. Visitors thus in theory only paid a royal tax known as ‘herbatge’ to cross and use those pastures.

However, the reality was very different. Lords did not accept the intention of James I and considered the pastures as their own property. Consequently, they only allowed the free use of pastures to the inhabitants of their manors, at least those which were populated by Christians. The lords also prevented the king from collecting the ‘herbatge’ tax and tried to collect it themselves from foreigners. The king, therefore, only could collect the ‘herbatge’ in his own direct domain and it ended up being a tax that especially charged transhumance, or the seasonal migration of livestock from outside the kingdom. In fact, the privilege that established the rates—six rams per 1,000 fertile sheep and 3 pence per cow over one year— was directly aimed at the people of Teruel, in the kingdom of Aragon, who brought large numbers of livestock into the kingdom of Valencia to spend the winter.

We can see in the following map that the main routes of transhumance went to the north of the kingdom of Valencia, and also near the city of Valencia. In fact, the northern region was very similar to the southern area of the kingdom of Aragon; it boasted many mountains, a scattered population, towns with very large districts and an economy strongly sustained by livestock. Therefore, as in the south of Aragon, some communal institutions were born in the Valencian north to manage livestock breeding: the Lligallo of Morella, authorized by the king in 1271, the Setena of Culla and the Lligallos of Xert and La Jana, authorized by the military order of Montesa between 1330 and 1358. They took care of the cattle, regulating all matters relating to the passage of herds and their stay within the district of each town, the collection of the taxes imposed by the use of pastures, and so on.

The other major area for transhumance was near the capital city of Valencia, which obtained important privileges on the use of pastures in the thirteenth century, as Barcelona and Zaragoza in Catalonia and Aragon. The inhabitants of Valencia had full freedom to transit their animals and graze across the kingdom of Valencia without paying any tax. It seems that it was a similar case to Barcelona, as that measure was especially given to supply meat to the capital. Yet in this regard, we must bear in mind that Valencia was proportionally the bigger capital, since there were about 40,000 inhabitants there at the beginning of the fifteenth century, which represented

approximately sixteen percent of the entire kingdom (Barcelona was five percent of its territory and Zaragoza eight percent, with much larger territories than the kingdom of Valencia). Therefore, Valencia had more need to use freely the pastures of the kingdom to ensure the supply of meat. In this regard, the freedom of passage and grazing rights in the city of Valencia were included both in the general law of 1238 and as a particular privilege in 1239. But, as it happened with the intention of the king to declare public all the pastures of the kingdom, not all lords and townships respected the freedom granted to the inhabitants of Valencia.

A long conflict between the capital and other lordships thus began, especially among those who were associated with the cattle routes to Valencia. Consequently, the inhabitants of Valencia were forced to pay taxes in many areas for passing through with their herds or allowing the animals to graze and, if they refused, goods were taken from them. Given this, from roughly the late thirteenth century, the city of Valencia began to do the same as Zaragoza in Aragon; that is, use force to defend its interests. The rulers of Valencia established a municipal norm, according to which they could take goods belonging to any manor where the inhabitants of the capital were forced to pay. We know, therefore, some examples of these actions in the early fourteenth century which were explicitly authorized by the king in 1324. And now we have found the first register of the City Council of Valencia, from 1345-48, where all the conflicts produced during that three-year period were recorded. The book was completely overlooked since it was badly filed, and we have studied, as it provides some good information about the struggles for pasture space in the kingdom of Valencia.

The book registered the complaints filed against the towns where inhabitants of Valencia had been forced, so that the City Council could take reprisals against the people of those towns. The book did not only include conflicts about the use of pastures, but also about coal, lime, woodlands, and the purchase and transport of goods —things for which use the inhabitants of Valencia also had full freedom throughout the whole kingdom. However, up to eighty-nine percent of the 354 complaints filed in those three years were related to cattle; this shows that the free use of pastures was the most important right at that moment for the city of Valencia.

There were 315 complaints about pastures in those three years. Among the items confiscated were 280 shillings and things such as clothes, weapons, cooking tools, or food from the shepherds. The main goods taken, however, were the animals —a total nearing approximately 1,142 of them. We know what kind of animals were in 738 cases

and the ovine group clearly highlights, up to seventy-five percent of the total, with 282 rams, 211 ewes, thirty-five yearling sheep, and twenty-five lambs. In addition to these totals, fourteen percent were goats, with fifty-eight female goats, forty-three billy goats, and three young goats; and another ten percent was composed by equines, including thirty-nine donkeys, thirty female donkeys, five foals, three mules, 1 female mule, and 1 nag. Bovines, however, did not exceed one percent, revealing the pre-eminence of sheep cattle in the medieval kingdom of Valencia. We must bear in mind that most of these herds were brought to Valencia to be eaten and we know that rams provided most of the meat consumed in the city: between 55,000 and 65,000 rams per year in the early fifteenth century.

The 315 complaints were filed by 111 different people, although it should be noted that only a group of twenty-five (22.5%) profited from seventy-four percent of the goods caught. We cannot know the profession of many of them because, in the historical record, they were generically called citizens or inhabitants of Valencia, but those who we know were mostly butchers (over fifty percent), while others were a diverse group of stockbreeders, merchants, moneychangers, notaries, and tanners. Among them, we can highlight a few such as the Sists (Vicent, Bertomeu, and Alamany, a family of livestock breeders), the Costantins (Bertomeu and Guillem, a family of butchers), the Conills (Pere and Ramon, a family of merchants), the Montsons (Pere and Guillem, a family of tanners), the merchant Domingo Aznar, the notary Berenguer Despuig, and the society of moneychangers constituted by Joan Donat and Miquel Palomar.

In addition, a map portraying these conflicts is also interesting. First, there was hardly any conflict in the northern region of the kingdom; perhaps because it was a region that had its own communal institutions on livestock like the aforementioned Lligallos and the Setena. There were also few conflicts in the southern half of the kingdom, although there was a higher density in the most southern part—which was an area recently incorporated to the kingdom and the influence of capital authorities was weaker there than in the rest of the country. In any case, there were four areas that concentrated most of the conflicts: a.) the basin of the river Palància; b.) the basin of the river Túria; c.) the basin of the river Cabriol; d.) the hinterland of the capital, delimited by the triangle of Sagunt-Xiva-Cullera. We should point out that, apart from Alpont and Ademús (which were royal towns), most of the conflicts were against towns populated with Aragonese or Muslim people, like Tous Domenyo, Pedralbes Xelva, Xirell or

Madrona, whose lords were strongly opposed to the charters of Valencia and the public conception of the power. Likewise, there were also many conflicts in certain towns on the border between the kingdoms of Aragon and Valencia, like El Cabroncillo and Villed, which belonged to the military order of the Hospital. Lastly, the town of Ribarroja is special since it possessed the last bridge that crossed the river Túria before reaching the capital and its lord took advantage of it by demanding a tax to cross. Up to twenty-seven conflicts occurred there; the 8,5% of the total.

In short, the issue that stands out is that in just three years, the city of Valencia encountered troubles over the free use of pastures in over ninety towns throughout the kingdom of Valencia. Disputes, therefore, were more frequent there than in Barcelona (Catalonia) or Zaragoza (Aragon). In fact, it was a main subject of public controversy after 1345-48. In 1361, King Peter the Ceremonious confirmed the authority of the city of Valencia to take goods from other towns to defend its freedoms about pastures and other natural resources. Also, at the end of the fourteenth century, there was a severe conflict that led Valencia to occupy the town of Xiva in order to force the lord to accept publicly the freedom of grazing there for inhabitants of the capital. Finally, in 1403, the lay and ecclesiastical lords joined with some royal towns to sue in Parliament the city of Valencia for fraud and the abuse of taking goods from other towns. So the conditions for becoming neighbour of Valencia were toughened, it was forbidden that the inhabitants of Valencia moved the cattle belonging to people from other towns, the act of taking goods was regulated in detail, the inhabitants of Valencia were forced to pay for the damages that their herds occasioned in cultivated fields, it was banned that these herds entry into any vineyards (from 15 February to 15 October) or olive orchards (from September to March), and the 'bovalars' had to be clearly delimited since they were the only pastures where the cattle from Valencia could not enter. It seems that the conflicts were less frequent from then-on, although the full results of this ordinance requires further analysis.

Conclusions

In summary, this study demonstrates that one of the foremost features of the medieval Crown of Aragon is the almost full freedom of pastures that the kings granted to the capitals of each territory: Zaragoza, Barcelona, and Valencia. In Aragon, such

privileges were especially granted to the stockbreeders of Zaragoza, organized as 'La Casa de Ganaderos', while in Catalonia and the kingdom of Valencia was to supply meat to the two respective capitals. On the other hand, although there was resistance from the other lordships of each territory, it seems that the freedom of pastures of Valencia was the most controversial —at least until 1403, when its actions were regulated in detail by Parliament. We can also note that in the kingdoms of Aragon and Valencia there was a legal figure, the 'bovalar', which was a reserved area for the cattle of each town, where ploughing animals, local herds, and the animals marked for consumption grazed. Lastly, it is interesting to note that in areas where livestock was very important, communal institutions were born to manage the local cattle and grazing because of the geographic or demographic conditions in such areas as the Pyrenees, the southern part of the kingdom of Aragon, and the northern region of the kingdom of Valencia. However, these institutions only operated in small regions because of the legal diversity of the territories that constituted the Crown of Aragon.