

MANAGING THE COMMONS

THE ROLE OF THE LORDS AND THE RURAL ELITES IN THE USE OF THE COMMUNAL
PASTURES IN THE KINGDOM OF VALENCIA, 13TH-15TH CENTURIES

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 **TRABAJO EN CURSO PENDIENTE DE PUBLICACIÓN. POR FAVOR, NO CITAR SIN PERMISO**

In a recent paper, Danie Curtis has given a framework for classifying preindustrial societies in accordance with four variables, these are, the property, the power, the market of basic products and the modes of production. So, each preindustrial society could be classified attending to these variables according to its tendency to egalitarianism (egalitarian societies) or concentration (polarization) and according to its tendency to change and transformation (dynamic) or maintenance of the establishment (persistent). To conclude, Curtis defined four preindustrial societies in relation to these elements: persistent egalitarian, dynamic egalitarian, polarized persistent and polarized dynamic societies. In spite of requiring nuances, as Curtis himself admits, we think this proposal results useful for compare, in general terms, different kinds of preindustrial societies, especially for the issue of the commons. And we said this because in the Valencian Country we find, during the middle ages, different kinds of preindustrial societies. Firstly, the Andalusin Muslim society, that can be classified as egalitarian persistent, although with nuances. And secondly, the feudal Christian society, present since the conquest in 13th century, that we can define it as dynamic-polarized.

We must remember that the common lands were given by the king James I in return for paying the *herbatge*, although this issue has been studied in the previous paper.

1. *Privatizing the commons*

In general, common lands were privatised of two ways. On the one hand, the first one consisted in breaking up land for a farming use with a peasant family that worked on it. So the new plots reduced the common area for grazing and the rest of the uses of wastelands, forests and marshlands. In fact, the law of Furs promoted these works because they recognized the right any given land that was not in use before the conquest. The legislation can be understood easily in a context of agricultural expansion and colonization, but after this moment these laws were used for privatising any plot of land able of being farmed. On the other hand, the second way of privatising the common lands was to limit and ban specific areas of the common grazing, usually those of the best quality, called *deveses*. The access of the collective flocks of the community or strangers was banned, and the use of these *deseveses* was limited to the flocks of one or few stockbreeders. It seems that de reclamations of marshlands supposed the most reduction of grazing land for communal use since these new breaking up was promoted by the Furs and, in contrast, the second option was hindered by the law, unless theoretically. Nevertheless, both options of privatising the commons had place in the kingdom of Valencia during the middle ages.

1.1 New breaking up and reclamation of marshlands

In the years immediately after the Christian conquest, between the late 13th century and early 14th century, the Valencian agricultural landscape changed deeply. The previous agricultural Andalusin model combined the intensive production of the basic products in small irrigated areas with other crops more commercial farmed in other dry lands, and a modest stockbreeding kept in the interstices between the hamlets, this is, forests and marshlands. However, after the Christian conquest, the feudal society introduced a mode of intensive production, with the wheat and vineyard as main crops, typical from the Mediterranean Europe. Even in the irrigated areas of the floodplains (*grans hortés*) that were expanded.

Obviously, we are talking about two different societies that transformed and managed the agricultural area de different ways.

The main grazing areas for the larger flocks were the mountains of the inner regions and the marshlands in the coastal area. Actually the pastures of the mountains are poor quality in the entire Mediterranean basin since the vegetation is formed by bush and woody scrubs, which are not easily digested by animals. Since the coastal marshlands contain abundant grass due to humidity, they were more valued. Because of this presence of fresh grass, marshlands used to be dedicated for larger flocks; this is, bovine and equine. For instance, in the census of 1510 for the whole kingdom of Valencia showed that in the Valldigna, the inner part of the valley, the mountains, was specialized in ovine and goat livestock, while the coastal area with the marshlands, was specialized in bovine and equine livestock. In spite of all this, the medieval feudal society did not consider these uses of the marshlands important since the reclamations and breaking up started in the right moment of the colonization. The process o reclamation was not one-way but it suffered comings and goings during the 14th century. The works of maintenance of reclaimed lands were abandoned due to wars, basically. Then the marshland area experimented a recover and its uses as grass also. Notwithstanding these reclamations, wetlands were always enough to allow the grazing of the herds.

1.2 Lords' grazing lands: The Valencian «enclosures»?

In the kingdom of Valencia, the rights of the rural communities on the commons were not the result of the long-run but they were awarded by James the First with the Furs immediately after the conquest and the creation of the new kingdom, and, in certain way, also by the lords through the *chartres of franchise*. This fact, therefore, singled out the progressive and slow process of privatization of the commons that the feudal lords –both ecclesiastical and lay- carried out during the next centuries. Notwithstanding, this process never came to be completed since the general legal framework –with the pre-eminence of the king- and the recent acquisition of the rights on the commons made possible the rural communities to resist in front of the abuses of the feudal lords in this issue. Obviously, not all the communities could oppose the strength and the pressure of the lords.

Lords privatised part of the grazes, that their ancestors had awarded to their vassals, with the creation of the specific grazing areas called “*deveses*”. This is not an area closed physically with any kind of fences, like the English enclosures, but they were juridically delimited areas, that could be identified thanks to the presence of the boundary stones in strategic points. Therefore, any animal could go inside so the closure was based on the vigilance of the area by the lord officials and the imposition of fines to those shepherds who did not respect the ban.

In the most part of the cases we do not know when the *deveses* were established and we only have some evidence of lease or conflicts between the lord and the community. In the case of the Midlands we have a very clear example. It is the manor of Calp and the *devesa* of the Coma de Calp. So, in the late fourteenth century the lord of Calp, Alfons d’Aragó, leased the manorial grazes on the one hand and on the other the *devesa* of the Coma. Although the differences in the leasing prizes are not essential was this example shows is the existence of private areas inside the manor, that the lord used and leased according their own interests, looking for increasing their rents.

	<i>Lease of the Coma (Calp) [s/d]</i>	<i>Lease of the grazing areas of the manor of Calp [s/d]</i>
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1369	66/8	333/4
1370	66/8	666/8
1373	53/4	1200
1376	40	3160/8
1382	44	93/4
1384	44	146/8
1387	44	233/4
1388	44	240
1389	44	240
1391	44	440
1392	44	619/8

Data: Compiled by the authors from the data offered by B. Tomás Botella, *El condado de Dénia en tiempos de Alfonso el Viejo* (PUV, 2013)

Other example was the case of Cortes de Pallàs, in the inner area. A conflict between the lord and the community shows that, unless since the 15th century the lords had been created new *deveses* in the almost shire. In total there were six *deveses* that were leased annually to a strangers, basically Castilian, stockbreeders. On the contrary, the local livestock only could graze inside the limited area of the *bovalar*, whose extension had been decreasing due to this process of privatising. We have evidence from 14th century that then the *deveses* did not exist and the local flocks could graze in the whole manor paying the lord 2d./head of animal. Therefore, was along the 15th century when the lords of Cortes de Pallàs privatised the grazing areas.

This is, thus, a process of enclosures parallel to other European territories. However, in this case did not achieve the incidence of the English enclosures due to the existence of the Furs and the resistance of the communities and the support of the cities and boroughs. In very few cases, the *deveses* were created for the grazing of the manorial flocks, although in general the aim of these privatisations was to lease them to stranger stockbreeders for a higher prize. The elite villagers could obtain benefits of this process since, although they could not enclosure the grazing areas, they could pay for the enclosure made by the lord.

2. *Managing the commons*

2.1 Rural elites and stockbreeding: the case of the Midlands.

Since the last third of the 14th century, livestock experimented an important development in the Valencian Midlands, particularly in the inner area, consolidated through the 15th century. This increase of the livestock activities was possible thanks to the augment of population and the existence of natural resources that made easier the grazing and the installation of cloth mills. Indeed, on the one side, the growth of population in the centre and South of the kingdom supposed a rise of the meat supply but also of medium quality clothes. On the other side, the presence of mountains provided of grazing for sheep and goat herds while the rivers and the existent drops made possible the construction of clothes mills.

The role of rural elites in the development of the livestock farming was essential. They had a large number of heads of livestock with which they provided of raw materials to butchers and cloth shearers. In addition, they invested in infrastructures, such as the building of corrals or the lease of grazing areas.

Regarding the possession of flocks, their size did not related to the 30 heads that a modest peasant could have. Their herds were around 1000 heads, between 800 and 1300, what forced them to make long transhumance to Murcia and Cartagena. Thanks to these transhumances we know the size of their flocks. Between 1376 and 1383 65,605 heads of sheep flock went to Murcia, what means 8,200 sheeps/year. Beyond the numbers we will focus on the stockbreeders. In the aforementioned period we register 70 transhumances with Valencian flocks. In most cases it was sporadic activity. Indeed, between 1376 and 1383 only twelve of fifty-one stockbreeders sent their flocks to the South southwards twice or more. From these twelve, half of them were from a rural settlement, small towns with few more than 150 families, and three from larger towns. The rest, three, came from the city of Xàtiva. Indeed these rural stockbreeders were the most part of owners of flocks send to Murcia.

Place	Stockbreeder
City	15
Town	23
Small towns	28
No data	4

	I	II	III	IIII
City	7	2		1
Town	7		3	
Small town	21	4	2	
No data	4			

In relation to the size, the larger flocks came also from the towns and small towns. However, in the rural world we find a disparity of the number of heads while in the city most of the herds were about 501-1000 heads.

Heads	City	Town	Small town	No place	Total
500	1	4	11	1	17
501-1000	9	11	17	3	40
1001-1500	4	2	5	0	11

(+2000)	1	1		0	2
<i>Total</i>	15	18	33	4	70

This size of the flocks contrast with the data that notarial records offer for the second half of the 15th century. However, on the registers of the notary Guillem Peris, in 79 transactions where the size of the flock is specified, 43 cases involved flocks with less that 100 heads and only in four cases they surpass 300 heads but never achieved the 400 heads.

In regard to the socioprofessional activities of the stockbreeders, these evidences do not give more information. However, the scarce news show the participation of the local elites in the stockbreeding: the only two personal references that these documents included identified two of the stockbreeders as the governor of Castalla, Diego Martínez, and of Xixona, Pere Giner. Despite that, thanks to the combination of sources and the prosopographical work we are able to identify some of these stockbreeders. So, in 1379 Ramon Cardona, from Relleu, sent 1000 sheeps to Murcia and in the same year leased the grazing of the l'Alqueria de l'Arc and Sanxet, in the Marina, paying 160s. Three years before, in 1376, he leased the same grazing area for 180s.

The increase of stockbreeding activities implied the development of a market of corrals and pens and some natural refuges like caves and ravines that were used to close the flocks at night. The importance of these buildings and natural areas is that made possible to collect the manure, impressive to keep the productivity of the soils. Furthermore, in this manner the problems originated by animals at least were prevented. So in towns and small towns such as Cocentaina, Penàguila or Castalla new neighbourhoods were built outside the walls, where these corrals were located, as the toponymy shows even today. With regard to prices, they were in relation with size and the water supply. In Cocentaina they cost between the 95s. the cheapest and the most expensive 440s., although the most cases they appeared in the notarial records around 260s. The tax evidences show the unequal distribution of these building in the small town of Castalla with 110 families only 39 of them held all the 58 registered corrals. However, even then the distribution was unequal since only 5% of these 39 families held a quarter of the corrals. The notary Andreu Bernat, in addition to 4 corrals, had the cave of Benacia for which he had to pay. In 1426, the Duke of Gandia established the *Cova Oberta* –Open Cave– to Bernat Matamala, member of local oligarchy of Palma, next to Gandia, paying an annual rent of 5 s. and with right to keeping all the carobs. Despite this active presence of village elite, stockbreeding was just one more activity in their economies. For families that their heritage was valued at more than 4,000 s. stockbreeding buildings became about 4% of their wealth while for those families with a heritage less to 1,000s. these infrastructures represented between 7 and 10% of the value of real estate and, in some cases, 15%.

One of main problems for stockbreeders was the need of pastures for feeding their flocks. The Mountains of Denia are a good example to detext the importance of these areas. The list of leasers confirms the coincidence between the stockbreeders and leasers, although we must point out the presence of stockbreeders came from the North of the Valencian Country,

mainly Morella. Again the prosopographical view allows us to identify some of those livestock owners as members of the local elites from these North shires. In fact, they were who paid the highest lease contracts: in 1376 Miquel Savall from Morella paid for the graze of manor of Calp 3160s. 8 d. and other 66s. for the graze of the hamlets of Masesrof and Olocau. This takes us to other aspect: it seems that a coincidence between the leaser and the grazing area leased did not exist. From 63 contracts in the aforementioned period only in six of them there was a connection with the leased area.

2.2 Managing the common pastures: *Bovalars, deveses and redondes*

The Furs guaranteed the right to graze in the whole kingdom in return of paying the rent of the *herbatge* to the king or the lord. The only exception was the areas reserved for the local community that received different names in relation with its function. *Bovalar* was initially reserved for oxen that were used in the farming works although lately they were also for the butchers' livestock. The common *deveses* or *redondes* were for the livestock of the members of community, in general ovine and goat flocks. Therefore, outsider stockbreeders were excluded from these areas. Nonetheless, how were these common pastures managed?

One of the most interesting examples is the case of Vilafamés due to the information that we have. In 1380 the lord, the Order of Santa Maria de Montesa, sold the rent of *herbatge* for 1,500s. to the community, saying that it was for the profit of all the members of the community. However, only twenty years later, part of the residents from Vilafames –the peasants, said the document– protested and asked the lord, the master of the order of Montesa, that only the stockbreeders paid the *herbatge* not the whole community, only those who had flocks. It is evident, therefore, that the rural community was divided and the purchased of the rent of the *herbatge* and the control over the pastures was only in profit of the minority of residents who held flocks. The whole community paid the rent but only the livestock elite used and obtained profit from them.

The *bovalars* could occupy a different extension. Legally they could only occupy enough extension for the needs of each community and could be located in any given area of the shire. However, this is a subjective law and, in fact, it became an instrument of the local communities for its defence in front of the pressure of outsider flocks. Despite this, was the private interest of the local elite, and not of the whole community, what guided the location of the *bovalar*. Thus, in those places where stockbreeding was an important economic activity, the *bovalar* used to be located far from the settlement, including dried grazes, small forests and non-irrigated plots. Otherwise, where livestock activities were not essential, the *bovalars* were placed closed to the town or the village, including the irrigated areas (*horta*). This is very clear in the floodplains of the coast such as Alzira and Gandia. In the last one, the *bovalar* occupied all the irrigated area around the town so only butchers' flocks and some animals of the residents could graze inside of the area.

We are going to focus on this case.

The *bovalar* was established by the Council in 1382, although it could exist before. As we can see in the picture X, the *bovalar* occupied almost all the irrigated area around the town, with the more intensive crops. Furthermore, it included inside all the villages and hamlets that existed in the shire, which belonged to lords (they could be well-to-do peasants, lesser nobility and urban oligarchy). In 1391 there was a conflict between some of these lords and the butchers since the first ones did not want that the butchers' flocks go inside their manors. The Jurors of Gandia ask about this issue to their colleagues in Alzira and in Xativa to be informed

about their laws on this. Finally, the duke of Gandia, in agree with the jurors, granted a sentence according to which the butchers' flocks, with a 100 heads as a maximum- could go inside the villages but only in those places where they could not destroy the crops.

The sentence, however, did not finish with the problems. In 1394 in the meeting of the Council somebody, it is not said who, reported that some lords pushed the shepherds of the butchers in order to force them to not brought the flocks to their villages. As a consequence, the flocks were almost concentrated in some areas of the *bovalar* where did not exist manors, but originating problems directly to Gandia residents. Because of that, the Council requested five expert men for dividing the *bovalar* in four parts or quarters and forcing the butchers to graze each week in one different quarter rotating.

We do not have more evidences about this issue until forty years later, in 1434. Then the conflict was between Gandia and the lord of the hamlets surrounding the town (Beniopa, el Real i Benipeixcar). The lord wanted to create a *bovalar* for his own vassals, but the urban oligarchy denied this possibility arguing that those people had to use the existing *bovalar* of the town. Finally the sentence accepted that the Hug de Cardona's vassals could have such animals as they wanted but they could not go outside the particular shire of their hamlet. In contrast, the Gandia butchers' flocks could graze in the particular shire of those hamlets indeed since they belonged to the *bovalar* of the town.

Conclusions

We can conclude that the process of privatizing the common was important in the kingdom of Valencia although it did not achieve the considerations and the consequences of other regions in Europe, like England. The reason of this lesser impact on the society seems to be related to the role of the stockbreeding in the rural economy. Indeed Valencian rural economy was basically agricultural and stockbreeding had always a secondary and complementary role, with the appropriate nuances. This aspect results very clear in the case of the village elites: their economy was the result of different sources of incomes and livestock activities was only one of them. They were benefited by the privatizations of the lords (*deveses*) since they could pay for the exclusive use of these grazing lands. However, they also obtained benefits from the reclamations of the wetlands because they leased or bought them and farmed them using labourer men.