

# **Memory and recovery of the commons. Multi-level interactions and land ownership in 1930's Spain.**

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## **ABSTRACT**

We analyse the process of recovering common lands initiated by the Spanish Government during the Second Spanish Republic (1931-1936). Requests for the reinstatement of commons submitted to the Institute of Agrarian Reform by Spanish municipalities from nearly all the country's provinces reflect a huge variety of circumstances, as regards both the way these lands had been privatised and the agents and social groups involved in their recovery. The cases investigated between 1931 and 1936 allowed reversing the trend in property rights over common lands that had prevailed in many Spanish municipalities since the 18<sup>th</sup> and 19<sup>th</sup> centuries (and even earlier).

## **KEYWORDS**

Common lands. Agrarian reform. Spanish Second Republic. Property rights

## **JEL CODES**

N44, N54, N94, P48, Q15

# Memory and recovery of the commons. Multi-level interactions and land ownership in 1930's Spain.<sup>1</sup>

## 1. Introduction

The aim of this paper is to provide an initial analytical study of the dossiers containing the requests for the recovery of common lands that were made as part of the agrarian reform process launched by the Second Spanish Republic. Some of the authors that have analysed this agrarian reform, either nationwide (e.g., Robledo, 1996 and 2008) or for a certain specific region (e.g., Riesco, 2005 and 2006), have signalled the importance these recovery proceedings have for a more thorough understanding of the reform process that was attempted during the Republic. Nevertheless, a comprehensive analysis of these dossiers as a whole has yet to be undertaken. With a view to filling this gap, and after locating and exhaustively inspecting the dossiers kept in the archives of the former Institute of Agrarian Reform and Development (hereinafter referred to by its Spanish acronym, IRYDA), we have conducted an initial analysis in which we basically seek to answer two questions; the first one involves the agrarian reform and the specific role played in it by the measures taken for the recovery of common lands, and the second question involves unravelling the main reasons that led many municipalities and/or workers' associations to apply to the Republic's Institute of Agrarian Reform (hereinafter referred to by its Spanish acronym, IRA) for their recovery, and discover whether similar reasons prevailed in those parts of the country with different agrarian structures.

Accordingly, we have divided the paper into six parts. Following this brief introduction, section two provides the background for the Second Republic's agrarian reform within the general framework of the agrarian reforms undertaken in the 19<sup>th</sup> century and inter-war period, and also considers some of the interpretations made of the Spanish case. Section three investigates the role that common lands could play in the overall reform, and then conducts a more detailed analysis of the dossiers as a whole. It identifies when they were submitted, and delves further into the reasons that may have informed the claims filed by local people, using as explanatory variables the privatisation process that had taken place in each province between 1859 and 1926, as well as the growth in the population between 1860 and 1930. Sections four and five, for their part, adopt a more specific approach, providing qualitative information on the dossiers submitted from those regions with *latifundia* (a system of land ownership involving large estates that prevailed in the southern Spanish regions of Andalusia and Extremadura) and from those in which family smallholdings predominated (the northern regions of Castile and

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León). Finally, section six raises certain topics for discussion, and a number of provisional conclusions are highlighted.

## 2. Agrarian reform in the Second Republic: background and interpretations

Agrarian reforms, understood in their broadest sense as the attempts made by a government to modify the agrarian structures in place in the country, are a type of institutional change that has been commonplace in the modern era. As noted by De Janvry, 1981: 384) “*at one time or another (...) virtually every country in the world has passed land reform laws*”. According to Griffin, Khan, & Ickowitz (2002: 279) the term has been used to refer to different kinds of initiatives: “*not only redistributive reforms of ownership rights, but also the establishment of collective or common forms of farming, state-sponsored land colonization schemes in frontier areas, and land tenure reforms, i.e. changes in the contractual arrangements between the landowner and those who cultivated the land*”. Furthermore, these authors extend the definition of “*market friendly land reforms*” to those fiscal (and credit) measures designed to generate incentives to encourage large landowners to sell off some of their lands, which include tax rates that penalise uncultivated or underused land, and the levying of progressive regional taxation. It is therefore important to temper the analysis of these processes of change and see them as wide-ranging and complex policies dealing with agrarian structures, which may be more or less appropriate, and which may have had greater or lesser success, but which need not necessarily constitute a threat to property rights.

There is fairly broad consensus in agrarian historiography as regards differentiating the way States have intervened in agriculture, which obviously include agrarian reforms.<sup>2</sup> Throughout the 19<sup>th</sup> century, the agrarian reforms implemented in the western world focused largely on defining and reinforcing certain “modern” property rights based, at least in theory, on the preponderance of individual and free enterprise, with distributive issues being assigned secondary importance. In a world dominated by *laissez faire*, it was important to lay the foundations to enable agrarian markets (for products and factors) to operate freely, without giving too much importance to whether land ownership was more or less concentrated. In spite of the widely held view that extending the number of proprietors was used as a way of legitimising the liberal cause (Grossi, 1986), the truth is that policies encouraging the sale of land did not contemplate the means for avoiding high concentrations of property in few hands. All this led to a capitalist-type process for extending property rights that developed at different rates in different parts of the western and colonial worlds, and which had not necessarily concluded by the end of the 19<sup>th</sup> century. It was precisely in the final decades of that century when, coinciding with the expansion involved in the first wave of globalisation and the agrarian crisis it triggered in European countries, some of these agrarian policies

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<sup>2</sup> A temporal classification of the different ways States intervened in agriculture is to be found in Federico (2005). Although there is agreement on the types of intervention, this is not necessarily the case regarding the assessment made of them.

began to change. Indeed, many governments were more inclined to intervene in the markets, adopting protectionist measures in an attempt to support domestic producers. Yet this general backing did not make any distinction according to the amount of land owned. What's more, some of these protection policies could be more beneficial for large landowners.<sup>3</sup>

The actions targeting agrarian structures that were designed to modify the distribution of land ownership did not start to explicitly emerge until immediately after the First World War, within a much more socially and politically open context. The spread of the labour movement, greater electoral and political emancipation and, of course, the Mexican and, above all, Soviet revolutions, all contributed to the increased empowerment of peasant movements that from then on were to stake their claims over the land. Thus, especially in countries in Southern and Eastern Europe, in which agriculture continued to take centre stage in terms of the overall economy and employment, agrarian reforms of a redistributive nature were commonplace during the inter-war period. These reforms reveal a complex mixture of ideas and assumptions. From the perspective of landless peasants or very small proprietors, the reforms involved the quest for social justice, which would give them greater opportunities through access to property or direct cultivation. However, according to the perspectives of the élites who supported the reforms, these could involve other considerations related to efficiency. This is the background providing the setting for the theoretical debates on the agrarian issue and the role played by peasant smallholdings in the development of capitalism (Kautsky and Chayanov, mainly),<sup>4</sup> which lay behind the reforms introduced in each case: from Soviet collectivisation based on collective farms, through to the Mexican reform based on cooperative farming, and including different degrees of land redistribution in countries in Southern and Eastern Europe.

During this inter-war period, Spain, too, was affected by this climate of social confrontation and by longings for reform. Following a century, the 19<sup>th</sup>, which had seen the modernisation of the state administration and the deregulation of agricultural markets, including the wholesale transfer of lands from the church and local councils to the urban bourgeoisie, wealthier peasants and the aristocracy, the first decades of the 20<sup>th</sup> century saw social and political tensions flare up. Following the First World War, labour struggles increased sharply both in the city and in the countryside, especially in the regions of Southern Spain (Andalusia and Extremadura), where the structure of land ownership was more imbalanced, with a higher percentage of labourers and peasants

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<sup>3</sup> It is what Griffin, Khan, and Ickowitz (2002: 284) call "landlord biased policies": policies that are biased in favour of landowners (e.g., through tariffs protecting intensive crop growing, such as corn, or extension policies focusing on large farming concerns) and which may interfere with the application of redistributive reforms, even cancelling out their effects.

<sup>4</sup> Kautsky, 1899 [1974]; Chayanov, 1925 [1987]. Spanish socialism, indebted to the first of these two authors in its analysis of the concentration of the agricultural industry and the disappearance of peasant farming, began to timidly modify its postulates during the years of the First World War. Although it was rejected by the 10<sup>th</sup> Congress of the Spanish Socialist Party (PSOE) in 1915, the programmatic project presented by Fabra i Ribas already included the "*reconstrucción y desarrollo de los bienes comunales*" [reinstatement and development of common lands] (Cruz Artacho et al., 2004: 148-149).

starved of land. Meanwhile, the two-party political system of liberals and conservatives broke down, due on the one hand to divisions in the parties involved in an informal arrangement jocularly referred to as the '*turno*' (meaning turn or shift in Spanish, this involved taking turns to govern by manipulating the electoral system, according to the politics of '*caciquismo*' - the rule of the local bosses), and on the other to the emergence of new mass parties (socialists, republicans, and Basque and Catalan nationalists). The parliamentary attempts to introduce structural reforms between 1917 and 1923 repeatedly failed, whereby the country was faced with a dilemma. The solution to the impasse in the political system involved two options: greater democracy or greater authority. The military coup headed by General Primo de Rivera meant the second of these options was imposed upon the country. This enabled certain reforms to be introduced from above, although they were nonetheless insufficient to resolve the nation's structural problems. The best example of the power of the social sectors that opposed any far-reaching reforms is the failure of the proposed fiscal reform, which compromised the interests of large landowners and the industrial bourgeoisie. The regime's political crisis following the dictator's resignation in 1930 also led to the downfall of the monarchy and the proclamation of the Second Spanish Republic. The new government came into power with a broad reformist agenda based on the political promises made by its constituent political parties (centre and left).

Within this new scenario, the realisation grew that the distribution of property was a key factor in the proper pursuit of agriculture. Nevertheless, this was not in any way a new approach specific to the Republic, as it had appeared in the writings of some of Spain's leading economic thinkers, such as Costa, Flores de Lemus and Carrión (Robledo, 1993). In fact, the *latifundia* that dominated the southern half of the country had already been identified as both an economic stumbling block (due to the low yields these properties produced) and a social one (due to the inability of these large estates to generate sufficient employment), caused precisely by the bad distribution of ownership. According to Carrión's own words, where ownership was "*dividida*" [shared out], the land was fully exploited, whereas where it was "*acaparada*" [monopolised] by a handful of owners there was a lack of incentive to intensify its use. Further still, the private interests of large landowners meant they were better inclined to favour more extensive farming, which while good for their own interests was in fact detrimental to the interests of the local community (Carrión, 1934 [1974]: 239-242). Redistributing ownership might therefore have the twin advantage of improving economic performance while creating jobs and rescuing landless peasants from unemployment and poverty. This reasoning, in a more or less developed form, is consistent with the line taken by many subsequent studies that have considered those policies on the redistribution of land and wealth to be a major leverage for rural development and the eradication of poverty.<sup>5</sup>

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<sup>5</sup> Deininger & Binswanger (1999), Deininger (2003), De Janvry (1981), Rosset (2007). A critique of the aforementioned approach, rejecting the plausibility of the "*Inverse Relationship*", in Dyer (2004).

The historiography that applies an economic perspective to the analysis of agrarian reform in the Second Spanish Republic is scarce, but some of the interpretations made have been shifting towards more critical standpoints for a number of reasons. The classic work by Edward Malefakis (1971) describes the concentration of wealth in Spain in the early 20<sup>th</sup> century and argues the need for a redistributive reform, although he is critical about the way it was actually undertaken, mainly in political terms. According to Malefakis, the reform failed not only because it was opposed by large landowners, but also due to the lack of clear commitment among the parties on the left to see it through, along with a certain amount of technical incompetence when implementing it. On a second level, Carmona and Simpson (2007) leave aside any issues of fairness and focus on analysing the reform from the perspective of the economic efficiency it could generate. Accordingly, the reform could be justified on the basis of the contradiction that in a country with an abundance of rural labour, the large landowners in the south were involved in extensive farming that precisely meant saving on the cheapest factor (labour), compared to the most costly one (capital). From this perspective, promoting labour-intensive smallholdings might be the right way forward. Nevertheless, they add, within the protectionist framework in which Spain had been immersed, the way the *latifundia* were managed (basically dry farming cereal crops and extensive livestock grazing) had a certain comparative advantage. The exploitation of large land areas through their leasing as vast tenant farms allowed exploiting economies of scale (provided by the size of the concerns) and also involved low transaction costs (especially as regards the owners' dealings with, and supervision of, the tenant farmers). By contrast, dividing these large estates into small parcels of land would remove these advantages and lead to economic failure, unless accompanied at the same time by a changeover in farming systems to irrigated crops or, in general, to those of a more intensive nature. Given that, according to these authors, no provision was made for this second step, the reform was bound to fail even if a lot more resettlements of peasants had been made than was in fact the case.

More recently, on what may be seen as a third level of criticism, Carmona and Rosés (2011) have raised doubts over the actual need for a redistributive reform in 1930s Spain. According to these authors, since the end of the 18<sup>th</sup> century and throughout the 19<sup>th</sup>, Spain had witnessed a market-oriented reform, they posit, referring to what is normally described as liberal agrarian reform, which had guaranteed property rights and paved the way for the operation of factor markets in agriculture. Within this framework, they understand that since the end of the 19<sup>th</sup> century market forces had managed to reduce the number of landless peasants, either through a structural change affecting the overall economy that drove migratory flows towards the cities, or through an improvement in the wage/price of land ratios that meant land could be bought for a smaller outlay of a person's wages. According to this perspective, they conclude, the markets were already fostering land redistribution, whereby the reform was not necessary in economic terms, being based above all on political interests.

As regards the view held by the economic historiography better inclined to the reform, the research conducted by Ricardo Robledo questions some of the analyses we have just mentioned. The basic notion propounded by this author can be encapsulated in two key aspects. The first of these affirms that reformist legislation was not simply restricted to the breaking up of the *latifundia* to provide settlements for peasants, as it also considered several measures related to the intensification of crops and a labour market designed to uphold the viability of a kind of “peasant approach” based on a smallholding, as a way of avoiding the regular crises of high unemployment by implementing a labour-intensive model. Another matter altogether is the fact that political and financial restrictions impeded any further development in this direction (Robledo, 2012). The second aspect refers to the Republic’s reformist approach as a way of revising the liberal agrarian reform itself, which over and above the settlements included the abolition of the quasi-feudal seigniorial rights, the review of farming contracts, and the recovery of common lands (Robledo, 1996a). We are going to focus on this last aspect, as a way of contributing to the analysis of the reform.

### 3. The recovery of common lands within the context of the reform: general overview

The notion prevailing in the Republic’s reformist policies as regards common lands was that over the course of time, and especially due to the ravages of the privatisation process in the 19<sup>th</sup> century, this kind of property had been the subject of misappropriation on a huge scale by the wealthy. From this perspective, the issue of misappropriated commons was inextricably interwoven with the problems of the concentration of ownership, thereby constituting a factor that could have a major bearing on the redistributive policy being implemented.

The use of common lands, also referred to simply as the commons, as a means through which to try and favour smallholdings was not something that was invented by Republican lawmakers, far from it in fact. Indeed, since the 18<sup>th</sup> century, the distribution of communal wastelands had been used at certain times as a way of favouring peasant settlements. As analysed in numerous works, 19<sup>th</sup> century liberal legislation, and especially the measures taken by the disentailment, or de facto confiscation, of church lands in 1855 tended to annul the commons’ social function through a complex process of privatisation and municipalisation (common property was considered the same as municipal property, thereby empowering the local council, and not the peasant community, to decide upon its use)<sup>6</sup>. Within this context, until the 1920s several million hectares of common lands ceased to be considered as such, either because they had been conveyed pursuant to disentailment legislation, or because they had been subject to several different forms of individual appropriation (López Estudillo, 1992). In spite of this, the common lands that remained continued to play a crucial role in the socio-economic fabric of certain areas, and what’s more, within this transformation process,

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<sup>6</sup> State of affairs in the evolution of uncultivated public and communal lands in Balboa (1999) and Jiménez Blanco (2002). See also, Iriarte Goñi (2002).

they even managed to reinforce their social function in terms of fairness (Lana, 2008). There were a fair number of places in which the distribution of the commons was used as a way of tackling the effects of the crisis at the end of the century. That way of proceeding may have become more commonplace in the rural settlement, or colonisation, projects undertaken in the first decades of the 20<sup>th</sup> century, which often included the rotary use of the commons featured in the catalogue of scrubland of public use (Riesco, 2005; Paniagua Mazorra, 1992; Robledo, 1996a). The claims made by the diverse range of social movements that were being organised in the countryside, along with the interest the élites sometimes showed in using the commons as a social buffer to diminish the impact of conflicts, lay behind this process. In short, during the 19<sup>th</sup> century and early decades of the 20<sup>th</sup>, the appropriation of a significant part of the commons had helped to reinforce the concentration of ownership in just a few hands, yet at the same time they were being used to facilitate the farming of smallholdings, either through the distribution of land for growing crops, or for other complementary uses. Within this context, the legislation on common lands in the Second Republic may be interpreted as a two-pronged attempt to combat the first process described here and reinforce the second one. In other words, the aim was to help recover the commons whose misappropriation had contributed to the concentration of ownership, and at the same time to encourage the use of the commons as complementary measures for consolidating peasant farming concerns.

The dossiers on common lands submitted by local councils or workers' associations were grouped into three specific time windows that coincide with the three phases this issue underwent during the Republican period (Riesco 2005). The first window corresponded almost immediately with the proclamation of the Republic, in June 1931, when the *Comisión Técnica Agraria* [Agrarian Technical Committee] at the Ministry of Labour called on local councils to provide information on the common lands within their municipal boundaries and on their possible "despojo" [dispossession]. This initial request was not part of any specifically arranged scheme. Its purpose was, apparently, purely informative, but it clearly reveals that the intention was there right from the start to use the common lands as part of the economic and social transformation that was planned. This first step led to a wave of dossiers in which many local councils submitted information on their common lands or on their loss.

The second window corresponds to the passing of the framework law on agrarian reform in September 1932, and more specifically to its guideline 20, which permitted local councils to "*instar ante el Instituto de Reforma Agraria el rescate de aquellos bienes y derechos de que se consideren despojados, según datos ciertos o simplemente por testimonio de su antigua existencia*".<sup>7</sup> It was therefore made absolutely clear that part of the policy on the redistribution of land was to involve the recovery of misappropriated commons. Guideline 20 nonetheless required a subsequent legislative development to specify the manner in which these recoveries were to be effected.

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<sup>7</sup> [Submit a petition to the IRA for the recovery of those properties and rights of which they consider to have been dispossessed, according to proven data or simply by testifying to their former existence]

Accordingly, a decree of January 1933 explained how these requests were to be made, including the situation and characteristics of the properties to be recovered, as well as the evidence required to prove that the properties had been misappropriated and the name of the usurpers. These requests could be made by local councils, including district councils and lesser entities and their associations; however, in the absence of any action by the local council, any private person or legal entity could file a claim. In order to determine the basic circumstances of a misappropriation or dispossession, the decree referred implicitly to the distinction that the 1855 law on disentanglement made between *propio* and *communal* - rented and common lands,<sup>8</sup> and considered that the condition of recoverable applied to those common lands sold (although they had been falsely registered as rented), those *bienes de propio* that had been disposed of by the State or local councils without the due process of the law, and any other kind of property (regardless of whether it was rented or communal) that had ceased to be a municipal asset without a written deed of conveyance. As Robledo (1996a) has reported, the 1933 decree may be seen as a “phantom decree”, as it was published without the President’s signature and was subsequently repealed even before it came into force.<sup>9</sup> Nevertheless, and in one way or another, the information reached many villages, which in the spring and summer of 1933 compiled their recovery dossiers more or less according to what the decree had stipulated. These months in 1933 accounted for the highest number of applications that are now kept in the IRYDA archive.

Finally, the third window that once again witnessed the submission of recovery requests coincided with the Popular Front’s electoral victory in the spring of 1936, and with the fact that the new government once again showed an interest in enacting guideline 20 by debating it in parliament. The basic proposal being made at the time not only extended the assumptions of misappropriation, but also backdated the possibilities of recovery of misappropriated commons to 1808 (Robledo, 1996a). Nevertheless, the military coup of 18 July 1936 and the ensuing civil war it triggered put an end to any chance of the law being passed.<sup>10</sup> From then on, within the context created by the war, the number of land seizures soared, but they did so through much more expeditious mechanisms, whereby the path for the recovery of common lands does not seem to have played a significant role in collectivisations. In sum, it may be affirmed that Republican legislation in matters of land recovery went no further than good intentions, with almost no progress made at all in practical terms. Nevertheless, the lack of effective recoveries does not in any way detract from the fact the documents generated are of huge interest for a better understanding of the vicissitudes of the commons. It may be affirmed accordingly that

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<sup>8</sup> A distinction is made between *bienes de propio*, which are lands rented out, with the proceeds being used to pay the council’s expenses, and *tierras communes*, which are at the disposal of everyone in the village.

<sup>9</sup> Robledo (1996a: 295) provides the following overview: “the result of the Republican action may be condensed into a phantom decree, two bills presented to parliament, Las Cortes, but without the opinion of the Committee of Agriculture, and a third bill debated in Las Cortes and interrupted by the Civil War”. The two bills referred to are dated July 1933 (Marcelino Domingo) and September 1934 (Cirilo del Río).

<sup>10</sup> The parliamentary debate on the bill presented by Ruiz Funes, which began on 28 June 1936, is described by Tuñón de Lara (1985: 187-192).

the Republican authorities provided local councils and workers' associations with a voice to express their views on the misappropriation of common lands, and this gave rise to an interesting compilation of cases that, as a whole, help to shed more light on how property rights developed in 19<sup>th</sup> and early 20<sup>th</sup> century Spain, and how this definition of their rights was interpreted by a large segment of the population that had hitherto had few possibilities of making themselves heard.

**Table 1. Municipalities that applied to the IRA for the recovery of common lands between 1931 and 1936. Number of villages and their population in 1860 and 1930.**

| Region            | 1   | 2   | 3   | Total | %    | Total population involved |           | % of province |      |
|-------------------|-----|-----|-----|-------|------|---------------------------|-----------|---------------|------|
|                   |     |     |     |       |      | 1860                      | 1930      | 1860          | 1930 |
| Andalusia         | 126 | 41  | 16  | 183   | 16.1 | 704,799                   | 1,046,607 | 28.1          | 27.9 |
| Aragón            | 30  | 23  | 51  | 104   | 9.1  | 150,090                   | 171,117   | 18.7          | 20.6 |
| Asturias          | 19  | 1   | 4   | 24    | 2.1  | 188,951                   | 203,118   | 36.9          | 28.4 |
| Balearic Isles    | 2   | 0   | 0   | 2     | 0.2  | 7,149                     | 8,560     | 3.3           | 3.1  |
| Canary Islands    | 8   | 0   | 4   | 12    | 1.1  | 27,438                    | 52,790    | 12.3          | 12.7 |
| Cantabria         | 7   | 0   | 2   | 9     | 0.8  | 11,206                    | 20,397    | 5.9           | 7.3  |
| Cast. La Mancha   | 101 | 27  | 36  | 164   | 14.4 | 219,757                   | 357,075   | 19.1          | 21.0 |
| Castilla León     | 171 | 31  | 103 | 305   | 26.8 | 268,965                   | 331,267   | 13.8          | 15.2 |
| Catalonia         | 19  | 5   | 1   | 25    | 2.2  | 33,387                    | 36,255    | 2.3           | 2.1  |
| Comm. of Valencia | 7   | 18  | 7   | 32    | 2.8  | 128,482                   | 196,420   | 11.5          | 13.4 |
| Basque Country    | 8   | 0   | 2   | 10    | 0.9  | 14,623                    | 26,007    | 3.9           | 4.3  |
| Extremadura       | 114 | 17  | 19  | 150   | 13.2 | 278,683                   | 460,245   | 42.2          | 42.5 |
| Galicia           | 14  | 1   | 4   | 19    | 1.7  | 114,670                   | 154,923   | 6.6           | 7.5  |
| La Rioja          | 10  | 0   | 0   | 10    | 0.9  | 13,591                    | 11,032    | 8.3           | 6.5  |
| Madrid            | 23  | 1   | 0   | 24    | 2.1  | 18,805                    | 26,331    | 9.9           | 6.1  |
| Murcia            | 6   | 2   | 0   | 8     | 0.7  | 33,629                    | 53,431    | 11.4          | 11.0 |
| Navarre           | 3   | 29  | 26  | 58    | 5.1  | 113,491                   | 157,605   | 41.0          | 51.9 |
| Total             | 668 | 196 | 275 | 1139  | 100  | 2,327,716                 | 3,313,180 | 16.9          | 17.9 |

Legend: 1 = villages in the “*Catálogo general de reclamaciones sobre bienes comunales*” whose dossiers have not been found; 2 = villages in the same catalogue whose dossiers have been found; 3 = villages not featured in the catalogue, but for which dossiers have been found.

The population has been calculated by excluding the provincial capitals both in the numerator and in the denominator.

Source: *Catálogo general de reclamaciones sobre bienes comunales, por provincias* (no date), IRYDA Archive, box 23(1); Population census for 1860 and 1930, INEbase Historia <http://www.ine.es/inebaseweb/hist.do> .

Our initial approach to the vast volume of documents generated by the agrarian reform, and in particular by the policies affecting common lands, is based on the content of eighteen boxes in the section *Reforma Agraria Parte 1* of the IRYDA archive, which according to the catalogue published by José Luis Martín (1996) contained information

directly related to the recovery applications.<sup>11</sup> Based on these documents and on an undated list drawn up by the Legal Sub-Directorate of the IRA called “*Reclamaciones sobre bienes comunales clasificadas por provincias. Catálogo general*”,<sup>12</sup> we have composed a first and provisional summary of these recovery applications. Of the 864 claims included in this list, we have managed to find the dossiers for 196 villages, which in addition to a further 275 whose dossiers we have found, but which were not included on that list, gives us a figure of 471 dossiers to be investigated. We have been unable to find the remaining 668 claims listed by this “general catalogue”, which is indeed something of a misnomer. They might, however, come to light in future visits.<sup>13</sup> The identification of all these villages enables us to provide an initial snapshot of the overall importance of these recovery applications and the Spanish regions involved. We have therefore used the population figures for 1860 and 1930 with a view to assessing the possible impact of any move toward the recovery of common lands. It needs to be remembered that what Table 1 measures is more the haste that certain villages showed in seeking to resolve a long-standing issue, and in which they had placed high hopes of a solution. Given that the law on the recovery of common lands was never passed, these statistics are no more than the tip of the iceberg. The figures provided are, nonetheless, significant.

As is only to be expected, the bulk of the recovery applications came from some of the larger and most populated regions. What is now the autonomous community of Castilla y León alone accounted for 27% of the dossiers processed, followed by Andalusia (16%), today’s Castilla La Mancha (14%) and Extremadura (13%). Now reduced to four autonomous communities, in their day these regions accounted for 70% of the claims, when in fact they covered 60% of Spain’s land area and 43% of its population in 1930. If we take this latter variable as an indicator, we may affirm that in Spain as a whole, the population involved in these recovery applications amounted to 18% of the overall total in 1930 (if we exclude provincial capitals from both the numerator and denominator). The regional differences are, nevertheless, absolutely huge (Map 1). There are regions in which the number of applications is very small, affecting only a tiny proportion of the population, and others in which there is a high volume of applications, with a potentially significant impact on the regional population. The former case applied to the northern segment of the Mediterranean arc, with the Balearic Isles, Catalonia and

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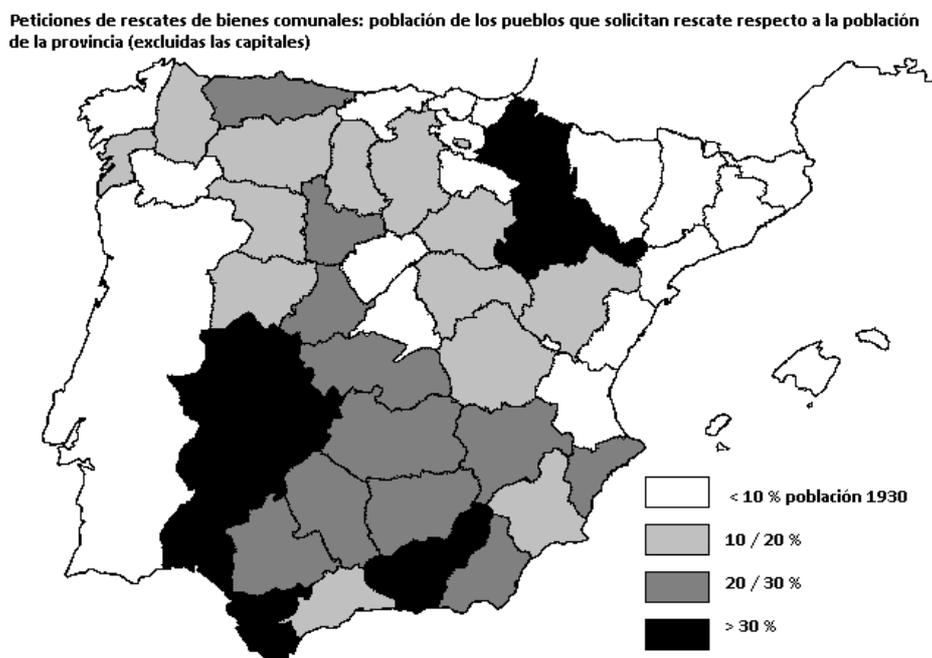
<sup>11</sup> The boxes whose contents we can investigate in depth are numbered as follows: 17, 20, 21, 22, 23, 26, 28, 30, 32, 33, 34, 35, 48, 62, 86, 87 and 88, all of which are labelled *Reforma Agraria: Parte Primera* (hereinafter referred to as A.IRYDA, Ref.Agr.1).

<sup>12</sup> [Communal land claims classified by provinces. General catalogue]

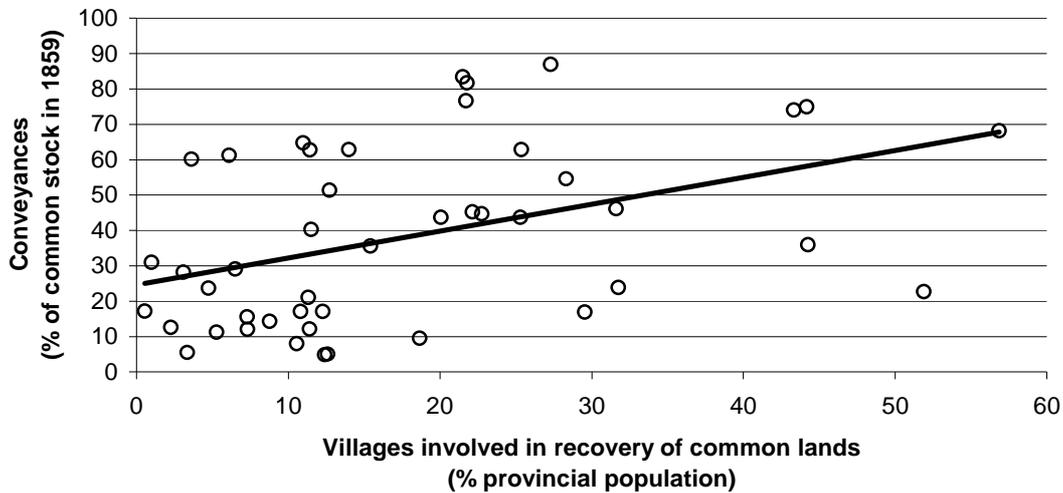
<sup>13</sup> We have been unable to identify certain villages mentioned in the general catalogue. These are Serch, a village supposedly to be found in the province of Barcelona, Retuerta de los Montes and Hinojosas in Ciudad Real, and Los Pozuelos in Seville. The list includes two mentions of Fregenal de la Sierra, the first in Badajoz and the second in Cáceres. Furthermore, there is a Pajaromillo in Cáceres and another Pajarocillo in Cuenca, which may be one and the same place. There are also numerous mistaken provincial attributions, such as Barreiros (Lugo) and Boñar (León) in A Coruña, San Quirce de Río Pisuerga (Palencia) in Burgos, Villares de la Reina (Salamanca) in Cuenca, and Sotovellanos (Burgos) in Salamanca. On the cover the “catalogue”, an anonymous hand has written the figure of “872” claims, but after several recounts we have found no more than the 864 as indicated.

today's Community of Valencia (with the exception of the province of Alicante), where the villages that applied for recoveries accounted for less than 10% of the population. Such is the case also of the eastern part of Spain's seaboard on the Bay of Biscay (the Basque Country and today's Cantabria), and then to a lesser extent Galicia, but not so Asturias, where both the number of applications and the population potentially affected record high proportions. According to the content of Map 1, there are three areas that could be considered the focal points for these recovery claims: the middle Ebro valley, with Navarre and Zaragoza; the south-western quadrant, with Extremadura and the Andalusian provinces of Cadiz and Huelva; and finally, the Penibaetic region in southern Andalusia centred on the province of Granada. The rest of the Spanish hinterland records figures of between 10% and 30% of the population involved in recovery applications, with a greater weight in the southern half than on the *meseta* in the north or in the central mountain range. The priority application of the agrarian reform law in southern regions may perhaps explain this higher number of claims in a closely related aspect, namely, the recovery of privatised common lands. Yet the reasons that may explain this geographical distribution of the claims on the commons go beyond contemporary political decisions on the areas requiring the urgent implementation of agrarian reform.

**Map 1. Applications for the recovery of common lands (expressed as the population of the municipalities that applied for recoveries as a percentage of the province's population, excluding the provincial capital)**



**Graph 1.**  
**Relationship between the privatisation of common lands (1859-1926)**  
**and recovery applications in 1931-1936 in Spanish provinces**



The most obvious hypothesis involves the link between the recovery applications made during the Republican era and the prior privatisation process. Ricardo Robledo (1996b) already argued along these lines by comparing the map of the regional distribution of recovery claims with the one proposed by the Rural History Study Group (GEHR in its Spanish initialism) to reflect the consequences of the 19<sup>th</sup> century disentailment process. Graph 1 confirms this reasoning from a slightly different perspective. We relate the privatisation process (measured as a percentage of uncultivated common lands privatised between 1859 and 1926 over the total volume of these lands on the first of these dates) to the rate of recovery claims (expressed as a percentage of the population in the applicant municipalities over the provincial total). As is only to be expected, the relationship is a positive one, with a tendency line that clearly shows that those areas recording the most privatisations tended to make the most recovery claims. The relationship between these two variables is not exact, however, and much less so automatic. The provinces with the highest relative weight of claims are also the ones in the highest tranche of privatisation (Cadiz, Cáceres, and Badajoz) with the exception of Huelva and Navarre. Regarding this latter province, we know that the volume of land conveyed between 1808 and 1859 was very high (Lana, 2006), whereby if we could include the sales made before the 1855 Law, the correlation between these variables would be higher. Nevertheless, there are also provinces in which privatisation affected over 70% of the uncultivated common lands existing in 1859 (Ciudad Real, Córdoba, Toledo, and Seville) and where the recovery claims seem to have had a smaller impact than in the preceding cases. In sum, as might be inferred from a coefficient of 0.42 between these two variables, the recovery claims over commons depended on other circumstances besides the volume of land privatised during the seventy-five preceding years.

**Table 2: Population growth rates (1860-1930) of the villages that applied for recoveries, of the overall province, and of the provinces without their capitals**

| Growth rates      | Villages    | -recoveries | Provinces |           | Without capitals |           |
|-------------------|-------------|-------------|-----------|-----------|------------------|-----------|
|                   |             |             | 1860-1930 | 1900-1930 | 1860-1930        | 1900-1930 |
| Region            | 1860-1930   | 1900-1930   | 1860-1930 | 1900-1930 | 1860-1930        | 1900-1930 |
| Andalusia         | 0.56        | 0.77        | 0.62      | 0.83      | 0.57             | 0.74      |
| Aragón            | <b>0.18</b> | <b>0.38</b> | 0.21      | 0.39      | 0.05             | 0.16      |
| Asturias          | 0.10        | 0.10        | 0.54      | 0.75      | 0.47             | 0.69      |
| Balearic Isles    | 0.25        | 0.24        | 0.43      | 0.51      | 0.35             | 0.36      |
| Canary Islands    | 0.92        | <b>1.46</b> | 1.20      | 1.41      | 0.87             | 0.84      |
| Cantabria         | <b>0.84</b> | <b>0.96</b> | 0.71      | 0.89      | 0.54             | 0.75      |
| Cast. La Mancha   | <b>0.68</b> | <b>1.01</b> | 0.58      | 0.89      | 0.55             | 0.86      |
| Castilla León     | <b>0.29</b> | <b>0.31</b> | 0.24      | 0.24      | 0.16             | 0.13      |
| Catalonia         | 0.12        | 0.39        | 0.72      | 1.13      | 0.24             | 0.68      |
| Comm. of Valencia | <b>0.60</b> | <b>0.71</b> | 0.56      | 0.57      | 0.38             | 0.40      |
| Basque Country    | 0.81        | 0.80        | 1.03      | 1.26      | 0.67             | 0.97      |
| Extremadura       | 0.71        | 0.85        | 0.71      | 0.86      | 0.69             | 0.84      |
| Galicia           | <b>0.42</b> | <b>0.66</b> | 0.30      | 0.38      | 0.25             | 0.33      |
| La Rioja          | -0.29       | -0.45       | 0.21      | 0.24      | 0.05             | -0.01     |
| Madrid            | 0.47        | 0.68        | 1.46      | 1.87      | 1.15             | 1.95      |
| Murcia            | 0.65        | 0.60        | 0.74      | 0.36      | 0.71             | 0.14      |
| Navarre           | <b>0.46</b> | <b>0.73</b> | 0.20      | 0.38      | 0.13             | 0.28      |
| Total             | 0.50        | 0.67        | 0.58      | 0.76      | 0.41             | 0.56      |

Figures in bold indicate those cases that exceed the provincial rates (without capitals)

Sources: Population censuses for 1860, 1900 and 1930, INEbase Historia

<http://www.ine.es/inebaseweb/hist.do> .

A further hypothesis might be supported by the much bandied metaphor of “hunger for land”. Although any measurement of the pressure put on land by population growth and market relations would require considering other variables, such as, for example, the extension and quality of the land, the amount and type of precipitations, temperatures and sunlight, to mention just some of the more basic environmental variables, it will suffice here to compare the pace of population growth in the municipalities that filed recovery claims with the corresponding rate in their respective environments. The first conclusion to be drawn from a reading of Table 2 is that the population growth in those villages or municipalities that applied for a recovery had outpaced the country as a whole (when exclusion of provincial capitals is made in both cases), not only in the long term, between 1860 and 1930, but also in the shorter term, between 1900 and 1930. This might confirm the hypothesis that the claims also responded to a greater pressure on available resources. In several of the more significant regions in terms of the number of recovery applications made, the growth of the population in the villages involved had been markedly higher than the regional rate; and this is true, moreover, in some cases even when we include the provincial capitals.

Thus, the villages in today’s Castilla y León that filed claims had grown during the first third of the 20<sup>th</sup> century at a yearly rate of 0.31%, outpacing the 0.24% recorded for this region overall (0.13% when the capitals are excluded). The situation is repeated in what

is now Castilla La Mancha (1.01%, 0.89% and 0.86%, respectively) and in Navarre (0.73%, 0.38% and 0.28%), and to a lesser extent in Aragón (0.38%, 0.39% and 0.16%). Nevertheless, in two of the regions with the highest number of claims, Extremadura and Andalusia, the growth rates in these villages are almost exactly on a par with the regional average, thereby indicating that it is a neutral variable. Furthermore, precisely the opposite is true in other regions, with lower population growth rates in municipalities submitting recovery applications. It is true that these are regions with a lower number of claims than those mentioned beforehand, therefore constituting a more residual phenomenon. In either case, we cannot interpret the relationship between population growth and recovery claims in any one single direction. As we shall see in due course, many of the Castilian villages submitting their applications to the IRA reinforce their arguments by resorting to the looming spectre of mass emigration. It is significant, nonetheless, that this scaremongering is never used in the applications submitted from Andalusia and Extremadura. In these latter cases, poverty and hunger, conditioned by the demographic pressure on the environment and the unequal distribution of land and capital, are the rhetorical devices used to sway the administration.

Following this brief analysis, it is clear that none of these hypotheses satisfactorily explains the geography of recovery claims. It may therefore be more expedient to drop down a level and identify the reasons, or at least the identity, conditioning factors and rationale, of those who lobbied in favour of the recovery of common lands.

#### 4. The applications for recovery in regions with *latifundia*: the cases of Andalusia and Extremadura

As noted earlier, the dossiers related to the recovery of common lands are grouped into three specific time windows (1931, 1933 and 1936), which although not very far apart in temporal terms did nevertheless involve very differing political and social scenarios. In spite of this, and for the question in hand here (i.e., discovering the core reasons behind the recovery applications), indistinct use may be made of the data for the three dates, although certain qualifications may also be made depending on the year in question.

The proceedings for the recovery of common lands in areas dominated by *latifundia* were instigated mainly by local councils, although in the case of several villages the claims were also accompanied by requests from workers' societies, many of which were socialist in nature. In some cases, however, it so happened that the local workers' society was precisely the one that reported the misappropriation of the commons by members of the local council itself (Santa Eufemia, in Córdoba), or abuses of power by the mayor, in connivance with other officials in the administration (Aceituna, in Cáceres).<sup>14</sup> Apart from these cases, the level of agreement over the claims was high

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<sup>14</sup> A.IRYDA, Ref.Agr.1, box 62, no. 21; box 17, no. 14; box 21, no. 29 and 30.

between local councils and workers' societies. It should be noted, nonetheless, that the positive stances adopted by the workers' societies in favour of the Republic and the policies being rolled out by the Government (especially over the so-called *Bienio Progresista*, or Progressive Biennium, from 1931 to 1933) were especially enthusiastic, and constitute a clear example of how hopes for political change in the system had been raised among part of the rural population. As opposed to the “*odioso caciquismo*” [hated tyranny of the landowners], “*absolutismo monárquico*” [absolute monarchy] or the “*poder de los señores feudales*” [power of the feudal lords], the Republic was clearly seen in some sectors as an opportunity for the establishment of what they considered to be “social justice”. Note should be taken accordingly of the disrepute into which the politicians of the Restoration had fallen, and who in many dossiers were accused of using corruption and underhand dealings to control the institutions, including the courts of justice.

The general claim repeated in one dossier after another, as is only to be expected, is the disappearance for very different reasons of the common lands that once existed within the municipal boundaries. The explanation for the existence of these lands varies in each case. Some local councils could refer back to old documents, such as the “*hojas de labor*” [work sheets] used in the 16<sup>th</sup> century (Talayuela, Cáceres) or even to 13<sup>th</sup> century “*libros de Baldíos*” [registers of wastelands] (Coripe, Seville).<sup>15</sup> It was, nevertheless, more usual to resort to 19<sup>th</sup> century documents that could be very varied: from the reports made by land stewards through to demarcation rulings made by some official authority, including, naturally enough, the abundant paperwork generated during the disentailment process. Whatever the case, following a 19<sup>th</sup> century marked by numerous abrupt political upheavals, the municipal archives could not be trusted to be particularly well preserved. In some cases (Tornavacas, Cáceres) even the council secretary complained about the arranged disappearance of certain documents that were important for the defence of common rights.<sup>16</sup> In Trigueros (Huelva), the dossiers also reported the vicissitudes of an “*expediente de excepción*” [file for exemption] on the sale of lands that “*cuando convenía se hacía desaparecer hasta que la fuerza de los hechos consumados pudiera impedir al ayuntamiento otra resolución que la de resignarse*”.<sup>17</sup> Therefore, as there were not always reliable documents to prove the existence of common lands, numerous statements were given under oath by local people of more or less advanced age who claimed to remember the existence of common lands within the municipality, and could even provide the approximate location of their boundaries. One might well assume that those witness statements were a somewhat shaky argument for proving before the law the existence of the commons, but it should be remembered (as indeed is the case in the dossier from the municipality of Cazalla – Seville)<sup>18</sup> that part of the privatisation of common lands throughout the 19<sup>th</sup> century had

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<sup>15</sup> A.IRYDA, Ref.Agr.1, box 21, no. 4; box 22, no. 7.

<sup>16</sup> A.IRYDA, Ref.Agr.1, box 21, no. 8.

<sup>17</sup> A.IRYDA, Ref.Agr.1, box 62, no. 5. [whenever convenient was made to disappear until the force of *fait accompli* - the fact it was a done deal - left the local council with no choice but to accept the situation]

<sup>18</sup> A.IRYDA, Ref.Agr.1, box 22, no. 5 and 6.

been undertaken precisely on the basis of ownership information involving two “landowning” witnesses appearing before the justice of the peace, and deemed sufficient for recording in the Land Registry, or on the basis of witness statements accepted by certain courts as sufficient proof for granting private property rights.

The next step involves studying the alleged reasons for the misappropriation presented in the dossiers, which covered a wide range of causes, as each village involved a specific case with a different time span. In spite of this, one may establish certain criteria that apply to the more typical situations. Some of the claims seem to be motivated by sundry lawsuits between villages and the nobility, possibly due to unresolved matters involving the dissolution of the *señoríos* [quasi-feudal domains]. In Villamartín (Cádiz), it was reported that despite the existence of exploitation rights acknowledged by a court ruling in favour of the village, the Marquis of Las Amarillas and Duke of Ahumada did not recognise them.<sup>19</sup> The village thus became immersed in long-term litigation that was revived, apparently, whenever any major political change took place. In Dos Torres (Córdoba), a lawsuit was filed over the use of supposedly common lands between the village and the Marquis of La Guardia, with a positive outcome for the village in the first instance, but subsequently reversed in favour of the Marquis by a Supreme Court ruling in 1909.<sup>20</sup> The villagers of Lucena (Córdoba), for their part, claimed that the village lands should be considered as “*realengo*” [free of liens and encumbrances] (and with the villagers entitled to exploit them), given the death without issue of a branch of the Duchy of Medinaceli, under whose jurisdiction they fell for some time, and the fact the lands could not be bequeathed to the next generation.<sup>21</sup> Arcos de la Frontera (Cádiz), for its part, called for the recovery of certain lands misappropriated by the Ducal House of Borja, and claimed right of use over these lands.<sup>22</sup>

Most of the claims, nonetheless, involved the common lands that were privatised during the 19<sup>th</sup> century, and especially under the auspices of the civil disentailment law. Once again in this case, there is a broad array of reasons. There are villages that reported that their commons had been sold following the disentailment, but that the purchasers never paid for them, and the land sold had never been reinstated to the local council (Vicar and Alcodía de Monteagudo, both in Almería).<sup>23</sup> In other cases, the dossiers reported that the lands sold following disentailment had in fact been declared common lands, and were therefore inalienable, and the sale arranged should consequently be considered null and void (Casas del Castañar – Cáceres, Rinconada – Seville, and Trigueros – Almería).<sup>24</sup> This situation coincides with the findings of several studies related to the disentailment in which emphasis is placed on the scant effectiveness of the division of ownership between the *bienes de propios* (rented) and communal properties when identifying the

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<sup>19</sup> A.IRYDA, Ref.Agr.1, box 21, no. 51 and 52.

<sup>20</sup> A.IRYDA, Ref.Agr.1, box 17, no. 10.

<sup>21</sup> A.IRYDA, Ref.Agr.1, box 17, no. 13.

<sup>22</sup> A.IRYDA, Ref.Agr.1, box 21, no. 12 and 13.

<sup>23</sup> A.IRYDA, Ref.Agr.1, box 33, no. 86 and no. 8.

<sup>24</sup> A.IRYDA, Ref.Agr.1, box 21, no. 40; box 22, no. 10; box 28, no. 14; box 62, no. 15.

lands that were sold in the civil disentailment (see, for example, Iriarte, 1997 and Sabio, 2002). In certain other cases, the privatisation of the commons followed its own particular path, as it might involve the sale of the right of use over pastures, while the ploughing rights remained in the hands of the local villagers (Plasenzuela, Calzadilla, Cañaveral and Casas de don Gómez, all in Cáceres).<sup>25</sup> Other studies –see, for example, Lana (1992), Sánchez Marroyo (1993) and Gastón (2010)- have also reported that over the passage of time the purchasers of pastures also sought, often successfully, to extend their rights to other usages, even to the extent that they sometimes achieved full ownership. Yet even in those cases in which the villagers retained the right to plough (normally, in the case of villages in Cáceres, the right to plough every three years) the yield fell short of the local community's needs, so a request was made to expropriate from the purchasers the right over the use of the pastures so it could be granted to the villagers. Along these lines, the Republic's legislation proposed the redefinition of boundaries, but it did not specify how this was to be achieved. In its application dossier, the local council of Cañaveral proposed proceeding accordingly by mandatory seizure in favour of local councils.<sup>26</sup>

Another of the reasons for complaint present in several municipalities involved the purchases of plots of a certain size that, making the most of the absence of a land survey that clearly demarcated their boundaries, ended up over time occupying a much larger surface area. For example, the local council of Valdehúncar (Cáceres) affirmed that a *dehesa* [pasture] sold in 1860 with a land area of 810 *fanegas* (534 hectares) had by the 1930s extended to 1,430 (944 hectares), with there being no apparent explanation for this increase.<sup>27</sup> Yet more surprising still was the case of Cazalla (Seville), where it appears that in 1893 the actual village had purchased lands sold off by the disentailment.<sup>28</sup> Within these, there were a number of enclaves that had been sold beforehand to private individuals and which continued to be privately owned following the municipal purchase. It seems that one of these enclaves, which in the year of its sale (1876) had been registered as covering 39 hectares, by 1910 had ended up occupying a massive 1,540 hectares, with the acquiescence of the Directorate General of Rates and Taxes, which in that same year ruled in favour of the owners, thereby setting a precedent before the courts that ended up acknowledging full ownership.

Yet it was not a wholly sales-related issue. Even in those cases in which the commons remained in the hands of local councils without any purchase or sale transaction whatsoever, the episodes of misappropriation were also commonplace. In the case of Huercal (Almería), for example, the local council made the most of the compiling of the land survey in 1930 to compare the result with an *amillaramiento* [tax assessment] conducted in 1889, thereby discovering that several tracts of common land had “vanished”, with no sales transaction recorded over the intervening years.<sup>29</sup> In other

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<sup>25</sup> A.IRYDA, Ref.Agr.1, box 21, no. 25; box 21, no. 36; box 21, no. 38 and 39; box 21, no. 41.

<sup>26</sup> A.IRYDA, Ref.Agr.1, box 21, no. 38 and 39.

<sup>27</sup> A.IRYDA, Ref.Agr.1, box 21, no. 10.

<sup>28</sup> A.IRYDA, Ref.Agr.1, box 22, no. 5 and 6.

<sup>29</sup> A.IRYDA, Ref.Agr.1, box 33, no. 40.

cases, the commons that had initially been shared out on an equitable basis among the villagers for their farming were in time monopolised by a minority (Vejer de la Frontera – Cadiz, and Santa Eufemía – Córdoba).<sup>30</sup> This is similar to the case of the communal exploitation of the marble quarries in Macael (Almería), which despite initially pertaining to the whole village ended up in the hands of three families that leased the operations on some unknown date, but in 1899 saw to it that the local council recognised their operating rights in perpetuity. In 1927, some of these villagers managed to achieve legal recognition of their ownership in a judgement that in the words of the local council was “*a favor de forajidos y desvalijadores*”.<sup>31</sup>

Finally, a further reason for a claim that also appears in some of the dossiers involves the segregation of new councils, which gave rise to very lengthy disputes over the commons. The cases of Paterna and Alcalá de los Gazules (Cadiz) are a good example of this.<sup>32</sup> The latter was separated from the former in the 16<sup>th</sup> century, while maintaining a community of assets that was a frequent cause of conflict. In 1859, a decree was issued that dissolved this community, but it was discovered that some of the lands that belonged to Paterna after the separation had already been privatised. The overlap between disputes over municipal boundaries and the misappropriation of common lands was the trigger for the recovery application.

In short, there had been numerous opportunities for the misappropriation of the commons, yet whatever their nature, there were sectors of the rural population that saw their recovery as a form of social justice that, above all, would enable overcoming a fairly dire economic situation. Frequent references were made to unemployment, poverty and hunger in many of the recovery applications. In some cases, the local councils were clear from the start about how the commons could help to improve the situation in the village. In Paraleda de la Mata (Cáceres), for example, the proposal was that one of the *dehesas* (pastures) to be recovered should be auctioned to be used for grazing and ploughing, and the other should be divided into smallholdings to be farmed by the villagers.<sup>33</sup> In the majority of cases, however, no mention was made of how the recovered lands could be used. Given the large number of landless peasants in the areas of *latifundia*, one might expect the main use to have been sharing the land for ploughing.

## 5. Hopes of recovery in areas with a prevalence of family concerns: the case of today's Castilla y León

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<sup>30</sup> A.IRYDA, Ref.Agr.1, box 21, no. 49 and 50; box 17, no. 14; box 62, no. 21.

<sup>31</sup> A.IRYDA, Ref.Agr.1, box 28, no. 49 and 50; box 33, no. 52. [in favour of bandits and scoundrels]

<sup>32</sup> A.IRYDA, Ref.Agr.1, box 21, no. 3.

<sup>33</sup> A.IRYDA, Ref.Agr.1, box 21, no. 24.

The recovery applications in regions in which family farming concerns prevailed had certain similarities with those described for Southern Spain, as well as certain differences. In both cases, it was the local councils or, in many cases in early 1933, the municipal management committees, which directly submitted their recovery applications to the IRA. Prior to the publication in the gazette *Gaceta de Madrid* of the “phantom decree” of 20/1/1933, they often turned to the civil governor in each province to present their case and ask for advice. Other local administrative bodies, such as the governing boards of minor entities, if we place ourselves at the lowest level, also played a major part in the recovery application. At the highest level, this involved the chairpersons of the *mancomunidades* [district councils] that replaced the former *comunidades (o universidades) de villa y tierra* [communities (or “universities”) of town and countryside] abolished on 31/3/1837, such as the one in Segovia and its 129 villages, which had gathered at assembly on 3 November 1932 to agree upon the claims to be made, or the one referred to as *Asocio de Mombeltrán* in Ávila.<sup>34</sup> Sometimes, however, the local councils seemed to be somewhat remiss in their duties, and it befell workers’ associations or certain private individuals to take the initiative, albeit not without denouncing, as in the case of the *sociedad de oficios varios* [society of sundry trades] in Fuente del Olmo de Fuentidueña, that the local corporation had not appointed a delegate to the aforementioned assembly in Segovia nor had it provided the data existing in the municipal archive.<sup>35</sup> Along these same lines, the society of farm colonisers *Sociedad de Colonos Agrícolas* in Valbuena de Pisuerga accused its local council of “*no procura pedir el rescate ni quiere tener en cuenta la petición de un concejal de la sociedad de colonos*”,<sup>36</sup> and of not providing the documents.<sup>37</sup> In some cases, the passivity of the local council was hardly unexpected, as revealed by the case of Villar del Buey in Zamora. There, four villagers had filed a large-claims lawsuit against the recording in the Land Registry of misappropriated council lands, with the Supreme Court ruling against these proceedings in 1908 because pursuant to current municipal legislation only local councils were entitled to file such a claim.<sup>38</sup> Nonetheless, we have also found applications that mutually reinforced one another, as they had been submitted by workers’ associations and local councils. The former were normally of a socialist ideology, and presented themselves as local sections of the *Federación Nacional de Trabajadores de la Tierra* [National Federation of Land Workers], although we have also come across Catholic trade unions. In addition to the claims made by local councils, trade unions and individual villagers, there are also those who submit claims hoping to profit from their involvement in this matter. Such is the

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<sup>34</sup> The proceedings of the *Comunidad de Ciudad y Tierra* of Segovia in A.IRYDA, box 17, no. 67 and no. 69. Those of the *Asocio de Mombeltrán*, in box 28, no. 58 and no. 59.

<sup>35</sup> A.IRYDA, Ref.Agr.1, box 17, no. 59.

<sup>36</sup> [Not seeking to apply for the recovery nor wishing to consider the request made by a councillor of the colonisers’ society]

<sup>37</sup> A.IRYDA, Ref.Agr.1, box 17, no. 44.

<sup>38</sup> A.IRYDA, Ref.Agr.1, box 20, no. 3. The wave of unrest from 1904 to 1906, with a particular impact in Castile and León, aroused the interest of Spanish socialist circles in the agrarian question (Cruz Artacho et al., 2002: 266-267; González de Molina and Ortega Santos, 2000).

case of an “*escribiente*” [scribe] in Zamora who makes sure to claim for himself 10% of the value of the lands finally recovered.<sup>39</sup>

The bulk of the lands involved in the claims had been conveyed during the second half of the 19<sup>th</sup> century by virtue of the enactment of Spain’s Law of 1 May 1855. As argued by the local council of Ayllón (Segovia) in 1933, “*ante el imperio desamortizador de aquellas leyes, ningún derecho pudo alegar el municipio al ser despojado de aquella finca que legítimamente y por legales títulos le pertenecía*”.<sup>40</sup> The feeling of having been bulldozed by the State is apparent in most of the applications. Occasionally, they even call for at least the delivery of the public debt certificates equal to 80% of the value of the lands transacted, stating that they have not even received the price of the sale or any rent whatsoever over that time.<sup>41</sup> The complaints were particularly bitter in the case of the so-called *fetosines*, lands in some villages in Segovia that were a kind of old-age pension, as their use was enjoyed by “*de los más antiguos o ancianos*”<sup>42</sup> villagers. The lands in Domingo-García, which covered an area of 110 hectares, had been sold in 1868 to “*personas adineradas por la décima parte de su valor*”,<sup>43</sup> whereby the local socialist trade union concluded its submission by asking: “*¿Es justo que unos individuos forasteros tengan dos y tres yuntas y manden a sus criados a labrar la tierra a este término y nosotros con mas derecho no podemos emplear una yunta?*”.<sup>44</sup> In Marazuela, the application made by four local labourers complained that their conveyance pursuant to the laws of disentailment “*se ha dejado desamparado al vecindario que desde entonces casi no hay socorro para la vejez ni tierras que cultivar sus moradores, mientras se ha enriquecido un comprador de fortuna que adquirió las fincas que componen tales fetosines en una cantidad irrisoria*”.<sup>45</sup> Exactly the same bitterness can be detected in the dossiers denouncing the behaviour of those who in their day had undertaken to act on behalf of the local community to preserve the uncultivated common lands, but had finally opted to keep the lands for themselves. Thus, in Villanueva del Rebollar (Palencia) the socialist trade union complained in January 1932 that “*el esposo de esta feudal del pueblo lo compró por engaños para luego repartirlo para todos los vecinos, poniendo de rematante a su pastor, y luego se lo cojió para él*

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<sup>39</sup> A.IRYDA, Ref.Agr.1, box 20, no. 3.

<sup>40</sup> A.IRYDA, Ref.Agr.1, box 17, no. 55. [Faced with the disentailing rule of those laws, the council could not invoke any right when it was dispossessed of that land that belonged to it legitimately and through legal deeds of ownership.]

<sup>41</sup> Such is the case of the village of Navalmanzano in Segovia (A.IRYDA, Ref.Agr.1, box 17, no. 55) and of Valbuena de Pisuerga, in Palencia (ibid. No. 44).

<sup>42</sup> [the most senior or elderly]

<sup>43</sup> [wealthy people for a tenth of their value]

<sup>44</sup> A.IRYDA, Ref.Agr.1, box 17, no. 58. They covered 110 hectares. [Is it fair that certain outsiders should have two or three teams of oxen and order their servants to work the land here while we who are more entitled cannot use a single team?]

<sup>45</sup> A.IRYDA, Ref.Agr.1, box 17, no. 62. The mayor’s report stated that it covered an area of 960 *obradas* – around 430 hectares. [the local people have been left unprotected and since then there has been almost no help for the aged nor land to be farmed by those living here, while a fortune hunter has been made rich by buying the plots made up by those *fetosines* for a ridiculously low price]

solo”.<sup>46</sup> In May 1936, their fellow Socialists in Fuente del Olmo de Fuentidueña (Segovia), for their part, accused the buyer of 600 hectares of uncultivated common land of “*engañó a los vecinos del pueblo diciéndoles que él acudiría a las subastas en nombre de todo el pueblo y luego se quedó él como dueño y propietario*”,<sup>47</sup> offering to provide the statements of “*personas que aún viven de tiempo en que este hecho aconteció*”.<sup>48</sup>

A second source of privatisation that appears in the dossiers studied involves the rulings of courts of justice, in response to the failure to pay annuities on the use of the land and other debts, or due to an interpretation of property law that favoured the rich and powerful. Thus, during the Peninsular War the local council of Coomonte (Zamora) had mortgaged a meadow covering 30 hectares and had been honouring the annuities, or ground rents, up until 1924, when “*se negó rotundamente a satisfacer el foro por creer habían satisfecho demasiadas cantidades respecto a las que habían sido empeñadas en 1812*”.<sup>49</sup> The claim made by the recipient of the ground rent culminated in 1932 with a ruling on the reinstatement of the meadow, whereby the local council stated in February 1933 that “*se hallan tímidos y melancólicos al ver que se les ha despojado de su prado propiedad del vecindario*”,<sup>50</sup> and were left without “*un palmo de tierra de pradera ni siquiera para el desgrane de sus mieses y trilla de pajas*”.<sup>51</sup> Something similar had occurred in Fuentes de Ropel (Zamora), where the refusal by the *Seminario Conciliar de Valderas* to continue paying annuities led to a lawsuit, court case, and ultimately a ruling in favour of the recipient of the ground rent. In this case, the village avoided the court order by authorising, in 1898, the sale of the mortgaged meadows (covering 20 hectares) with the permission of the Ministry of the Interior, and then negotiating two years later with the purchaser for the transfer of the land to a large group of villagers.<sup>52</sup> In other cases, the cornerstone of the privatisation process appears to have been the Land Registry. The claim filed over the *dehesas* (meadows) in the villages in the district of Sayago pointed in that direction. As had also been the case in the district of Pan, the subject of another similar claim, in 1741 the villages had bought, through the *Junta de Baldíos y Arbitrios del Reino* [Board of Wastelands and Local Taxes of the Realm] the rights and actions that corresponded to the *Real Patrimonio* [Royal Estates] in that district (27,500 hectares in Sayago according to the 1933 claim). Those deeds of sale were invoked to call for the return to common ownership of certain pastures that had been recorded in the Registry, mostly between 1891 and 1905, in the name of a handful

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<sup>46</sup> A.IRYDA, Ref.Agr.1, box 17, no. 50. [the husband of this local feudal lady bought it under the ruse of sharing it out among all the villagers, making his shepherd place the highest bid, but then he kept it all for himself]

<sup>47</sup> [tricking the local villagers by telling them he would attend the auctions on behalf of the entire village and then keeping the land for himself]

<sup>48</sup> A.IRYDA, Ref.Agr.1, box 17, no. 61. [people alive today who witnessed these events at the time]

<sup>49</sup> [it steadfastly refused to pay the rent, as it believed it had already paid too much for the sums borrowed in 1812]

<sup>50</sup> [they feel fearful and melancholic upon seeing that they have been dispossessed of the meadow belonging to the entire community]

<sup>51</sup> [even a tiny patch of meadowland for separating the grain and threshing the corn]

<sup>52</sup> A.IRYDA, Ref.Agr.1, box 20, no. 5; box 20, no. 9.

of private individuals (many of whom had titles of nobility). In the opinion of the claimant, “*la culpa de ello la tuvieron los gobiernos monárquicos que hubo en el tiempo que fuese la usurpación porque en aquel entonces no atendían dichos gobiernos mas que a los duques, condes, marqueses, y de los que se llamaban ricos*”.<sup>53</sup> The misappropriation in this case seems to have been based on a generous interpretation of ancient feudal rights by the corresponding official bodies, whether this involved the land registry or the courts. This was a similar outcome to the one whose remediation was requested by another 17 local labourers in Corbesín (Soria), where lands covering 1,914 hectares, “*por causas que no explicamos por haber sido hechos de nuestros antepasados, pasaron a ser reconocidos, quizá con engaños y arrebatos, a favor del entonces duque de Medinaceli, y este señor hasta el advenimiento de la República se nos consideró como vasallos sujetándonos con contratos de arrendamiento irrisorios y obligándonos al pago de las contribuciones directas e indirectas*”.<sup>54</sup>

A third form of privatisation involved outright seizure. As we have already noted in the case of Southern Spain, the legal deed of purchase, granted by the State in the case of disentailed estates, was used by some new owners to subsequently extend their land area in an unlawful manner. This was the route taken by the Marquis of Los Salados following the purchase in 1860 of an area called El Teso in Olleros de Tera (Zamora). As stated in 1933 by the aforementioned *Sociedad de Obreros de Oficios Varios y Trabajadores de la Tierra*, “*al tomar posesión lo hizo con tanta arbitrariedad que, valiéndose de miles medios y engaños a las autoridades y amedrentando a los vecinos, marcó todo cuanto tubo [sic] por antojo y por donde le dio la gana, se conoce haciendo mangas y remangas con el demás terreno del pueblo*”<sup>55</sup> whereby the 500 *fanegas* (330 hectares) at the auction ended up being 1,146 *fanegas* (756 hectares) in the land survey conducted in 1885.<sup>56</sup> Something similar appears to have occurred with the meadow of Pelazas in Villar del Buey (Zamora), with its area increasing from 1,924 *fanegas* (1,270 hectares) in 1852 and 1879 to 6,337 (4,182 hectares) at the beginning of the 20<sup>th</sup> century.<sup>57</sup> Besides these seizures on a huge scale, claims were also filed against the encroachments made onto the commons by adjacent landowners, as was the case in San Esteban de Molar (Zamora) and Valdespina (Palencia), with the fencing in of common lands, such as those performed by the parish priest of Pedrazales (Zamora), and the

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<sup>53</sup> The claim filed for the district of Sayago, in A.IRYDA, Ref.Agr.1, box 20, no. 3. The one corresponding to the district of Pan, in A.IRYDA, Ref.Agr.1, box 20, no. 19. In 1741, the district of Sayago had paid the Crown 47,400 *reals* for the uncultivated common lands. The 21 villages in the district of Pan, for their part, had paid 22,000 *reals*. [the blame for all this lay with the monarchic governments at the time of the misappropriation because the governments of that time only attended to dukes, counts, marquises, and those that called themselves rich]

<sup>54</sup> A.IRYDA, Ref.Agr.1, box 22, no. 14. [for reasons that we cannot explain, as they involved our forbears, became recognised, perhaps by deception and seizure, in favour of the then Duke of Medinaceli, and until the arrival of the Republic this gentleman looked upon us as serfs, binding us with ridiculous leasing contracts and forcing us to pay direct and indirect taxes]

<sup>55</sup> [He took possession in such an arbitrary manner that by using means and tricks to deceive the authorities and intimidate the villagers he proceeded how and where he saw fit, apparently picking and choosing at will with all the other land in the village]

<sup>56</sup> A.IRYDA, Ref.Agr.1, box 20, no. 11.

<sup>57</sup> A.IRYDA, Ref.Agr.1, box 20, no. 3.

arbitrary ploughing of lands the local council had sequestered, or attempted to do so, in Matute, Alcózar and Añavieja (Soria) and in Valle de Cerrato (Palencia), being undertaken in this last village, according to the Catholic rural trade union, “*al amparo de la influencia concejil o del cacique*”.<sup>58</sup>

In some cases, the dossiers reflect serious disputes raging at the very heart of the community. Thus, the same farmers in the aforementioned villages in Soria call upon the IRA to respect their arbitrary ploughing, in some cases still in the process of legitimisation since 1924, while in Riofrío de Aliste (Zamora) five villagers denounced the local council’s “*atropellos*” [violations] when it sought to demarcate the village lands and review the old distributions, not hesitating to classify it as an “*acto caciquil*” [abuse of power].<sup>59</sup> In some villages, those who want to farm the land oppose their neighbours who want to keep livestock, as in the case of Villamuriel de Cerrato (Palencia) and Alcubilla de Nogales (Zamora), where the workers’ trade union proclaimed the right to egalitarian usage when “*quien se apropia es el rico con sus ganados*”.<sup>60</sup> In other cases, the livestock farmers are the ones who want to safeguard the pastures from intruders and tillers, as in the aforementioned Valdespina or in Bermillo de Alba (Zamora).<sup>61</sup> These rifts in the community also extend to a higher level, where one village is bound to another in the ownership and use of common lands. There are those that ask to be excluded from a higher level community (Becerril, Segovia) or to have their exclusive rights over a tract of common land recognised, as in the case of El Royo (Soria) with the so-called “*ensanches*” (expansion areas), while others ask for the validity of the district council to be recognised, as one village had appropriated it thanks to the legal reserve of administrative jurisdiction, as occurred in Navares de Enmedio and Navares de Ayuso (Segovia), and Valle de Cerrato (Palencia).<sup>62</sup>

This sense of grievance was compounded by a dismal economic and social scenario. A common denominator running through most of the applications is a lack of economic means due to the privatisation of the pastures and lands for grazing livestock or growing crops, or to the fact they had been forced to give up their leases in other villages, or to the damaging spread of unemployment. The references to the phenomenon of mass emigration, either in the past or in the future, abound in the dossiers of many Castilian villages to justify the recovery, as in the case of Ayllón (Segovia), Manzanar del Barco, Olleros de Tera, Riofrío de Aliste (Zamora) and Centenera de Andaluz (Soria), where they affirmed that “*el pueblo contaba con noventa vecinos cuando se vendió el monte, y*

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<sup>58</sup> A.IRYDA, Ref.Agr.1, box 20, no. 15; box 17, no. 45; box 20, no. 12; box 22, no. 12, 13 and 19; box 17, no. 46. [with the consent of the council or the local boss]

<sup>59</sup> A.IRYDA, Ref.Agr.1, box 22, no. 12 and 13. Even the Tax delegation in Soria asked for instructions on the matter (ibid. No. 11). The dossier of this village in Zamora is in box 20, no. 13.

<sup>60</sup> A.IRYDA, Ref.Agr.1, box 17, no. 49; box 20, no. 1. [the one who appropriates is the rich man with his cattle]

<sup>61</sup> A.IRYDA, Ref.Agr.1, box 20, no. 2.

<sup>62</sup> A.IRYDA, Ref.Agr.1, box 17, no. 56; box 22, no. 17; box 17, no. 65, box 17, no. 46.

*hoy cincuenta*”.<sup>63</sup> In some cases, veiled threats are inserted, such as when the Socialist trade union, UGT, in Santervás de la Vega (Palencia) reported that “*faltos de jornal y de medios por la crisis de trabajo, para remediar el paro y apagar el hambre de sus familias, y no queriendo proceder con violencia sino seguir la vía legal*”,<sup>64</sup> or when the local committee in Villapún (Palencia) noted that the recovery of the land would avoid “*aniden en ellos ideas disolventes en perjuicio de nuestra querida patria*”.<sup>65</sup>

The government’s urgent action is also considered vital for a number of different reasons. The expectations raised by the agrarian reform explain why the workers’ society in Fuente del Olmo de Fuentidueña stated in December 1932 that it was submitting the data it had managed to gather “*para la tranquilidad de los obreros [sic] que ya esperan intranquilos el rescate de estos terrenos, que no ven el tiempo llegado para trabajar estas tierras y no estar parados, por no encontrar trabajo ni en la provincia ni fuera ha [sic] pesar de haber recorrido parte de la de Madrid*”.<sup>66</sup> This was a crucial issue, furthermore, for the very dynamics of the trade unions themselves, “*pues de lo contrario desfallecen mucho las sociedades como no ben [sic] efectuarse nada de lo prometido y en vez de crecer en número merman, y eso para los dirigentes [sic] nos causa mucho desasosiego*”,<sup>67</sup> they admitted in Villanueva del Rebollar (Palencia) in January that same year. That same application provides a snapshot of the social climate at that time when it states that “*Castilla esta preocupada con la Reforma, lo mismo ricos que pobres, los unos furiosos y los otros llenos de miseria, cansos de pedir trabajo, y lo que les dan es poco, malo y a la fuerza*.”<sup>68</sup> It should come as no surprise, therefore, that the delay in the passing of the recovery law meant, as reported in April 1936 from Ayllón, “*en completa impaciencia a los vecinos de la villa*”.<sup>69</sup> The urgency of the recovery was also related to the proprietors’ reaction to this threat. This same report from Ayllón also noted that the owners of the land being claimed “*preveyendo [sic] los efectos de la ley de reforma agraria, los vendieron a tres vecinos de Ayllón, y éstos se introdujeron en el terreno con la mayor violencia, procediendo a su roturación sin dejar cañadas, caminos ni servidumbres, ocasionando grandes perjuicios a los*

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<sup>63</sup> A.IRYDA, Ref.Agr.1, box 17, no. 53; box 20, no. 10; box 20, no. 11; box 20, no. 13; box 22, no. 16. The forced surrender of leases in other municipalities, in Toloricio (Segovia), box 17, no. 70. [the village had 90 inhabitants when the uncultivated common lands were sold off, now there are fifty]

<sup>64</sup> [due to the job crisis, they lacked the wherewithal or means to remedy unemployment and satisfy their family’s hunger, although they had no wish to resort to violence, but act within the law]

<sup>65</sup> A.IRYDA, Ref.Agr.1, box 17, no. 42; box 17, no. 51. [insidious ideas taking root that could compromise our beloved homeland]

<sup>66</sup> A.IRYDA, Ref.Agr.1, box 17, no. 59. [for the peace of mind of the workers who are now waiting impatiently to recover these lands, who cannot wait to farm these lands and start working again, as they cannot find a job either in the province or outside it, even though they have looked in part of the province of Madrid]

<sup>67</sup> [otherwise the societies become demoralised, as they don’t see that any of the promises are kept, and instead of increasing, numbers are tailing off, and that is of great concern to us in the leadership]

<sup>68</sup> A.IRYDA, Ref.Agr.1, box 17, no. 50. [There is concern about the reform in Castile, amongst both rich and poor alike, the former are furious and the latter are impoverished, tired of asking for work, and what they do get is little, bad and forced]

<sup>69</sup> [the utmost impatience on the part of the local villagers]

*dueños de unas quince tinadas o apriscos de ganados y al vecindario en general*".<sup>70</sup> Still in the province of Segovia, in Navalmanzano they reported the felling of a pinewood used for the extraction of resin "*por cuanto lo esta cortando y aprovechando para madera, esto sin duda temiéndose que algún día pueda rescatar éstos el municipio*".<sup>71</sup>

The view of the Republic's agrarian reform, and of the expectations of the peasants that eagerly awaited it, has been closely linked to the division of the land into smallholdings to be used solely for agricultural purposes, in detriment to other uses involving livestock or forestry. This is only to be expected, as this agrarian reform was essentially of a redistributive nature. The recovery applications we find for the villages of Castile do indeed point in this direction, with specific requests for ploughing rights and land sharing in villages such as Valdespina, Santervás de la Vega, Villarrabejo and Valle de Cerrato (Palencia), in Vega de Villalobos (Zamora) and in Santa María de Riaza (Segovia). Nevertheless, some authors have indicated that the agrarian reform could have taken different paths other than rights over ploughing, plot divisions and sowing (Robledo, 2008; Cruz Artacho et al., 2002: 292). We thus find applications that appear to exclude this option of plot division in favour of a primarily livestock or forestry use, as in the case of Castillejo de San Pedro (Soria), where its local council affirmed that the 672 hectares that it sought to recover "*son terrenos de ínfima calidad, poco factibles de roturación, pero son de buena utilización para pastos y leñas, con lo cual se conseguirían algunas utilidades para esta entidad menor*".<sup>72</sup> From Centenera de Andaluz (Soria) they affirmed that "*cuando se vendió el monte estaba totalmente poblado, pues había árboles que explotados para carbón dieron de diez a doce quintales métricos*"<sup>73</sup> and that their felling had seriously damaged the environment, as "*con ella se perdió en un tanto la fuerza de atracción que los montes gozan sobre la lluvia*",<sup>74</sup> in addition to the erosion of this gravely soil by torrential rains, leading to the loss of "*las fincas mas bajas... su capa laborable*".<sup>75</sup> Accordingly, they proposed using it for grazing and household firewood.<sup>76</sup> In the village of Fuentenebro in Burgos, the priority in May 1936 for its peasant labourer society was to reinstate a common land sold in 1839 with a view to undertaking a reforestation process "*que nos resolverá de momento el paro obrero tan acrecentado en este pueblo*".<sup>77</sup> In many of these cases,

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<sup>70</sup> A.IRYDA, Ref.Agr.1, box 17, no. 53. [foreseeing the effects of the agrarian reform, sold them to three villagers in Ayllón, and these took possession of the land most violently, proceeding to plough them without respecting tracks, paths or rights of way, causing considerable inconvenience to the owners of around fifteen cattle sheds or livestock pens and to the community at large]

<sup>71</sup> A.IRYDA, Ref.Agr.1, box 17, no. 63. [because it is being cut down and used as timber, undoubtedly out of fear that it may one day be recovered by the municipality]

<sup>72</sup> A.IRYDA, Ref.Agr.1, box 22, no. 15. [these are the poorest soils, very difficult to plough, but they can be put to good use for grazing and firewood, so some benefit can be gained for this minor entity]

<sup>73</sup> [when the common land was sold it was fully forested, as there were trees used for making charcoal that produced ten to twelve metric quintals]

<sup>74</sup> [this meant to some extent losing the ability the countryside has to attract rainfall]

<sup>75</sup> [the rich topsoil on the lowest lying plots]

<sup>76</sup> A.IRYDA, Ref.Agr.1, box 22, no. 16.

<sup>77</sup> A.IRYDA, Ref.Agr.1, box 17, no. 3. [that for the time being will solve the serious problem of unemployment this village has]

especially when the applicants were workers' societies, rather than dividing the land into plots the aim was to use the recovery to organise projects for the collective working of the land, as was proposed in Villamuriel de Cerrato and Villanueva del Rebollar (Palencia), Alcubilla de Nogales (Zamora), Fuente Olmo de Fuentidueña (Segovia) and Corbesín (Soria).<sup>78</sup>

In sum, the aim at the time was to rectify the legacy of the liberal revolution and redress the way it had distorted village life. Or in the words used in November 1932 by four local day-labourers in Marazuela (Segovia): "*una de las cosas que se persiguen con las actuales leyes es precisamente deshacer el enriquecimiento torticero que algunos han obtenido valiéndose[se] en muchas ocasiones de la influencia que tenían cerca del poder constituido*".<sup>79</sup> Or as summarised a few months earlier by the society of land labourers of Villanueva del Rebollar (Palencia): "*Queremos tierra e independencia para trabajarla*".<sup>80</sup>

## 6. Discussion and conclusions

Following this trawl through some of the dossiers submitted by both local councils and workers' societies in areas of both *latifundia* and smallholdings, certain basic topics can be raised for discussion that may help to better understand some of the measures implemented by the Second Spanish Republic regarding land ownership. An initial question is that the agrarian reform can in some way be understood as a specific episode in the long process of redefining property rights. Indeed, the dossiers investigated here suggest that even in the 1930s the liberal agrarian reform was not a done and dusted affair, but instead a process that was still ongoing on several fronts that continued to generate obvious conflicts in the countryside. It is therefore advisable to avoid simplistic interpretations such as those that consider the liberal agrarian reform to be an aseptic phenomenon involving the definition of modern property rights that managed to introduce efficiency in a painless manner. Matters were, in fact, much more complex, as the redefinition not only involved the efficiency that modern property rights could introduce with a view to improving market performance, but also the greater or lesser equity that the process was generating. It seems clear in this sense that certain sectors in rural society felt clearly disadvantaged by the changes that had been taking place over

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<sup>78</sup> A.IRYDA, Ref.Agr.1, box 17, no. 49 and 50; box 20, no. 1; box 17, no. 61; box 22, no. 14. Of significance is the self-definition made by 17 tenant labourers in Corbesín when they stated that "*de tiempo inmemorial constituyen una pequeña comunidad de campesinos de la tierra y vienen explotando en régimen de arrendamiento colectivo divisible tierras de cereales y de labrantío*" [since time immemorial they have constituted a small community of land labourers and they have been farming cereals and arable land under a regime of separate collective tenancy] from a private owner and ask to be restored the land "*sin indemnización alguna*" [without having to provide any compensation whatsoever]. A study of the socialist defence of collective farming in Cruz Artacho et al. (2002)

<sup>79</sup> A.IRYDA, Ref.Agr.1, box 17, no. 62. [one of the things the current laws want is precisely to undo the unfair enrichment of certain people that has often been achieved through their influence on the powers that be]

<sup>80</sup> A.IRYDA, Ref.Agr.1, box 17, no. 50. [We want land and the independence to work it]

the preceding decades. Seen from a historical perspective, it may be fair to say that the gains in efficiency were insufficient to compensate those who suffered because of the changes, and this lay at the heart of the endless frictions and disputes that were drawn out over time.

The feeling of mistrust and bitterness that permeates through many of the dossiers may be explained in part by the often muddied nature of the redefinition of rights in 19<sup>th</sup> century Spain. As already noted on other occasions, the laws that permitted the privatisation of common lands were sufficiently lax so as to permit their application in each case according to the correlation of forces (Gallego, Iriarte, and Lana, 2010). Yet the recovery requests also reveal that the process of privatising common lands proceeded on the edge of the law, often being conducted in an illegal manner: common lands and grazing that were inalienable by law, but which someone managed to pass off as private property; purchases that were never paid for, but even then the lands were not reinstated; landowners that monopolised a much larger surface area than they had legally purchased; and the ploughing of common lands without any permission whatsoever, with their ownership ultimately being considered legitimate. The catalogue of excesses is so long and varied that those cases cannot simply be considered exceptions to the rule, but instead they involved a rule that was widely applied and ran parallel to legal privatisations, and appear to have affected vast tracts of land. This murky side that has been identified coincides with the notions posited by Ricardo Robledo (2010) when he contends that the problems generated by the absence of a land survey that could support the veracity or not of the entries in the Land Registry, or by Rosa Congost (2007) regarding “*los títulos que no se pidieron*”.<sup>81</sup>

Such a situation obviously drew the protests of those affected, who in many cases turned to the courts in search of justice. Yet in those same courts, the cases of privatisations allegedly arranged in an unlawful manner coexisted alongside another type of cases also related to the redefinition of property rights. Lawsuits over the dissolution of feudal domains, lawsuits over the dissolution of *comunidades de villa y tierra* or over the separation of municipalities, or lawsuits over those cases in which a plot's land and boundaries had ended up in the hands of different owners. Many of these lawsuits involved long, drawn-out proceedings, probably because the courts had neither the means nor the inclination to act quickly and because the powerful could contest any unfavourable rulings almost indefinitely. Yet what does seem clear is that in the first third of the 20<sup>th</sup> century, a fairly significant part of the liberal agrarian reform process was still being litigated in the courts. Accordingly, it is worth mentioning that the Republic's actions as regards the commons did not create a problem regarding property rights, but instead brought them out into the light. It was from 1931 onwards that the authorities made the first attempts at drawing up a surprisingly extensive catalogue of improper proceedings. At the same time, given that it was a conflictive process in its own right, what the new political regime introduced constituted a sea change in the correlation of forces involved. Whereas during the Restoration it was those people who

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<sup>81</sup> [The deeds that were not requested]

had benefited from the privatisations (lawful or unlawful) who had undoubtedly been better placed in the conflict to ensure their prerogatives were upheld, precisely the opposite occurs in this new political setting, with those who lost out now being entitled to submit their claims for a review of the process.

The specific reasons for the differing number of recovery claims between one area and another is something that still remains unexplained. As we have seen, the degree of privatisation since the mid 19<sup>th</sup> century and the pressure of population growth each played their part in the claims, but they are not enough to explain these differences. This means there is still a need to continue investigating other more complex causes. Some of these may be linked to the physical characteristics of the recovery areas, whereby more applications were made from those areas in which the misappropriated commons provided more farming potential. Other reasons may involve political issues, being directly related to the composition of the local councils in the new democratic scenario ushered in by the Republic. Others, nevertheless, may respond to factors that are more difficult to trace, such as the survival in the collective local conscience of a more or less living memory of the common lands that, idealised or not, provided an incentive to lobby for their recovery.

What seems clear is that the issue of the commons was destined to play a highly significant role in the Republic's agrarian reform process. For the authorities, the recoveries could provide lands in response to the claims made by local councils without the need to pay compensation for their compulsory seizure. For the landless peasants or for the owners of smallholdings, the commons provided an opening for the fairly speedy recovery of land and resources that could be used in each case to alleviate problems that, albeit with the common denominator of a lack of available resources, nonetheless expressed themselves in different ways. In the case of those areas with *latifundia*, the claims on the commons seem to have been more closely related to the need for land to farm in order to combat unemployment, poverty and hunger. In those areas of smallholdings, the claims were made alluding to the fact that the use of the commons could stop emigration, and the recoveries were more often associated not only with farming the land but also with grazing and forestry uses. In all cases, the claims seem to be an attempt to consolidate development opportunities based on smallholdings.

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