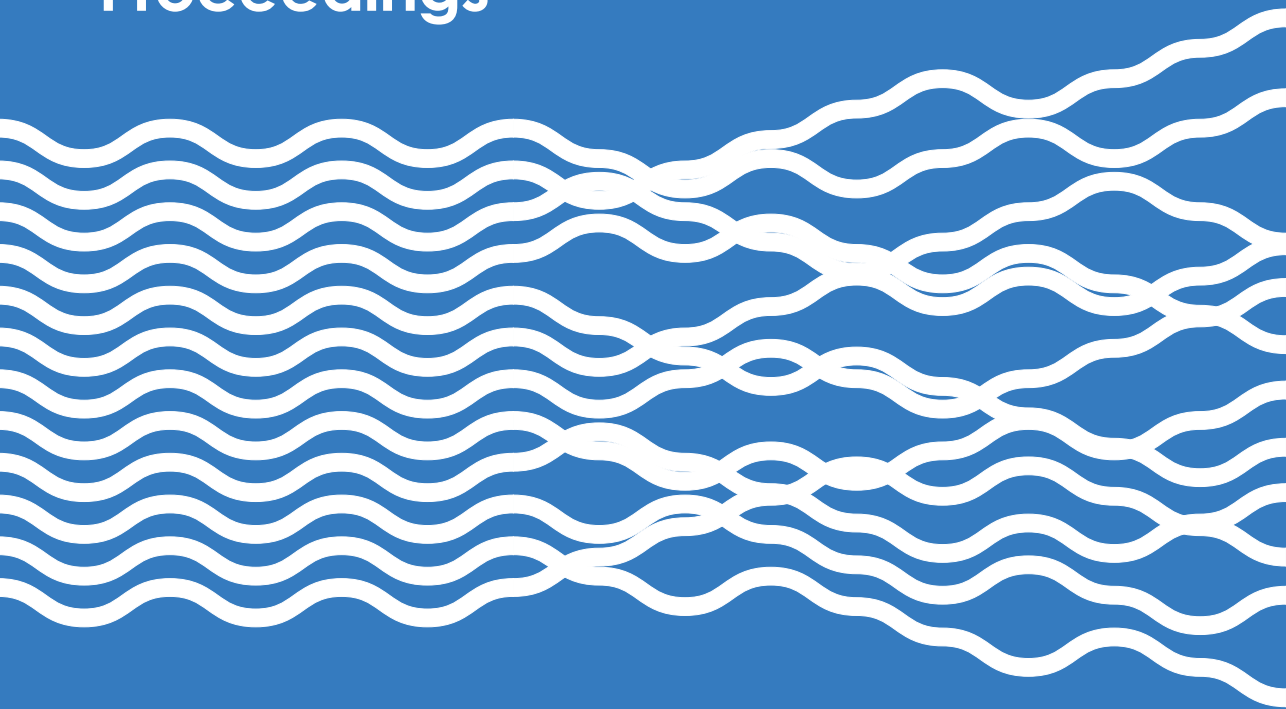


Conference Proceedings

 Sharing Society



International Conference

Sharing Society

**The Impact of Collaborative Collective Actions
in the Transformation of Contemporary Societies**

May 23-24, 2019 • Universidad del País Vasco/Euskal Herriko Unibertsitatea • Bilbao, Spain

Benjamín Tejerina, Cristina Miranda de Almeida and Ignacia Perugorria
Editors



Universidad
del País Vasco

Euskal Herriko
Unibertsitatea

International Conference Sharing Society (2019. Bilbao)

Sharing Society : the impact of collaborative collective actions in the transformation of contemporary societies, [Conference Proceedings, May 23-24, 2019, University of the Basque Country, Bilbao] /Benjamín Tejerina ... [et al.](editors). – Bilbao : Universidad del País Vasco / Euskal Herriko Unibertsitatea, Argitalpen Zerbitzua = Servicio Editorial, D.L. 2019. – 423 p. : il. Textos en inglés y español.
D. L. BI-804-2019. – ISBN: 978-84-9082-678-2.

1. Acción social. 2. Movimientos sociales. 3. Economía colaborativa. 4. Redes sociales. 5. Cambio (Sociología). I. Tejerina, Benjamín, ed.

316.42(063)

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All papers published in the Book of Proceedings passed a double-blind peer review process.

Recommended citation: Tejerina, Benjamín, Cristina Miranda de Almeida, Ignacia Perugorria (editors). 2019. *Sharing Society. The Impact of Collaborative Collective Actions in the Transformation of Contemporary Societies*. Proceeding of the International Conference Sharing Society (Bilbao, May 23-24, 2019). Leioa: Universidad del País Vasco/ Euskal Herriko Unibertsitatea

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Euskal Herriko Unibertsitateko Argitalpen Zerbitzua



ISBN: 978-84-9082-678-2

Depósito Legal / Lege gordailua: BI-804-2019

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Edition and book cover design: Mikel Azpiri Landa · mikelazpiri.com



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The Role of Communal Lands in The Revitalization of Rural Areas in Portugal

Pedro Manuel Hespanha

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Abstract: *Communal lands were essential for the survival of communities in pre-modern societies being traditionally used for cultivation or grazing, collecting wood or stone for buildings, bushes for fuel or for fertilization, honey production, etc. In Portugal, they have survived to this day, despite the attacks that were driven mainly from the second half of the eighteenth century by an adverse state inspired by liberal thinking and by a fierce and powerful rural bourgeoisie who anxiously wanted to lay hands on these lands. The fact that communities have had to face attacks from different antagonists (feudal nobility, gentlemen farmers, landowning bourgeoisie, physiocratic, liberal and positivist thinkers, modern state administration) has strengthened ties and strengthened collective action in communities. The recognition of community property by the Constitution of the Portuguese Republic of 1976 was an opportunity to recreate new forms of use of common goods more appropriate to contemporary realities. Some of these ways were aimed at revitalizing communities through collective action and investment in material and social capital; some other ways have sought to broaden and diversify access to the use of common goods in order to meet the demands of external users such as tourism, sports or leisure agencies. In these cases, the activities carried out could involve a high degree of commodification, unlike what happened in the first ones when the “solidarity economy” was strengthened. The presentation of two cases with different orientations allows for a debate on the future of communal lands in Portugal and on the risks and challenges of the new uses of these lands.*

Keywords: *Communal land; democratic governance; reciprocity; solidarity; commodification*

1. Introduction

There is a renewed interest in the theme of commons in large part inspired by concerns about environmental problems arising from the unlimited use of common goods (Demetz 1967, Hardin 1968, McCay and Acheson 1987), but also inspired by other concerns such as socio-economic development or the search for alternatives to the private management of common interests (Wade, 1987) or the understanding of historical processes of change in property regimes (Moor, Shaw-Taylor and Warde 2002).

Besides the diversity of views on the common goods, the concept itself is distinguished by its complexity, uncertainty, and institutionality (Van Laerhoven and Ostrom, 2007). Complexity has to do fundamentally with the way in which ecological systems interact with social systems and assumes larger proportions whenever this interaction involves differentiated social groups and multiplicity of uses, as is the case that we will analyze. Uncertainty has to do with the unpredictability of the effects of complex interactions between ecological systems and social



systems, such as when “institutional arrangements leave a wide margin of choice and when each individual effect depends on the action of others” (Ostrom 2005: 48-49). We will see this when analyzing the effects of the community’s slowing down of control over access to communal land by outsiders. Finally, institutionality has to do with how the practices of use of common goods are embedded in systems of beliefs, values, norms, and roles, that is, in specific institutions (Popkin 1979, Wagner 1994).

Among the universe of “common”, the communal lands stand out for their long history and diversified institutionalization. Communal lands or *baldios*, as designated in Portugal, were essential for the survival of communities until the advent of modernity and traditionally used for multiple activities: farming or grazing, collecting wood or stone for buildings, collecting bush for burning or for fertilization of the land, honey production, sand or water extraction, etc. In addition to the collective use of other resources in various ways - collective herds, communal kilns and fields, common use equipment, dikes and paths, etc. - communal lands were also used by neighbors for individual benefit according to customary rules that recognized free access to the means that those lands could offer and, at the same time, strictly regulated the forms of conflict resolution that occurred between common use and the individual use of these resources.

Communal lands have survived to this day, despite the attacks that were driven mainly from the second half of the eighteenth century by an adverse state inspired by liberal thinking and by a fierce and powerful rural bourgeoisie who anxiously wanted to lay their hands on these lands. The fact that the communities had to face attacks from different antagonists (feudal nobility, gentlemen farmers, landowning bourgeoisie, physiocratic, liberal and positivist thinkers, modern state administration) strengthened the bonds and reinforced collective action within them. Nevertheless, many of those communities could not avoid the usurpation of their common goods.

Modernity has changed lifestyles everywhere and created new opportunities for productive work outside rural communities. But as communal lands became less essential to the survival of communities, they underwent a process of decline and marginalization, accompanied by a shift in individuals’ own ideas about the role of community and community resources in their economic and social reproduction. As communities are no longer dependent on *baldios* for their subsistence and these become increasingly attractive to other agents interested in exploiting communal land on a commercial basis, these communities now consider the *baldios* more as a rental resource (from afforestation, wind farming, leased parcels, tourism, sport events, etc.) than as means of production. Moreover, as community control over the access of outsiders to communal lands slows down, the mining of the communal lands’ resources or the immoderate use of them for sports and recreation is becoming a threat to the environmental balance.

The presentation of two cases that illustrate these different ways of using the *baldios*, resulting from an ethnographic study, allows us to feed and deepen a debate about the future of communal lands in Portugal and the risks and challenges of the new uses of these lands.

2. A Brief History of Communal Lands in Portugal

In the Portuguese case, the origins of communal lands are lost in time, but there is evidence that their possession was never peaceful and that communities had to face the almost constant risk of losing them in the face of threats from various sides. The best-documented history of the Portuguese communal lands shows that from the 12th to the 14th century there was a marked expansion of the *baldios*, related to the Christian re-conquest of the territories that had been occupied by the Muslims since the 8th century. Abundant royal concessions promoted the settlement of peasant families on reclaimed land, conferring them rights and in many cases, land for common use to thrive in self-managed communities. But this expansion did not go without difficulties. In the fourteenth century there arose a proto-bourgeoisie of traders claiming access to uncultivated fields and communal lands on the grounds that these were not producing surpluses for the market. Thereafter, the communities' complaints against the abuses of the nobles and the gentlemen farmers who illegally appropriated communal lands in a way that we today relate to the process of dismantling the pre-modern institutions.

Later in the eighteenth century, the population growth and the need to facilitate access to land, coupled with the influence of physiocratic doctrines, put communal lands in the face of new threats. Common property is increasingly seen as a remnant of the feudal regime that had to be abolished, but the resistance to these threats was always strong and manifested itself in protest actions registered in several points of the national territory (Rodrigues 1987; Tengarrinha 1994).

Throughout the nineteenth century the process of penetration of capitalist relations in agriculture accelerates and with it increases the pressure for the extinction of collective forms of property. Accordingly, new legislation, published between 1804 and 1815, allows for the division of communal land and its distribution by neighbors and, whenever this is not possible, imposes the transfer of the management of the *baldios* from the communities to the municipalities. Soon after, the liberal revolution of 1820 proved to be militantly anti-feudal and anti-communal, labelling the communitarian agro-pastoral system as the greatest embarrassment to the progress of agriculture (Herculano w / d: 35). This positivist idea of bringing "progress" to agriculture would inspire new legislation to attack the *baldios*, this time through the colonization of uncultivated and communal lands for landless peasants able to increase the production of food for the market.

Food shortages, especially during World War I, led governments through successive laws to encourage then increase in cultivated areas at the expense of communal lands. The most serious attack on the *baldios*, with this aim, was triggered during Salazar's dictatorship and operated on several fronts: by entitling municipalities to dispose of communal lands; by settling peasant families in vacant lands; and by including about 80% of the communal land in a compulsory program of afforestation. These measures created resentment and revolt. Afforestation was seen by the communities as a "robbery" instead of a "gift", and the arrogant attitude of the forest rangers, the abusive intrusion of the Forest Services into the communal lands and the planting of forest species very vulnerable to fires prompted widespread popular resistance. But the government has consistently reacted to this resistance with intimidation, repression, and fines.



On a different scale, the pressure for the afforestation of the *baldios* is also related to the increase in the market prices of timber since the nineteenth century, and to the fact that investment in forest new plantations became very attractive for capitalists. Wood industry covered different areas all in expansion: housebuilding, furniture and shipbuilding, pulp and resin production, railways (Estevão 1983).

In 1974, the democratic regime that emerged from the “carnation revolution” recognized the communal communities that lost communal lands for afforestation as the legitimate owners and therefore as the deciders of how to manage the land and forest. Two years later, the new Political recognized the communal land as part of the public sector (and later, in 1982, as part of the “cooperative and social” sector). *Baldios* are now defined as areas of land autonomously owned and used by local communities as the heirs of the old communitarian forms of land ownership.

3. Some Experiences of Community Revitalization

The Portuguese countryside, with the exception of a narrow coastal belt where the activities most closely linked to the market are concentrated, is indelibly marked by an intense rural exodus that occurred in the last half-century. However, the recognition that there is a process of demographic decline and aging desertification of the Portuguese countryside, accompanied by a loss of density of social and economic activities, should not hide the fact that here and there, in these declining rural areas, it is possible to detect experiences of economic and social revitalization based on the active mobilization of communities around their communal lands with surprising success taking into account the fragility of the social and economic fabric of these communities.

These experiences constitute a very rich field of analysis of the conditions that can favor the revitalization of rural areas. Returning to the preponderant forms in the present use of the common lands above mentioned, we can identify the factors that, in each one of them, may influence the direction of the changes. Combining collective strategies with individual strategies allows for a stronger rooting of neighbors’ economies in the community, regardless of a more mercantile or more communitarian orientation of these economies. That way, families may invest in market-oriented agriculture and at the same time benefit from the communitarian resources, either directly (via productive use of communitarian resources) or indirectly (via conversion of rents in social capital). This combination does not preclude the possibility of neighbors give priority to the strengthening social capital. In cases where a rentier strategy for managing the *baldio* is prevalent, the risk associated with it is the weakening of the social ties within the community, especially in the case of those families who least benefit from the investment in social capital, for instance in “local improvements that make the community more attractive as a place of residence, thus creating a more pleasant life for the population whose individual economies are no longer articulated with the use of common lands” (ibid. : 62). Finally, in cases where free access to the *baldio* by outsiders prevails, the related risk consists, in addition to weakening of the social ties, in the loss of control over the use of these lands and their potential degradation, either when it involves mass recreational, sport or leisure activities or when it involves uncontrolled exploitation of nonrenewable resources (Hardin, 1968). The probability of communal lands turning into exchange values is high in these cases and hardly compatible with a restrictive use for reasons of environmental protection.

Two case studies from recent studies carried out by the Center for Social Studies of the University of Coimbra (Caldas, 2013; Serra, 2013; Hespanha, 2014) allow us to deepen our knowledge about possible models of the revitalization of those communities owning *baldios*. What makes this comparison more relevant is the fact that these two cases concern the same geographical area - the Mountain of Lousã -, and share a common history until very recently, when they began to diverge in their strategic orientations: in one case, pointing towards a strengthening of community identity and, in the other, pointing towards an opening the access to outsiders by offering a wide range of recreational, sport and leisure services on a strict commercial perspective.

The mountain of Lousã was intensely populated in the past. An extensive area of communal land allowed for the survival of several mountain communities whose economic activity was based on poor agriculture and sheep and goat herding, also limited by the poverty of the land. The production and sale of charcoal from the communal woodlands also represented a complementary source of income. Against this background, it is better understood how the forced forestation of the *baldios*, which began in 1925, lasted until the 1950s, and the consequent reduction of the herds in forested areas generated an emigration flow to Lisbon, to Brazil and to North America that was already coming from the end of the century. XIX, and which culminated in the total depopulation of these places in the mid-1980s (Monteiro 1985). Later on, some of these places attracted people from distant urban centers, who were looking for the mountains for leisure and rest, converting the old shanty houses of the mountains into secondary residences and, to a lesser extent, foreign visitors who settled there moved by a desire to return to their origins, to a simple life and in harmony with nature (Dinis and Malta 2003: 119). This cultural and touristic attractiveness of mountain has been recognized by municipal planning when establishing that “the shanty villages of the mountain of Lousã are predominantly destined for housing, commerce, services and tourism and equipment for collective use” (Câmara Municipal da Lousã 2014).

Let us see in detail how the change of uses of the *baldios* has taken place and what strategies seem to be established in their governance.

Baldio de Vilarinho

The *baldio*, with one area of about one thousand hectares, has been used by the “community” of Vilarinho since immemorial time for a multitude of purposes: collection of stone and gravel for housebuilding and corrals for livestock; grasslands for sheep grazing; collection of wood and firewood; beekeeping; plantation of olive and chestnut trees; water collection and conduction for irrigation and for the operation of cereal mills.

During the dictatorship, the National Forest Services transformed much of traditional uses of the *baldio* into exclusive forest use. Under the close control of the forest rangers, the community members were forbidden to feed their flocks in the common lands as well as to remove logs, stones, gravel, grass and other fruits and waste products that were commonly used by them.

After the fall of the dictatorship in 1974 and enactment of the new law on communal lands (in 1976), the community elected the first Council of Users of the *Baldio* de Vilarinho and approved



a collective investment plan that included the construction of social equipment (a primary school, a health center, a civic center, a cemetery) and the opening of some roads and paths. In 2005, the Council of Users authorized the installation of a wind farm with a capacity of 35 MW, which represented a new and significant income for the community.

In 2006, the Community of Vilarinho decided to end up with the regime of association with the National Forest Service, which only came to be recognized by the court six years later. Thereafter, a new phase was inaugurated with the self-management of the common lands, very rich of initiatives for the strengthening of the collective life and the local cohesion, based on a set of strategic objectives widely consensual:

- **1.** to invest in the future, by preparing the young generations for the management of the forest, providing them with basic knowledge and experience and sensitizing families and the community in general to the economic, social and cultural value of the forest heritage;
- **2.** to preserve the heritage, by collecting information on traditional forms of land use using oral history;
- **3.** to involve children in collective community projects, such as Summer Schools for mini-groups (under the acronym “We are the owners of our mountains”). During school holidays, children are socialized in the baldio’s management experience, allowing them to become aware of the importance of their involvement in community-based projects;
- **4.** to open the access of outsiders to the baldio, in order to let know them the variety of common resources that are available and to share with them the enjoyment of some of these resources in a way, at the same time, pedagogical and controlled. Since 2012, the community organizes mycological tours with the aim of training young people as well as external guests to identify the different species of mushrooms and to distinguish between those that are poisonous and those that are edible. Also, the experience of community involvement in educational activities related to the baldio has generated a set of pedagogical tools that are being made available to primary and secondary schools in the region.

Baldios da Lousã

This generic designation encompasses about 600 ha. of communal lands belonging to the agropastoral communities of Lousã, which, as previously mentioned, disappeared with emigration. The Association of the *Baldios da Lousã* was created to regulate and manage the use of communal lands, making the lands accessible to national and international tourists looking for leisure and adventure activities in areas of great natural and scenic value. For this purpose, the common lands were equipped with a campsite for 90 users, offering wooden houses for short stays, with old mountain stone houses adapted for tourism, with tracks for mountain bike competitions, with photo-safaris involving hunting animals and bird watching, pedestrian rails, mushroom picking. At the same time, a set of rules of conduct seek to discipline and guide the use of land for sporting practices in order to safeguard the correct use of tracks and infrastructures (Baldios da Lousã 2010, w/ d).

In contrast to the previous case, the Lousã common lands follow the associative management regime with the National Forest Service, thus providing the community with limited autonomy in forest management. Notwithstanding, the Association assures several services related to the

forest, such the clearing, pruning, thinning and deforestation, as well as the plantation of new areas, partly due to the insufficiency of the Forest Service.

The comparison of the two cases shows other significant differences. The first is the different understanding of who constitutes the *baldio*' community. In the case of Vilarinho, it is constituted by the residents who carry out their activity in the village and that, according to the customs recognized by the community, they have the right to use the *baldio*. In the case of the Baldios da Lousã, where traditional users emigrated, the community integrates both the population of the city of Lousã and national and foreign visitors. The future of the common lands of Lousã is thus dependent on the profile of these external users, who depend more and more of the local private operators of mountain tourism, leisure, and sports.

The second difference is in the governance model. The fact that the community of Vilarinho was one of the first to claim, after the fall of the dictatorship, the ownership of communal lands, came to strengthen social ties within the community and to consolidate a practice of governance that involved direct participation of the neighbors. This resulted in a concerted strategy aiming at strengthen the communitarian identity: an adjustment of the uses of the *baldio* to the current needs of the community, a compromise between the initiative of the neighbors and the preservation of the heritage, a compromise between innovation and traditions of the community, a socialization of the new generations in collective practices (Serra and Ferreira 2017), a controlled extension of the use of the *baldio* to non-neighbors who respect the culture of the community. In the case of the *Baldios da Lousã*, the sense of community has been lost due to the eclipse of the traditional communities, and the efforts to rebuild an extended community come up against the diverse, irregular, fortuitous and superficial profile of new users and new uses.

The third difference lies in the degree of commodification of the economic relations that have been established because of the *baldios*. In both cases, the communal lands are generating income but in only one of them (Vilarinho) the neighbors make productive use of the *baldio* either acting collectively or individually. The individual production, although linked to the market, corresponds more to small scale popular production than to capitalist production. What moves small-scale producers is more the need to improve living conditions through their own resources (mostly work) and cooperation with their neighbors, rather than the blind and incessant pursuit of profit. It is not only a matter of ensuring survival but also of living better. Moreover, the improvement of living conditions is not a personal objective, but an objective of the household and the economic reproduction of the household implies the reproduction of primary social networks by investing in reciprocity and solidarity at the community level (Hespanha 2009b). In this sense, economic relations are institutional or moral and not merely contractual and monetary (Popkin 1979).

4. Conclusions

Despite the apparent omnipresence of the market and profit, the communal lands are not limited to the passive condition of supporters of activities valued by the market. They are also a heritage of cultural and political significance, a repository of the experience of cooperation accumulated over generations. Communal lands generate identity and roots for those who are members of the community, operate as a school for learning democratic self-management



and for developing the capacities to collectively face problems that would be insurmountable. The autonomy they guarantee to the members of the communities, allows them to feel more secure and more apt to implement their initiatives and aspirations.

Tracing different trajectories vis-a-vis the market, the two analyzed cases do not cease to put us difficult questions about the future of communal lands and of their democratic governance.

Regarding the case of Vilarinho, it is important to know, among other questions: a) whether it will be possible to develop a strategy to reinforce collective life exclusively through the income generated by the *balديو*; (b) and, in the negative hypothesis, whether it will be possible to recreate an economy based on the productive work of neighbors when their education and qualifications are so distinct; and (c) whether “proximity” and “trust” are enough to maintain community ties among an increasingly differentiated population (in terms of age, education, and occupations).

In the case of Lousã, the following issues should be considered: (a) whether it is possible to develop a strategy for conserving democratic governance of communal lands on the basis of free access and free initiative of users; (b) whether it is possible to create a new identity for *balديو*'s users based solely on their consumption affinities; (c) the extent to which it is possible to maintain strict regulation of the use of communal land, without the opposition of market forces or their eviction.

The complexity and uncertainty of these processes of change do not allow for an easy answer to these questions. Where the processes of change denote the presence of a mercantile logic in consumers' and investors' choices and where individual interests are separated from collective interests, the sense of community is lost or assumes blurred contours at the same time that the market dynamics tend to exceed the rules that seek to regulate the activities in communal lands. Where, on the contrary, the changes are taking place in the sense of valuing both the material capital constituted by resources of local communities beyond the market and the social capital constituted by the heritage of “immaterial competences based on the qualified participation of the populations and on specific forms of organization (ANIMAR, 2013), ie. where changes take place in the countercurrent of the market and individual self-interests, then only a persistent and participatory collective action of neighbors materialized in economic practices based on cooperation and solidarity and a sense of widely shared community can absorb and value the diversity of skills and aspirations of neighbors and maintain a high degree of autonomy in the use of communal goods.

Being nowadays a seemingly residual reality, these cases of community revitalization make it possible to perceive the importance of the common goods (whatever their nature) in the fulfillment of local development aspirations, understood as a participatory and democratic process of change, which brings a better life for all.

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6. Methodological Appendix

The aim of the research was to identify the changes in the use of communal land in Portugal and to analyse under which conditions it could support the revitalization of rural areas in decline. The text is based on a case study research method focusing on a single entity, the communal lands of the Lousã mountain, historically divided into different communities whose mode of use of the land evolved in contrasting ways. Ethnographic observation, interviews and documental analysis were the main research tools involved in the study. Fieldwork was carried throughout 2014.

7. Data Sources

- Official, press, and advertising documents
- Interviews to local informants, members of directive boards, and communal land users legislation
- Minutes from the communal land directive boards
- Direct observation
- Database from the research project SCRAM - Crises, risk management and new socio-ecological arrangements for forests: a perspective from science and technology studies, organized by CES – Center for Social Studies, University of Coimbra and funded by the Portuguese Foundation for Science and Technology.

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