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Sovereignty, Collective Ingenuity and Moral Economies: The Confluence of Transnational Trends, States and Local Strategies in the Pyrenees

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ABSTRACT

The expansion and consolidation of the state's sovereignty and the market economy in the Pyrenees, in northeast Spain, took place through the implementation of a series of territorialisation policies designed to reorganise the territory, its natural resources and its population. This process was supposed to introduce state-driven modernity into these valleys. These governmental technologies also specifically targeted common property. The explicit goal of such political schemes was to dismantle these putatively outdated managerial institutions. In this paper, however, I focus on three examples of commons endurance. Two collective institutions showing high degrees of ingenuity survived the pressure of market and state, and reformulated modernity from a local perspective while preserving or gaining access to natural resources for local communities. These institutions and the social agency that built them were clearly informed by the sets of values that constitute local moral economies. This paper thus examines local responses to the expansion of state-driven modernity as a hegemonic ideological framework, and sovereignty as its jurisdictional scaffold. These answers are analysed as institutional transformations, discursive elaborations, and as political conflicts.

KEYWORDS

Common property, moral economy, Pyrenees, political ecology, modernity.

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INTRODUCTION

The transnational emergence of European modernity, first across the western countries and in other areas of the world later, is closely correlated with the consolidation of capitalism as economic rationale, and the modern nation-state as a political framework.[1] Starting in England in the seventeenth century, this transnational trend towards modernity swept Western Europe in the eighteenth and nineteenth centuries. The associated processes of cultural, economic and political appropriation were simultaneously being implemented in areas inland of colonial metropolises and in the most remote areas of the empires.[2] This process was designed to consolidate a modern and centralised state sovereignty over individuals and resources.[3] In Spain, as in other areas of Europe at the time, one of the main thrusts of these consolidation processes was the rather successful implementation of territorialisation policies designed to improve the grip of the state over its natural and social resources. These policies have been seen as an attempt to overcome the fragmentation and fluidity of post-Middle Ages jurisdictions. In the name of efficiency and rationalisation all sorts of non-private lands, mostly communal and ecclesiastic, were expropriated, assessed, and either sold as private property, or retained by the state for direct public management. This process resulted in the infamous 'enclosure process'.[4] These territorialisation policies were also a means of establishing a solid monopoly of governance inside the borders of each state.[5] The legitimacy for these new forms of governance was provided by a modernisation ideology that combined scientific rationality with a liberal political economy.[6] In most cases the implementation of new governmental and economic regimes translated into the dismantling of the older, mostly locally based managerial institutions.[7] The new way of looking at power, jurisdiction and sovereignty involved searching for an absolute monopoly of the political function. In other words, the existence of sources of legitimacy and efficiency other than state, science and market were an unacceptable challenge to the nascent national, mostly urban, societies.

In the following pages I problematise the monolithic definition of sovereignty emerging from the implementation of state-driven modernity. I proceed to question the supposed territorial hegemony of the state's sovereignty by describing three cases in which its deployment is reworked via collective ingenuity and local moral economies. The conflict over natural resources owned in common by local communities and coveted by the state unveils a deeper conflict involving ideology, and conceptualisations of power and shared responsibility. Modernity and the concept of sovereignty it endorses is context dependent, mediated by locality and its specific cultural context.

The genealogy of modern state governance is constituted by a succession of multilayered policies designed to spread national sovereignty over territory, resources and subjectivity.[8] Modernity, as a hegemonic national and transnational discourse, is a monolithic and homogenising device. Its local implementation

however is mediated by the local cultural practices and ideologies. This interaction between a national narrative about governmentality and the local moral economies results on a myriad of context specific situations.[9] The three cases analysed in this paper portray processes of conflict negotiation. In the three situations we encounter local populations dealing with the impact of the implementation of modernity. These negotiations result in a heterogeneous modernity that depends, amongst other factors, on social context and local agency.

This process of state expansion opened new interstices for local agency and local affirmation of rights, privileges and cultural and productive identities.[10] The goal of this paper is to explain how some segments of local populations succeeded in protecting and even in increasing their control over some resources, even as the Spanish state sought to consolidate and extend its control over terri-tory, natural resources and people. The attempt to extend centralised sovereignty created liminal political spaces from which governance and resources could be locally redefined and appropriated. In other words, local agents identified the limits of state's sovereignty and discursively worked to transform its reach and very essence.

Although geographically located in Western Europe, Spain, as a modern na-tion, did not emerge in a consolidated fashion until the mid-nineteenth century.[11] Then starting in the 1820s waves of policies began shaking the Pyrenees inter-mittently. During the last 180 years these policies have dramatically changed its demography, property regimes and productive practices.[12] The last two centuries have brought radical changes to the people and resources of the Pyrenees. Many local narratives associate these social and demographic convulsions exclusively with decay and loss. As pointed out by Iriarte [13] we must refuse to accept this perspective because it minimises local people's capacity to deal with change instrumentally and to succeed in exerting their own forms of control over their resources in the wake of the state's drive to establish its sovereign control.

Some scholars have developed a dialectical narrative that connects unilateral state and market-oriented impositions with local resistance.[14] However, this is a reductionist approach to the possibilities of local agency when dealing with the weight of social structures.

> Beginning in the late twentieth century there has been a general move throughout the world to reduce or dissolve communal or collective forms of property in favor of 'private property'… The increased legitimacy of 'private property' is widely associated with the advance of capitalism [and the consolidation of the international nation-state system] in its various guises and with the spread of neoliberal discourse into new settings.[15]

A significant amount of theorisation about common resources management also predicts that in the modern political and economic context, the viability of communal spaces and resources will be strictly reliant on its transformation into either public interest resources or private property.[16] The consequence of

this argument is to situate decision-making power largely in the state. From this perspective, the commons have to be nationalised or at least tightly controlled through private management in order to guarantee their sustainability. The state becomes the only tutorial entity with enough coercive capacity and legitimacy to ensure resources and habitat preservation and improvement. These discourses assume the validity of the ideological precepts of modernity. They assume that so-called traditional institutions are incapable of continuing to manage resources even though, historically, these institutions proved to be efficient and sustainable. It assumes that the market, maximisation and privatisation trends affect the means of production for the current economic system, and actively work against the communal institutions which cannot resist outside pressure. Anthropologists have worked hard to dismantle these notions.[17]

Despite significant disruptions, some types of commons and their corresponding management institutions persisted up to the beginning of the twenty-first century. Their survival has occurred because of local people's ingenuity and their capacity to transform their own institutions in an extremely variable context. These surviving resource management practices speak to the flexibility of the contemporary legal order and about the possibilities for flexibility, transformation or cohabitation of legal regimes. The coexistence of legal regimes disputing or sharing sovereignty over the same territorial locale has been defined as 'legal pluralism'.[18] In this paper, I combine the strengths of political economy, property theory and poststructuralist thought to highlight the way groups have resisted, subverted, co-opted, or fostered state action in order to improve their own position. I briefly analyse two cases in which a specific moral economy was menaced by external managerial initiatives. In both cases, the creative mobilisation of legal and cultural resources, combined with a display of social solidarity, succeeded in protecting a local resource. A third case depicts a local initiative that succeeded in combining traditional models of managerial structures with contemporary mainstream Spanish political culture. This initiative asserted and ensured the right of local individuals to a set of resources from which they had been excluded for generations.

HISTORICAL AND GEOGRAPHICAL SETTING

The three cases draw upon ethnographic field research in the valley of Lillet. This is a small vale that runs west to east in the central Catalan Pyrenees in the northern corner of Barcelona province, northeast Spain and southwest Europe, and constitutes most of the upper watershed of the Llobregat River. The river's course has historically acted as a territorial backbone of industrial Catalonia. The social processes analysed in this paper took, or are taking place, in the municipalities of *la Pobla de Lillet*, *Castellar de n'Hug* and *Sant Julià de Cerdanyola*.[19]
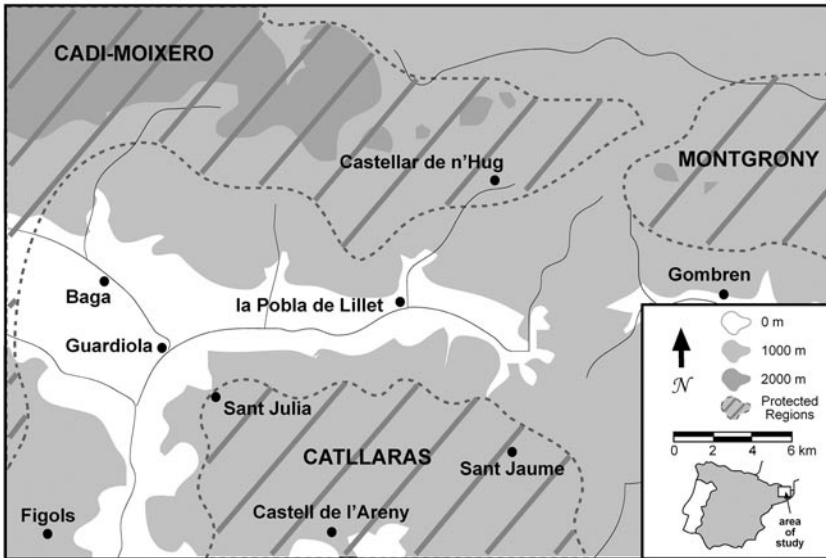
FIGURE. 1. The Valley of Lillet and surroundings
(map prepared by Jennie Deo)

In the mid-nineteenth century the Spanish liberal state, pressed by a general economic crisis, decided to tackle the remnants of medieval property regimes and extract benefits from them. The plan was simple, the state intended to confiscate non-private property and put it into circulation. From 1836 to 1841, the Mendizabal Programme affected land in ecclesiastical estates. In general, most of the landholdings ended up in the hands of the growing bourgeoisie or were added to the possessions of the still-powerful aristocracy.

In 1855, in the next wave of state-led efforts to assert control, the General Disentailment Law, affected what the State called the wastelands, which were mainly commons.[20] This project, known as the Madoz disentailment, had direct repercussions on the Lillet Valley. Until then, mountain communities had been successful in preserving their common lands from previous division and privatisation trends. This period is characterised by local initiatives directed at saving community lands from this attack.[21] The law also established a procedure by which a patch of land or a mountain could be saved from expropriation. Villages had to prove that the land in question was essential for the survival of the community. Territories that fulfilled these conditions were considered an exception and returned to the local community. However, the state also introduced a new and important difference that changed the status of those lands.

Before the law's passage, the excluded areas were commons belonging to and regulated by the entitled residents of the local community through a set of traditional regulations. After the 1855 law, these same areas became property

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of the municipality and were managed by the local council. In other words, these lands became integrated into the national public territory. The policies derived from the 1856 law succeeded in transforming the governance structures of a large part of the nation's territory, either by dumping them into the private property pool, or by incorporating them into the public stock. This was an important step in the process of modernisation of Spain. This is not to say that the Madoz disentailment completely dismembered common property; it did, however, change the rules of the game.[22] The consolidation of capitalism as a dominant mode of production completed this framework.[23]

The nation-state was emerging, and with it a new concept of unified sovereignty. The growing state reconstructed the legal condition of the territory and recast important sets of social relations and jurisdictional control. The land of the state was transformed symbolically and materially into a territorial continuum in which the supreme authority had been also unified into the abstract entity of a bureaucratic state. The power over resources and productive practices shifted, at least theoretically, from local or mid-range actors, peripheral aristocratic and ecclesiastic authorities, to a centralised and scientifically managed impersonal governmental machine.

In the following pages I proceed to analyse three local cases of commons' survival and endurance across these transformations. The chronological period covered is diverse. The first two cases are examples of changes experienced by specific commons associated with people's attempts to overcome the late nineteenth century state's effort to appropriate them: changes that have had lasting consequences for more than a century. The third case is about the creation of a new communal institution at the end of the 1970s. Political negotiation and institutional ingenuity has allowed some members of two communities to have access and manage a set of resources previously inaccessible to them.

THE BOARD OF CAPMASSATS AND MAGALLERS: SANT JULIÀ DE CERDANYOLA

In Sant Julià de Cerdanyola, as in every other mountain village, the Madoz Disentailment campaign was perceived as a direct threat to the survival of the community. The communities' jurisdiction over the commons was at stake. In the case of Sant Julià, these commons encompassed more than fifty percent of the municipality. This was, therefore, a major challenge to the economic viability of the community as well as to its collective identity. However, after the report of allegations in 1862, instead of joining the pool of terrain apt to be sold, Sant Julià's mountains were classified as a public utility forest and excluded from general state expropriation. Although this measure was a first step towards the protection of the community's heritage, it seemed insufficient to its members because it implied the municipalisation of the commons. In other words, the

local council, rather than neighbours, was given control of the communal lands, which entailed a loss of jurisdiction over the local resources in favour of the municipality – a part of the state structure – and whoever would be controlling it.

To contest this municipalisation, some members of the community started proceedings to reverse it. In 1864 the civil governor approved the declassification of the Cerdanyola Mountain and granted its property with a common regime to its inhabitants. As evidence for this decision, the state considered it proved that the community had paid the territorial contribution without interruption, as well as holding continued possession of the property, as demonstrated through historical censuses and tax records. These elements were considered by the state as evidence of quasi-private property and confirmation of effective management. In 1865 the property was inscribed at the Property Register on behalf of a group of eleven proprietors in common and undivided regime. In 1894 the Board of Capmassats and Magallers was established. The board included two differentiated social groups.

The first group, the Capmassats, consisted of eleven houses signed on as owners, while the second, the Magallers, consisted of sixty-four houses designated as residents.[24] The deed specifies a different set of rights and duties for each group, illustrating what Gil called a 'particularisation of resources'.[25] The well-to-do segments of the community mobilised the collective to defend the communal property because, comparatively, they received more advantages that way than from its privatisation. Sant Julià's case, however, did not exhibit many differences between the two categories of local stakeholders if we consider the material benefits extracted from the land. It constructed a symbolic hierarchical structure of power and decision, as well as a differential marker of identity and belonging. An interesting characteristic of this new arrangement is that rights and duties are not linked to kinship and genealogy, but to property itself and to registration as a primary resident in a house that appears as signer (capmassat) on the original contract. This practice allows new families to be incorporated with rights over the commons into a village with declining population.

The agricultural territory of the board is managed under the same conditions that traditionally have managed the *Emprius*. While an agricultural field is cultivated, it belongs to whoever works it. After two years of abandonment the land reverts to the commons and to whomever may decide to work it. The forest is cut and gathered for domestic use, and to generate funds that were mainly devoted to collective works or to improve the village's infrastructures.

This 'institutional' mentality concerning forest resources, enjoined with the exclusive jurisdiction over the communal forest, was fundamental during the years in which Sant Julià lost its official status as a municipality and was integrated into Guardiola (1942–1992). During those years of institutional marginality, the board of the commons acted as a *de facto* local council financed by the benefits generated from the forest. Had the forest been municipalised

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during the nineteenth century, it would have been managed by the local council of Guardiola for most of the twentieth century.

This ascription of the rights to houses not as genealogical lines or kinship structures, but as physical habitation entities, plus the particular history of Sant Julià, resulted in an interesting process of social and demographic recovery. Sant Julià, in the mid-twentieth century, experienced a deep demographic crisis that almost resulted in its disappearance. During the 1980s and 1990s the coincidence of the 'second residence' phenomenon with the coming of age of a generation of youngsters who decided to remain in or return to the village refloated the official status of the municipality. Not many of these new citizens practised agriculture or ranching. Instead, they commuted daily to Bagà or Berga.

Those who registered themselves into the village, occupying houses inscribed into the original Capmassats i Magallers Board's contract, acquired rights over the commons. In a period without much local competition over agricultural resources, these rights did not have much impact on productive conditions and competition over the natural resources of the village, while creating an integrative avenue for the new inhabitants into the 'community'. By the 1890s, the Board's constitution marks the translation of traditional practices with their customary oral regulations into modern juridical terminology. The direct consequence is a semantic immobilisation of terms, a loss of flexibility. The power structures and limits established between owners and residents that previously would have been variable across time in a pre-written contract, became solidified after the legal regularisation.

The inhabitants of Sant Julià succeeded in protecting their collective heritage from a *de facto* nationalisation by understanding and appropriating the discourse of modernity. They quickly realised which values were needed to sustain this new expanding socioeconomic system and discursively translated their managerial practices into modern terms: rational use, quasi private ownership, owners' society and so on. In other words, they subverted the territorialising attempt of a state in the process of modernisation by modernising themselves through a capitalistic economic narrative.[26]

In the modern nation-state, national sovereignty and environment become embedded in a single discursive practice. The story of the imposition of modernity's governmental practices over the national territory is the story of the conflicting negotiation of discursive and physical boundaries. The villagers of Sant Julià de Cerdanyola reworked and redrew the national jurisdictions along with their collective identity and environmental practices.

CASTELLAR DE N'HUG OWNERS COMMUNITY

At Castellar de n'Hug in 1904, efforts to protect the communal land from the last policies associated with the Madoz disentailment campaign were directed

at registering the properties without a nominal owner under the name of a group of residents (Figure 2, Areas 6 and 7). They were acting as representatives in behalf of all the household heads of the village. The villagers were intending to establish legal ownership to a set of huge areas that were fundamental to the ranching economy of Castellar de n'Hug, before they could become a target of private speculation or prey of interventionist territorial state policies. In 1931 this process crystallised in the formal constitution of the Castellar de n'Hug Owners Community.

Again, the local community succeeded in translating their traditional managerial institutions into something modern that would serve as an acceptable practice from the new state-driven political and legal perspective. The active members of this ranching community, who in the early 1900s were literally lost at the top of a range without regular means of communicating with the burgeoning modern society, understood the general rationale being implemented elsewhere in the state. They also succeeded in wisely using the new governmental technologies to secure property and access to their own lands. They used the recently created national property register to make themselves visible and to ensure their own appropriations. Afterwards they constituted a juridical association in accordance with the specifications of the new legislation promulgated by the liberal state, and resuscitated a modernised collective institution. In its charter, this private local institution carefully articulates traditional rights in relation to uses and beneficiaries by wrapping them into a modern social managerial culture with a board, president, juridical accountability outside the community, and so on. This coexistence of traditional and modern traits speaks, more than any other element, about the success of reworking the local patterns and customs into a modernly acceptable form of natural resources management.

In the last thirty years Castellar de n'Hug has slowly transformed itself into a tourist attraction. This has traditionally been a ranching village specialising in ovine herds. Currently the village still boasts several thousand head of sheep: fewer but bigger herds than in the past. The reduction of the human population coincided with a concentration of sheep into the remaining viable herds. The geographical location of the village, at almost 1,400 meters above sea level at the eastern extreme of the Cadí range, is the main reason for this ranching emphasis. However, the geographical isolation has historically contributed to the villagers' ability to retain effective control over most of their mountains and valuable summer pastures. Their identity and sense of independence can be connected to their marginal and isolated rural geographic location, as well as to their success in retaining control over a large part of their communal lands.

However, their control has been altered by the implementation of the Natural Park del Cadí (1983) and the Montgrony Protected Area (1992), encompassing 3,702 hectares of a municipality of 4,676 hectares. The effective survival of ranching practices and their later commercial uses could not have been possible if the parents and grandparents of the current inhabitants of Castellar de

n'Hug had not decided to find a way to protect the community's heritage by creating a private corporation for territorial management. It has to be stressed also that part of the patrimonial heritage represented by this ranching culture, with its paths, locally bred sheep dogs, wood carving and traditional tools, has been effectively capitalised for tourism promotion of the village as a reserve of traditional Catalonian culture. The urban regulations currently in place in the village, and promoted by the local council, forbid new constructions and only rehabilitations of old buildings which 'are true to' their traditional style are allowed. The village has become a living and recreated postcard. In other words, the managers of the village, in connivance with most of its inhabitantss, made a conscious productive shift from ranching to tourism.

The relationship between locals and the protected areas is mediated by multiple contradictions. The declaration of the park represented an alteration of the bundle of rights associated with land ownership in the area. In other words, the implementation of the park and the protected areas undermined local access and local decision-making potential over natural resources because of the restrictive regulations with which they were associated. Pastures are a fundamental natural resource of the area. An important segment of the grazing land of the village is currently under some degree of public control or supervision. After the creation of the conservation policies the ranchers in the area discovered that their social landscape of managerial decision-making had been significantly changed. Ranching business ceased to be a negotiation between private parties and communal institutions. The public sector, in the form of its conservationist administration, became a central actor with whom ranchers needed to negotiate. The following subsection deals with the Agrarian Transformation Society of la Pobla de Lillet and Castellar de n'Hug. This institution is a perfect example of such new political processes associated with ecological and economic management.

Castellar, however, has succeeded in reinventing itself from ranching to tourism. The presence of a dramatic and protected landscape is an obvious draw for tourists. The park also provides positive inputs to the economy of the village. In addition the park supplies some extra resources to the surrounding villages through numerous directives and investments in local development. Residents of the area debate the benefits and the costs brought about by the park. In that regard, the subjective positionality of the individuals explains their affinity, or lack thereof, with the park.[27] Younger generations tend to appreciate the park more than older generations. Old time ranchers tend to dislike the park more than owners of tourist businesses.

The transformation of Castellar de n'Hug into a tourist attraction, however, has had significant social consequences, not least of which has been the transformation of the village collective identity. From a certain perspective, the villagers of Castellar consciously connected themselves with the dominant values of the new globalised economy, creating a tourist attraction grounded in antiquity in order to get the modern resources that they need to ensure their continuity as

a community. Instead of offering cheap labour, raw materials, or accessible markets, the villagers connected with the market by offering a specialised type of service that provides for the leisure-oriented needs of the urban population of the lowlands, including dramatic landscape, a resting place, natural beauty, traditional culture.[28]

AGRARIAN TRANSFORMATION SOCIETY (SAT) OF LA POBLA DE LILLET AND CASTELLAR DE N'HUG

The Societat Agraria de Transformació (SAT) was a consensualised initiative generated by sectors of the civil society of la Pobla de Lillet and Castellar de n'Hug. At the end of the 1970s, local politicians and local ranchers created a new institutional mechanism to substantially change the way montane resources were managed. The valley was in a situation of progressive industrial recession. It was necessary to open new income sources for domestic production units. The tourist option was still underdeveloped. It was also the time of the first arrival of European Union subsidies for agro-ranching activities. To some villagers it seemed that the time was ripe to return to the agro-ranching sector as a complementary activity to factories and tourism. This high elevation area has ideal alpine pastures for all seasons and, therefore, a significant ranching potential.

In the Cadí Range this ideal situation is complicated by two factors. Firstly, most of the range is part of the Cadí-Moixeró Natural Park, and therefore under strict state surveillance, where resource uses are tightly regulated. Secondly, some of the most extensive alpine meadows in this area are out of reach for the local herdsmen because they have been privately owned at least since the nineteenth century. Historically access these terrains, mostly property of the Marquise of Cerdanyola, required rental contracts with the administrators of the Marquise's estate. This necessitated negotiations with lawyers and notaries in distant Madrid, Barcelona or Valencia. The cost and difficulty of reaching the Estate's managers, from both a geographical and a cultural perspective, was often insurmountable for small local ranchers.

At the beginning of the twentieth century the Spanish state, on behalf of its emerging forestry and hydraulic policies, started to buy out or to expropriate big chunks of territory on the watersheds of the most important rivers. Most of the enormous estate of Arrospide, and those of the Marquise de Cerdanyola and Duke of Castro Enríquez, passed entirely into the hands of the state, and with the properties came a myriad neighbouring smaller properties. This historical change in ownership, however, did not represent a fundamental difference forthe destiny of the area's mountain pastures and people. Although annual public auctions of pasture rights to regulate their assignment were installed, they were taking place in Madrid using enormous territorial units. The usual beneficiaries were

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big ranchers from the plains and intermediaries obtaining important benefits from reselling the use rights.

These lands, managed by different organisations of the state, became the basis through which, starting at the end of the 1970s, environmental protection policies were developed and implemented: policies such as the Cadí-Moixeró Natural Park or the Catllaràs Range protected area. The constitution of these protected areas during the last 30 years coincided with another important element of the political life of the Spanish state, the Spanish administrative decentralisation represented by the creation of the Autonomous Communities: in this case, Catalonia, the Generalitat de Catalunya, with jurisdiction over agriculture, ranching and protected areas.

The state, in a process two hundred years long, had succeeded in securing control over large tracts of land. It enforced its sovereignty over the territory through appropriation on behalf of national interest. The SAT case is an example of the locality reshaping and transforming official conceptions of sovereignty into something subjected to negotiation and consensus. The state relinquishes some level of jurisdiction over previously enclosed resources and allows the irruption of an intermediate, non-public, institution into the managerial realm. Interestingly enough, this emerging institution is created having in mind the local, historical associative culture. The SAT organisational structure presents interesting similarities with past common property institutions of the area.

Cultural and institutional proximity between la Pobla de Lillet and Barcelona, instead of Valencia or Madrid, was a fundamental factor in facilitating the understanding between local politicians, representatives of the valley, the local population, politicians from Barcelona, and the managers of the national park. The ranchers of la Pobla and Castellar, after negotiation with the local council, the department of Agriculture and the Park management, formed an agrarian transformation society. In exchange for introducing modernisation and sanitation measures to herd management there would be a direct adjudgment, at a reasonable price, of the Rus Meadow to the SAT. The number of cattle head allowed, however, is stipulated by the park directors, taking into account scientifically defined carrying capacity.

The Rus Meadow is a very good set of alpine pastures that remains green during most of summer and early fall. However, the herd had to be exclusively bovine, with some horses allowed. Sheep remained banned. These pastures would become a fundamental summer resource and make raising cattle simpler and more profitable. When the good weather arrives, sometime in June, all the SAT associates bring their herds together, currently around seven hundred head of cattle, and lead them to the Rus hut surroundings under the control of a single herdsman paid by the SAT. The herd will stay up there well into October (Figure 2. Areas 1, 2 and 3). This approach fits with the vertical use of the different ecological niches of the range. It is a managerial regime commonly found in mountainous societies all over the world.[29]
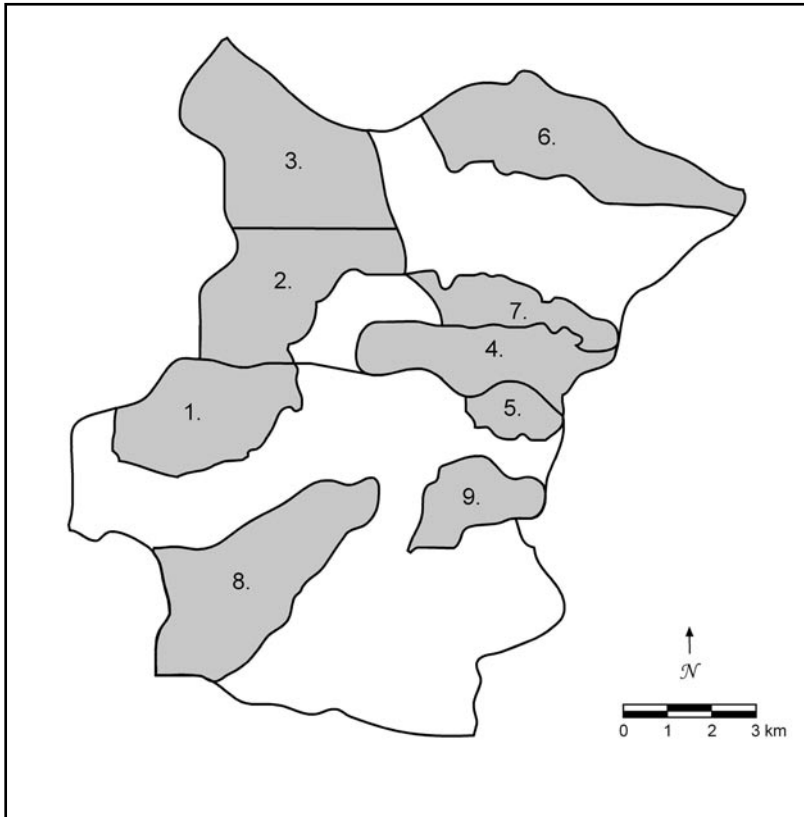
FIGURE 2. Collective ownership in Castellar de n'Hug and la Pobla de Lillet
(map prepared by Jennie Deo)

The summer pasturage is a use managed in common. This collective form
of management has been instrumental in addressing the reservations raised by
the government-employed park managers who are, in general, more focused
on environmental protection than on local economic development. The cattle
are individual property much the same way as the pastures used during the rest
of the year, but the summer herd is the sum of most of the individually owned
herds of both villages. The communal institution of the SAT is completely new
and without precedent in the area. This communal institution is created not to
manage ownership but to ensure access. As stated by Hann:

> In modern capitalist states, 'full ownership' usually refers to exclusive legal title,
> including rights to use, to dispose of, and to alienate the land. These rights are
> never absolute but subject to a legal frame backed up by the state. Rights to use
> and to manage are often exercised by parties other than the legal owners. The

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power to control, or simply the power to *access*, is of greater practical significance than legal ownership.[30]

The creation of the Society generated new legal spaces for local reorganisation. Although SATs are standardised and subsidised models used by the Catalan government to support agriculture, once constituted they are managed by members of the associations themselves. They are not public institutions but associations of individuals with a common interest. This was a concerted effort between local representatives and some branches of the state. The heterogeneity of the state opened opportunities for negotiation. In this case the Department of Agriculture proved to be a suitable conduit to reach access over resources managed by the Department of Environment.[31]

Since the 1980s, due to production changes and success of the SAT, we can observe a significant transfer of ranching activity from ovine to bovine. The meat market, state regulations, demographic decline and local strategies have worked together to introduce significant changes on the ranching activities of the area. Sheep are not as profitable as they used to be unless you enjoy European Union subsidies. Cattle raised for their meat, in contrast to dairy cows, demand comparatively low labour and monetary investments. Sheep are labour intensive, they need a shepherd and herding dogs, both of which are becoming scarcer every day, stables for shelter and daily walks. Cows can rest alone in a meadow surrounded by a mildly electrified wire for as long as they have grass and water available. These elements and the facilities introduced by the existence of the SAT have become an incentive to shift to cows or to start to raise cows instead of sheep. Recently a few inhabitants of la Pobla, not traditionally related to ranching, have diversified their assets by buying cattle.

The internal structure of the SAT reflects contemporary institutional parameters including rotational posts, internal democracy, written regulations, specific percentages of votes for each type of decision, standardised governmental organisations, and so on. Paradoxically, high elevation pastures have been reasonably assured to the local producers during the process of formalisation of environmental policies. Although the local population lost jurisdiction over these patches long ago, this recently developed process has allowed the villagers to recover usufruct at a relatively low cost.

Locals have associated together in formal collective institutions in order to bargain with public institutions. At times the benefit comes more from the subsidy than from the animal itself. Currently many of these ranchers are also mechanics, retailers or public officials. All these elements have unquestionable consequences on the construction of the rancher identity, as a collective and also at the level of individual subjectivity. However, this phenomenon has not happened without raising concerns for lifetime ranchers, who are totally dependent on ranching. The increasing numbers of small herds have over-inflated the price of winter pastures. Traditional ranchers and farmers maintain that these changes have had differential impacts on households which depend wholly on

ranching versus those for which ranching is a secondary activity. Therefore, lifetime ranchers and farmers have a more critical opinion of the consequences of the SAT.

In February 2002, as a break from my fieldwork, I went to Sort, a small town deep in the western Catalan Pyrenees, to present a paper at a local conference on common property issues. The subject of that series of talks was 'The Future of the Commons', which addressed past and current Spanish legislation on the commons, territorial distributions, forestry policies, interaction with tourism and the food industry.

After three days of presentations by politicians and academics, there was a round-table with a few of the current owners of the commons. Five ranchers, well beyond their fifties, took the stage. They were not very talkative and the dialogue started slowly. They began talking about their common property and their way of life. The ranchers were describing what has been handed down to them from generations of stewards, their ancestors. The questions from the audience revolved around productive practices, territorial boundaries and governance strategies. One of the organising members of the conference suggested the convenience of mapping, recording and modernising the way in which the commons were perceived and managed. The ranchers' collective answer was clear. There was no need for such procedures because they already knew everything they had to know about their lands and resources. 'We know where our commons start and end. I do not need a map to tell me where I can graze and where I cannot.'

By the final stages of the round-table, the moderator, a local technician involved with public policies implementation, stopped all conversations and directly engaged the ranchers. He asked: 'So, guys, what do you think we should do with the communal lands?' A long silence followed, the farmers looking at each other. Finally one of them took the lead and said: 'let the commons alone', nothing else. They, with their straightforwardness, had been able to see what most of us, in our scholarly naiveté, missed. They had perceived the potential for interference and alienation that a conference on their lands held by others could have. They understood that 'someone' was preparing the ground for yet another intervention on their lands. Until then, we had been completely oblivious of that fact. To a significant part of the audience, the future of the commons depended on modernisation and articulation with territorial state policies. At that point the regional government was designing a new nature park that was supposed to cover most of the upper ranges of those valleys. They were perfectly aware of the potential consequences of mapping, censing and systematisation.[32]

The farmer's sentence did not simply imply an aim to congeal and isolate a particular institutional setting. The examples previously mentioned have demonstrated that traditional institutions are far from being frozen in time. Their managers have historically proven an extraordinary capacity to instrumentally

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manipulate cultural values and ideological constructs that allowed them to survive all sorts of structural pressures.

CONCLUSION

Communal property is about local jurisdiction over local resources. The establishment of the modern state and its idea of unified sovereignty conflicts with these local definitions of sovereignty. In many cases the collision of these different systems of management results in the destruction of the weakest elements. In this paper we describe cases in which local ingenuity, supported by local moral economies, challenge a monolithic definition of sovereignty and established context-dependent forms of control over resources.

As I analyse the characteristics of market and modern legislation and the way they undermine and erode the functional capacity of the commons, I want to focus our attention on the fact that these two elements also offer new frameworks for resistant discursive strategies, adaptation or even for the invention of new institutions. This analysis of the possibilities of the economic and juridical context has to go hand in hand with attention to the internal vitality and the resourcefulness of mountain communities and how they help to establish the limits for the internal consolidation of the state.[33] Not to do so would result in misrepresenting the obvious fact that communal institutions have survived a century and a half of intense pressure and that, in spite of facing important problems, and although deeply transformed, they have re-emerged in many places as viable mechanisms to manage natural resources.

One of the goals of this paper is to point out the differences and the similarities between all these cases of transformation of communal institutions under the pressure of the expansion of modern state-driven sovereignty. Sovereignty, in turn, is transformed by the pressure of local forces. I believe the study of this conflictive interaction offers fertile ground to discuss the equivocal relationship between local agency and modernity. This interaction has traditionally been explained in terms of conflict and progressive disappearance, or as a manipulation of the former by the latter, but this relationship can also be explained as the potential for local moral economies to catalyse creative agency and generate managerial and discursive alternatives to the state.

The morphology of this institutional transformation is an important element of our analysis. Traditional commons, with their emphasis on informal or alternate forms of consensus and on oral and flexible regulations became a primary target of the transformative, modernising, perhaps repressive, activity of the developing nation-state. The traditional institutions, in one way or another, pass through a process of modernisation visible in their organisational structures and in the juridical, ideological and productive substrata in which they are situated. Modern self-governance procedures are instilled into the local managerial in-

stitutions. As we have seen, every case is different. Some cases clearly involve continuity because, although they present changes in resources ownership, the traditional uses and regulations remain relatively unscathed. Some of these institutional changes have played a significant role in the perpetuation of the community's internal hierarchies. Others seem to represent new phenomena that incorporate new forms of organisation. None of them is one thing or the other, but rather a mixture of characteristics of each possibility. The new forms of capitalism are based on an internationalised socioeconomic system.[34] This globalisation however, does not necessarily result in cultural homogenisation. External traits are often adopted, reworked and transformed in accordance to the local cultural context.[35]

The cases from the Pyrenees illustrate how civil society finds ways to reorganise by combining traditional tools with new political and economic frameworks, and to transform local institutions that are on the verge of becoming outdated or overrun into something else. The implementation of state-driven modernity and the consolidation of territorial and epistemological sovereignty are mediated by a combination of local organisational culture and moral economies. This discursive and institutional process allows communities to face new social conditions. These institutions ensure a comparative advantage to their beneficiaries in the fight for access and control of specific natural resources.

The ingenuity of local communities allows them to identify public institutions' soft spots, to create new juridical spaces, and to generate innovative economic fields. The state in its need to territorialise, to implement homogenisation through governmental technologies, and to take control of its natural resources, started a merciless fight against alternative managerial regimes and entities. The state's goal was to achieve a managerial monopoly, to dismantle institutions that could escape the overarching eye of the state machinery and its absolute sovereignty. The liberal state, in order to secure control over its territory, relied on private property and public property. These regimes were legitimised by the national register and permanently surveyed by the taxes department. Consequently, the state, in progressive waves proceeded to dismantle the alternative regimes: mainly the communal lands. In Spain many of those local institutions and the lands they managed disappeared due to that pressure originating in the state: significant numbers of these commons, however, survived. Some of these institutions, as it has been demonstrated above, survived by adopting characteristics of the incoming new order, but not blindly so.

Castellar's Owners Community and Sant Julià's Board are examples of the uses of juridical avenues to avoid an announced state intervention, while keeping the community's resources out of the public institutions' reach. In order to do so, the communal institutions reconstituted themselves into legal associations that followed the ordering rationale pursued by the state. They made themselves accountable, measurable, registered and scripted. The price of this kind of formalisation is a loss of flexibility in favour of legal credibility. The expansion of

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modernity and its ideological and governmental apparatus, although traditionally analysed as a national process, is indeed a transnational phenomenon that did not stop at borders, mountains or oceans. The cases of Castellar and la Pobla exemplify how local agency faced this transformation, and how they subverted it by discursively reconstructing themselves in terms that rendered their institutions invisible to the scrutinising eye of the modern state.

The SAT of la Pobla de Lillet and Castelar de n'Hug is a contemporary attempt to ensure access to and control of particular sets of natural resources. It is an effort to rework historical memories and practices into modern governmental culture, including lobbying central public institutions. In this case a new institution was successfully created that has the capacity to relate locals with state organisations and natural resources. Its development secures a set of natural resources while articulating the local community with several layers of public institutions of larger scope.[36]

The SAT is an obstacle to this transnational trend. It is a local initiative that using contemporary political means carves a productive niche inside a nature park. Conservation policies are quintessential territorial policies characterised by enclosure measures that entrench the physical presence of the state even further[37]. The SAT reverses this trend by opening the park to ranching.

Sant Julià's Board, Castellar Owners' Community and la Pobla's SAT are three discursive vehicles utilised by local populations to establish a controlled connection with a larger national or transnational social reality, while retaining jurisdiction over their own resources and identity. The three cases are characterised by the adoption of modern terminology to describe and rework pre-existing historical practices. This is, in other words, a concerted act that attempts to protect or create a locality in cultural, economic and quotidian terms.

NOTES

[1] Gellner (1983), Habermas (1991), and Ferguson and Gupta (2002).

[2] Hobsbawm (1968), Rangajaran (1996), and Sivaramakrishnan (1999).

[3] Foucault (1996), Agamben (1998), and Hannah (2000).

[4] Thompson (1966), Bringué (1995), Darby (2000), and Gil (2000).

[5] Vandergeest and Peluso (1995), Braun (2002), and Sunderland (2004).

[6] Adas (1989), Thomas (1994), and Fisher (2002).

[7] Ensminger (1992), Peters (1994), and Gil (2000).

[8] Minson (1985), Foucault (1991), and Goodie (2001).

[9] Polanyi (1944), Thompson (1966), Scott (1976), Peluso (1992), and Hann (2003).

[10] Nugent (1997) and Bebbington (2000).

[11] Sanchez Albornoz (1985) and Maluquer de Motes (1995).

[12] Vaccaro (2005).

[13] Iriarte (1998 and 2002 b.).

[14] Scott (1976), and Guha (2000).

[15] Verdery and Humphrey (2004: 18).

[16] Hardin (1974).

[17] Acheson and McCay (1987), Ostrom et al. (2002), and Hann (2003).

[18] Merry (2000).

[19] Throughout the article these three villages will also be referred as la Pobla, Castellar and Sant Julià.

[20] Merino (1976) and Moro (1981).

[21] Freeman (1970), Behar (1986), Rueda (1986), Bringué (1995), and Gil (2000).

[22] Colom (2003) and Iriarte (2002 a.).

[23] Gallego (1998) and Herranz (2002).

[24] 'Vecinos' in the original.

[25] Gil (2000: 23).

[26] Nugent (1997).

[27] Raffles (1999).

[28] Frigolé (2005).

[29] Murra (1975), Netting (1981) and Cole and Wolf (1999).

[30] Hann (2003: 23-24).

[31] Ferguson (1994), Saberwal (1999), and Sivaramakrishnan (1999).

[32] Wood (1992), Edney (1997), and Scott (1998).

[33] Mitchell (1991).

[34] Smith (1984), Harvey (2001), and Nugent (2002).

[35] Hannerz (1992), Appadurai (1996), and Gupta (1998).

[36] Hann (2003), and Verdery and Humphrey (2004).

[37] Neumann (1998).

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