
REVIEW ARTICLES

The Sale of Crown Lands in Spain in the Early Modern Era

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The sales of *tierras baldías* by the Crown during the second half of the XVIth century is an important aspect not only of agricultural history, but also of the history of public finances and politics. It was not by chance that the first sales took place at the beginning of the reign of Philip II, more or less simultaneously with tax-increases, more conspicuous sales of offices, and efforts to exploit more effectively the financial resources of the empire.

This important subject has now been systematically studied for the first time, through an extensive analysis of "more than 50,000 folios" in the Simancas archive dedicated almost exclusively to the sales of *tierras baldías* during the reign of Philip II.* Certain sections of the book have already been published in the form of articles (1974, 1975, 1976) in three different learned journals.

Other historians, including F. Braudel and N. Salomon, had already touched on this subject, and shown — perhaps even exaggerated — its importance, but they did not attempt to analyze the problem extensively and in depth. An interesting article published in 1967 by J. Gómez Mendoza in *Estudios Geográficos* is limited to the province of Guadalajara and is not drawn from a completely satisfactory documentary base. More recently, A. García Sanz (*Hispania*, 1980), B. Yun Casalilla (*I^{er} Congreso de Historia de Castilla y León*, Valladolid, 1982, forthcoming), and R. Fernández Carrión (*II Coloquio de Historia Económica*, Alcalá de Henares, 1981, forthcoming) have analyzed the problem of *baldíos* with rigour and penetration, but they too confine their observations to particular areas.

* DAVID E. VASSBERG, *La venta de tierras baldías. El comunitarismo agrario y la Corona de Castilla durante el siglo XVI*, Madrid, Servicio de Publicaciones Agrarias, 1983, pp. 265.

Baldío or *tierra baldía* literally means "waste land." In principle, these uncultivated lands could not be owned: individuals could occupy them freely (for cultivation or grazing) as long as they liked, but when they left them they could claim no property rights, and other settlers could step in. In reality, these general principles were almost always adjusted to local customs and laws.

The Crown followed the Roman law principle that all property without an owner belonged to the state. The *Reconquista* had greatly enlarged the amount of "waste lands," and the fact that the success of the *Reconquista* was commonly attributed to the Crown strengthened the belief that the *baldíos* ultimately belonged to the state, so that *tierras realengas* could be synonymous with *tierras baldías*. The Crown, however, never tried to administer these lands directly, leaving the task to the local communities, who thus became accustomed to regard *baldíos* as their own property.

Vassberg rightly devotes several pages to the definition of the concept of *baldío*, which is an intricate problem on account of the various types of communal property. Unfortunately, the concept of *baldío* cannot be clarified satisfactorily for the obvious reason that, in the XVth century itself, it was a source of conflicting interpretations, out of which arose frequent lawsuits between the Crown and the municipalities; lawsuits that, in some cases, resulted in judgements in favour of the latter.

The principal usurpers of public lands were the peasants themselves, who attempted to transform into private property the parcels of communal lands they tilled year after year. The nobility also enlarged their demesnes at the expense of the common lands; many town councils managed to resist these usurpations, while others gave in, frightened by the costs of long lawsuits. Powerful members of the town corporations themselves often misused their offices to claim illegal rights over communal lands.

Until the beginning of the XVth century, the Crown, by and large, defended common lands, and if it occasionally granted portions of them to particular individuals, the reaction of the aggrieved municipal corporations was so strong that the lands usurped in this way were normally given back to the community. From the legal point of view, an important change took place in the reign of Charles V. Like his predecessors, he made grants of public property to private individuals, but, unlike them, and despite the petitions of the 1528 *Cortes*, he refused to annul these grants. A precedent was thus established by which the King, if he so wished, could alienate common property. Nevertheless, the emperor's sales of public lands were of little practical significance.

It was in the reign of Philip II that a general and more conspicuous programme of sales of *tierras baldías* was begun and carried out. The first alienations took place in the years 1557-59 in the province of Guadalajara. The financial importance of these transactions was minimal. But in the 1560s the income obtained from the sales increased, rising steadily in the 1570s and 1580s. During

the 1590s there was a sharp decrease, but the sales continued to be important, and the income derived from them in this decade amounted to 19.30% of the total yielded during the second half of the century. In place of the decennial figures, it would have been valuable to have had data on the yearly income.

In the "experimental period of the sales," that is to say during the 1560s, the monarchy tried to sell the *balldios* to their occupiers, and also to compensate those landholders it dispossessed. In these years, the *Hacienda* was even prepared to sell below the market price, but between 1570 and 1600 the Crown adopted a more business-like attitude, giving the occupiers the first option to buy the lands, but avoiding sales below the market price and compensations to the dispossessed.

The state lacked a coherent policy regarding the types of lands to be sold. Ostensibly, the king claimed the *balldios* were sold for ethical reasons. It was argued that their occupiers had violated the laws for the conservation of pasture-lands, and that consequently, by selling the *balldios* and hence granting titles of property, the situation would be legalized. Vassberg states that, in the second half of the XVIth century, the change from common to private property often meant a shift from live-stock raising to agriculture. Therefore, he argues, the state was obviously not interested in preserving pastures. On the other hand, when *balldios* were to be sold in regions where grazing predominated, the Crown defended the sales on the ground that farming had to be stimulated. In fact, the sales were determined by fiscal considerations alone: the need to obtain extraordinary income through extraordinary means.

The sales met with resistance. Some settlers considered themselves, on various titles, legitimate owners. Others would have preferred to continue to use the *balldios* as public property. The obstruction of the town councils was much more effective than that of individuals, which was usually passive and purely verbal, because the towns were economically, culturally and psychologically better prepared to sustain long lawsuits. Some municipal corporations even incited the users of *tierras baldias* to ignore or disobey the royal officers in charge of the sales. So convinced were the town councils of the legality of their authority over the *balldios* that in some cases they even tried to continue to enforce municipal regulations on *balldios* that had been sold. The nobility, on the other hand, showed itself anxious to enlarge its dominions by the purchase of *balldios*, though resisting the sales of lands it had illegally occupied. According to Vassberg, the *Mesta* opposed the alienations, because they meant a decrease of pasture-lands. He found documentary proof of the resistance of the *Mesta* only for the 1580s. The protests of the *Honrado Consejo* must have begun much earlier, but were probably ineffective, because the first signs of political and economic decline of this powerful organization date from the reign of Charles V.

The most significant and effective opposition to the sales came from the *Cortes*. This theme is analyzed in detail (pp. 183-206). Vassberg thinks that

although the sovereign often broke his promises not to sell the *baldíos*, the *Cortes* obtained from him the admission that the sales were harmful and a question of fiscal expediency. He concludes that "the authority of the *Cortes* was never overlooked" (p. 206). This last comment and Vassberg's general tendency to lay stress on the effectiveness of the *Cortes* are perhaps not entirely justified, in spite of recent positive reappraisals of the role played by this institution. It should be remembered that the monarch paid real attention to the *Cortes'* complaints only after the defeat of the Invincible Armada in 1588, because he needed their collaboration to increase taxes. If the *Cortes* were only heeded when they offered an enormous increase in taxation, surely this is proof more of their weakness than of their strength. Furthermore, although in the 1590s the sales of *baldíos* sharply diminished, they nonetheless continued even in the XVIIth century, but it is impossible to interpret these developments satisfactorily, for we know neither the amount of *tierras baldías* sold in the XVIIth century, nor the amount that remained unsold. Vassberg himself believes that the most valuable *baldíos* were probably sold in the reign of Philip II (p. 242). Moreover, the Castilian *Cortes* represented only town councils (18 of them in the XVIth century); therefore, on the question of the *baldíos*, they were not defending the welfare of the society as a whole, as they claimed, but only resisting the transfer to private individuals of an authority that the municipalities had traditionally exercised. Besides, in certain areas, the *baldíos* were a source of income — albeit minimal — for the municipalities. In other cases, members of the patriciate who owned large flocks might feel hostile to the sales of *baldíos*, since it was a process that would reduce pasture-lands in favour of farming. But whatever one's views on the question of the strength of the *Cortes* and their intentions, there can be no denying the thoroughness of Vassberg's reconstruction of events.

Although the records contain little information about the buyers and the types of property sold, the sales concerned areas of land of varying dimensions, and especially small ones. Among the buyers were members of the nobility and of the rich middle classes, but the author claims that the sales left the pattern of Castilian landholding substantially unmodified. The occupiers of *baldíos* were normally preferred as buyers and they usually had, or could borrow, the money necessary for the purchase. Many of the large estates were not sold to individuals, but to municipal corporations. However, Vassberg's documentation does not allow a satisfactory social identification of the majority of buyers, and since the fact that the occupiers frequently bought the lands did not necessarily mean that they were also able to *keep* them through the years of economic crisis, this particular problem must remain open to further research.

Even if the sales in the XVIth century often meant a shift from live-stock raising to cultivation, they did not cause any change in farming methods, in Vassberg's opinion, since the *baldíos* were sold with the condition that they

would be subjected to the rules of the open-field system. A few sales of the privilege to enclose fields took place in 1563, but they were of little significance. Furthermore, in the general context of Castilian agriculture, enclosures could not have provoked modernizing tendencies, as occurred elsewhere in Europe.

From the financial point of view, the sales represented a substantial royal income during certain years of the reign of Philip II, but on the whole they were seldom equal to that of other major regular sources of Crown revenue.

C. Viñas Mey showed decades ago that once the economic crisis set in, the *censos al quitar* had damaging consequences for agriculture, since the interest payable on them was crippling. Vassberg adds that the sale of *baldíos* to a host of small farmers was responsible for a serious aggravation of the indebtedness of the Castilian peasantry. He stresses the need for further studies of local rural communities in order to reach a fuller understanding of the effect of the sales, because the extent of *tierras baldías* and their economic function differed considerably from region to region. However, his provisional conclusion that the sales constituted "a significant factor of decay" of the Castilian economy is argued convincingly. And there can be no doubt that the wealth the Crown was draining from society was spent unproductively in long, expensive wars, usually fought abroad.

It is hardly necessary to stress the importance of studies on the rural history of early modern Spain (a society which was then almost wholly agricultural). Even though a complete understanding of the subject of the *baldíos* requires further studies, Vassberg's contribution provides a soundly documented and cogently reasoned general interpretative framework that will greatly help future research.

