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**The decline of the commons and the reshaping of
juridical-institutional and production systems in
Terra di Bari after the Unification of Italy**

Rita Mascolo

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Special Issue

Il Notaio nella società dell'Europa mediterranea (secc. XIV-XIX)

The Notary in the Mediterranean European Society (14th-19th centuries)

A cura di / Edited by

Gemma T. Colesanti - Daniel Piñol - Eleni Sakellariou

RiMe 9/I n.s. (December 2021)

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The decline of the commons and the reshaping of juridical-institutional and production systems in Terra di Bari after the Unification of Italy

The decline of the commons and the reshaping of juridical-institutional and production systems in Terra di Bari after the Unification of Italy

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Abstract

The creation of small land-ownership and the consequent transformations in juridical, social and economic matters during the 1800s in Terra di Bari and, in general, in southern Italy, are inevitably intertwined with the so-called process of the decline of the commons. In the framework of methodologically updated studies, this article seeks to espouse the line of neo-institutionalism of the Mediterranean area, according to which it is necessary to investigate the ways of forming local ownership through the property deeds stipulated by notarial deeds and through the concept of conflict in order to better understand the processes of the modernization of society.

Keywords

Neo-institutionalism; Notarial deeds; Overturning of feudalism; Property rights; Apulian Tavoliere.

Résumé

La formation de la petite propriété privée et les transformations juridiques, sociales et économiques qui en ont résulté au cours du XIXe siècle dans la Terre de Bari et, en général, dans le sud de l'Italie, sont inévitablement liées au processus dit de déclin des biens communs. Dans le cadre d'études renouvelées d'un point de vue méthodologique, cet article entend s'inscrire dans la tendance du néo-institutionnalisme de la région méditerranéenne, selon laquelle il est nécessaire d'enquêter sur les modalités de formation de la propriété locale à travers les titres de propriété stipulés par les actes notariés et par la catégorie de conflit pour mieux comprendre les processus de modernisation de la société.

Mots-clés

Néo-institutionnalisme; Actes notariés; Subversion du féodalisme; Droits de propriété; Tavoliere des Pouilles.

1. *The south of Italy and the issue of the commons.* - 2. *The political-economic debate on the crown land of the Apulian Tavoliere.* - 3. *The decline of the commons in Terra di Bari.* - 4. *Conclusions.* - 5. *Archival sources.* - 6. *Bibliography.* - 7. *Curriculum vitae.*

1. *The south of Italy and the issue of the commons*

Italian economic history, especially that of the South, was marked for the whole 19th century by the overturning of the feudatories, the elimination of civic uses, the subdivision of communal lands and the transferring of church properties to allow the full right to property. After Italian Unification small landowners numbered only a seventh of the entire population, while in France they constituted a fifth following the distribution that took place after the first Revolution of 1789. Furthermore, the ownership of small parcels of land was not distributed evenly over the whole Italian peninsula: in the regions of the South it was less than half as common as in Piedmont and Lombardy (Daneo, 1980, pp. 9-24; Farolfi - Fornasari, 2011, pp. 13-26).

This article intends to investigate the dynamics of the development of small landholdings, as well as identifying the causes of the numerous social conflicts triggered by the dissolution of civic uses and common properties in the twenty years following the unification of Italy in the ancient province of Terra di Bari, the central-northern territory of which was part of the crown land of the Apulian Tavoliere. This tableland, the second biggest area of plains in Italy, was tied to grazing for over three centuries from 1447, when Alfonso I of Aragon removed state lands from the control of the barons, religious institutions and communities and established the system of Apulia Royal Customhouse for the collection of the sheep toll (*Regia Dogana della mena delle pecore di Puglia*). The *Dogana* leased these lands annually to shepherds from Abruzzo in the period from 29th September to 8th May¹ for winter grazing, so-called 'vernotico', while in the rest of the year the lands returned to their legitimate owners who were free to use the so-called 'statonica' or summer pasture. On the other hand, the solid lands of the Royal Court were reserved for cereal cultivation and rented with annual or biennial contracts to Apulian farmers or, on request, to the same Abruzzese lessees. The *Dogana*, therefore, had the task of organizing sheep farming in the Kingdom of Naples, directing the flocks from Abruzzo, Molise and Lucania down to the plains of Puglia. As a result, agricultural activity was limited to the spaces and times dictated by the cycle of transhumant

¹ These dates coincided with two important pilgrimages to Monte Sant'Angelo, to the cave of St. Michael the Archangel, believed by the shepherds to be the protector of animals.

pastoralism, which had prevented the spread of small-scale landowning (D'Atri, 2001).

The annexing of Terra di Bari to the Kingdom of Italy, in the wake of Garibaldi's exploits, was promoted by a small group of patriots, especially enlightened nobles, landowning gentry and intellectuals, while the majority remained uninvolved in the unification movement (Demarco, 2000; Lupo, 2011; Parabita, 2014; Romano, 2009). Historiography inspired by the Risorgimento sees the republican uprising of 1799, the riots of 1820-21, 1848 and 1860 as steps in an arduous march towards independence. The conflict between social classes, already intense in the revolutions of the late 1700s, had changed its nature during the 1800s: it was not manifested merely in sporadic riots in public squares, but had become organized in a conscious, continuous demand for more decent forms of life and a fairer distribution of land and wealth (Dell'Aquila, 1982, pp. 143-145). In Apulia and, in general, in the South, Italian unification did not include only political change, but represented the culminating stage of a slow process of transformation of the production framework, social relations and the political balance, set in motion in the second half of the 1700s (Massafra, 1987, pp. 113-123). The uprisings and protest riots by the subaltern classes at the time of Italian unification were not directly linked to Risorgimento matters in the strict sense. In fact, the revolt hinged on the debate over the splitting up of the communal lands. The division of the commons was supposed to be carried out back in the second half of the 1700s in favor of the dispossessed, but the lands had been usurped by the great landowners. The latter claimed to be liberal more to defend and preserve their own interests than out of a spirit of national unity.

The scenario before us therefore concerns, on the one hand, the management of the Tavoliere's vast area of state lands, and on the other, the division of communal lands. State lands and communal property are part of the so-called commons, on a par with civic uses or collective goods. Such goods, according to Moreno and Raggio (1991, p. 325),

include a multitude of heterogeneous practices, of which one needs to reconstruct the local significance and links with the kind of crops, the forms of settlement, the social groups, the political and administrative structures. These practices, their economy, and the conflicts they generated form a long story which is neither straightforward nor punctuated by the caesurae of the great juridical-institutional orders, and nor can it be attributed to an evolution of the forms of ownership.

This subject was studied firstly by jurists and only later by sociologists and economists. Cristoferi (2016, pp. 577-579) showed that it was the change in the terminology adopted in the various scientific and academic sectors, from “collective property and civic uses to commons, that marked the shift from a mainly juridical approach to a more socio-economic one”. Commons have therefore been studied primarily in relation to their juridical state of being ‘another way of owning’ (Grossi, 1977), to their origin and to the issue of the shift from collective ownership to individual ownership. This matter became part of the 19th-century debate on the forms of ownership, following the sharp change in juridical practice and mentality which were implemented with the civil codes after the French Revolution and the birth of the liberal states (Barbot, 2008, p. 33).

The Italian jurist, Grossi (1977, pp. 9-10), sees the 19th century as the period of the birth of ‘individualist statism’, in which society is based on free individual initiative as the perfect manifestation of man’s ability to bring benefits to the whole collectivity and to the state itself. This marked a reaffirmation of the concept of private property of Roman and civil origin, after the abolition of collective property typical of the *ancien régime*.

The ‘decline of the commons’ started in Europe at the end of the 17th century with the so-called enclosures in England – a phenomenon that triggered one of the most enduring and controversial historical debates. The unraveling of community ties then went on to involve Sweden, Denmark and Prussia and, in general during the 1800s, accelerated the process of the transformation of the environment, the territory and production, inevitably changing social, political and economic relations all over Europe (Corona, 1995; 2015, pp. 9-11). Allen identifies two main lines of interpretation of the social and economic effects of the enclosures and their (1992, pp. 1-21) repercussions firstly in the agrarian revolution and later in the English Industrial Revolution.

The first interpretation is linked to the vision of the Tories led by Young, who argued that the enclosure of common land had positive effects on agricultural production with increases in the productivity of the soil and in rural employment (Handy, 2019; Mingay, 1975). The view of the enclosures as fundamental in the launching of English modernization and industrialization has been widely accepted also by economic historians and contemporary economists, including Sombart, North and Rosenthal. They believed – each with different forms and nuances – that the continued existence of structures that were both economic and juridical had been an obstacle for the full affirmation of capitalism and their disappearance was evidence of their inefficiency (Sombart, 1902; North - Thomas, 1973, 1977; Rosenthal, 1992). More

specifically, North, winner of the 1993 Nobel prize for economics, maintains that the first phase of the Industrial Revolution in Europe was underpinned by the improvement of contracts of private property and the reduction of transaction costs for drafting them, as well as the lowering of fees for banking, financing, insurance and broader accessories. Then, in the perspective of neo-institutionalist economics, De Soto (1987, 2000) identifies the causes of the underdevelopment in some geographical areas as lying in the backwardness of the juridical system and in the uncertainty about property rights due to the failure to properly record them. This ideological line is accepted by the programmes of the leading international institutions for the promotion of economic development. During the World Bank's annual Land and Poverty Conference in 2019², the Washington institution underlined that "secure property rights and efficient land registration institutions are a cornerstone of any modern economy", because they encourage entrepreneurs and firms to invest, increase employment opportunities and enable the collection of government taxes which countries can use to implement welfare measures in favor of their citizens.

The other way of interpreting the enclosures is related to Marx's concept of 'primitive accumulation', with the argument that the increased production of the agricultural sector came about at the expense of the living conditions of the rural population, which, deprived of its means of support, triggered the so-called process of proletarianization. The socialist argument on common goods therefore mainly concerns the emergence of the working class as a product of the barring of the rural population from the commons (Torre - Tigrino, 2013). Some of the most penetrating recent contributions on the link between the privatization of common lands and the proletarianization of the rural population is the work of Neeson (1993), Humphries (1990), Moselle (1995) and Shaw-Taylor (2000, 2001).

The second half of the 1900s saw the development of a new historiographic tendency in relation to collective resources and the commons which broadened the range of analysis beyond the case of the English enclosures and its main interpretations. The debate found new stimuli for international discussion especially after the publication in 1968 of Hardin's famous essay, *The tragedy of the Commons*. Taking up a number of concepts elaborated in the 1830s by Forster Lloyd (1980) and in the 1950s by Gordon (1954), but actually already present in

² The conference theme was "Catalyzing Innovation" and included the following sections: "Land policy and political economy", "Land markets and structural transformation" and "Commons and natural resource management".

Aristotle and Hobbes, Hardin states that if individuals use a scarce or finite resource in common, the only possible outcome is the degradation of the resource itself. The excessive exploitation will occur because each user will tend to adopt free-riding behavior, seeking private profit and off-loading the cost onto the users. Hardin took grazing as an example: on the one hand, there is free access to pasture; on the other, the livestock is private property. Each shepherd, following an individualist rationale, will try to constantly increase his own flock, which at the same time will engender an irrational collective choice leading to the progressive exhaustion of the common resources since the commons can only support a limited number of animals. Consequently, he stated that “the most important aspect of necessity (...) is the necessity of abandoning the commons in breeding” (Hardin, 1968, p. 1248). For Moreno and Raggio (1992, p. 613) this was an “argument curiously similar –and referring explicitly – to that of political economy and of the agronomy of the late 1700s and, later, to become the conventional certainty for technocrats in the age of positivism”.

In subsequent years numerous studies were conducted in support of the theory of the ‘tragedy of the commons’ or designed to confute it. The best-known study opposing Hardin’s thesis is certainly that of Ostrom, 2009 Nobel prize-winner for economics and author of *Governing the Commons*, published in 1990. Ostrom takes issue with Hardin’s assumption that collective resources are necessarily goods to be accessed freely with no restriction of any kind on their use. Instead, she presupposes that only a limited number of users can have access to certain collective resources according to specific rules imposed by the institutions to guarantee their proper functioning. By means of an interdisciplinary analysis, especially through the interaction of economics and anthropology, the US politologist sought out the factors that enabled some institutions to survive for long periods in the collective management of resources, reaching the conclusion that the longevity of such institutions is directly proportional to their capacity to adapt to changes in the juridical, political, economic and social system. Ostrom’s thinking has triggered a major line of socio-economic studies on the issue of commons with a neo-institutional approach, firstly in central and northern Europe, especially in the Flemish region (de Moor, 2009, 2012, 2015), and later with studies in Spain (Serrano Alvarez, 2014; Lana Berasain, 2008; Beltrán Tapia, 2015) and Italy (Alfani - Rao, 2011; Torre - Tigrino, 2013). On this point Bonan (2015, p. 103) points out that

the historical studies conducted in Italy on this issue in the last few decades have gone in an autonomous direction compared to the investigations in other countries, though starting from a series of reference points and approaches

shared with some of the historiographical schools of thought in the French and Anglo-Saxon tradition.

Until the mid-1980s, studies on commons in Italy focused mainly on juridical formalism and less on the historical, social and economic aspects of the phenomenon (Vigueur, 1987). Subsequently, according to Rao and Salazar (2019, p. 30), the issue of commons in Italy was dealt with above all from two angles: on the one hand, by studying the relations between commons and urban communities; on the other, by analyzing the role played by commons in the conflict between social groups, but also in the development of the territory and of farming practices, which introduced a micro-historical viewpoint in the area of ecological history. The Constitutional Court sentence n. 391 of 1989 on the withdrawal of collective rights helped to revive Italian interest in this particular form of property, and in 1992 an entire issue of the periodical *Quaderni Storici* (*Historical Notebooks*) was published, devoted to the issue of collective resources. In the introduction to the issue (Moreno - Raggio, 1992, pp. 614-618), the editorial board pointed out:

The notion of collective or common often refers to spaces or resources that have a crucial, ambiguous position in the organization of an area and in the structure of an economic system and are therefore at the centre of conflict; they constitute the basis for privilege and for the construction of economic and political fortunes; they are elements in planning which may be collective, individual and group-based (...). All these processes occur above all in a context of local relations which therefore constitutes the scale of observation and interpretation best suited to what is at the centre of the research.

The approach openly suggested was analytical, topographical and microhistorical, in line with the interdisciplinary methodology that was spreading among neo-institutionalist historians in those same years. By contrast, prior to that time, the broad theme of collective resources in the South of Italy had mainly been observed within research on transhumance and on the feudal and fiscal organization of the Kingdom of Naples, favoring the juridical-institutional investigation of the complex structure of the Foggia Customhouse, seen as an essential factor in the cycles of seasonal livestock migration.

The studies conducted in the first twenty years of the second millennium aroused fresh interest in the subject. The monographic issue of *Proposte e ricerche* (*Proposals and Research*) of 2012 devoted to common resources and civic uses in Italy, strongly argues "the scientific and cultural relevance" of the topic for the sake of understanding the socio-economic processes of the modern and

contemporary age, as opposed to those who saw historical matters related to collective resources and rights as "archaeological and residual remains full of a somewhat ideological charm, but of little real historiographic relevance" (Bettoni - Ciuffetti - Gobbi - Rossi, 2012, p. 190). The following year, then, Itzcovich in the introduction to the six-monthly *Ragion pratica* (*Practical Reason*) stated that the scientific committee's decision to devote a monographic section to common resources was based on the numerous issues raised by the "very intense" academic and public debate on this question. More specifically, recognizing "a renewal of the material constitution" of common resources, the journal wonders whether the new forms of social cooperation and political communication can overcome the vision of "communitarianism and organicism" and move towards a "harmonicist and essentialist representation of the community" (Itzcovich, 2013, pp. 316-315).

Further observations were made, not only historiographic, but also of a scientific, cultural and political nature, in the many study days, such as those held at the University of Naples³ and the University of Siena⁴ in 2016, which focused exclusively on common resources and traditional civic uses in the explicit attempt to escape the "increasingly confusing ideological readings" (Sabbatini, 2017, pp. 15-16).

In 2017, twenty-five years after the issue devoted to collective resources, *Quaderni storici* returned to this broad and heterogeneous theme. In the introduction to the Tigrino file (2017, pp. 297-312) it finds in the "explicit demand for history" one of the essential elements in the need to reconstruct the procedural nature of the commons in the long term. Not surprisingly, the recent international debate was animated by the contributions of a historian, Tine de Moor (2011; Haller - Breu - de Moor - Rohr - Znoj, 2019; van Zand - Carmichael - de Moor, 2019), who was one of the most authoritative promoters of The International Association for the Study of the Commons (IASC)⁵, the world's

³ "Beni comuni/Common resources. Fattori endogeni di sostenibilità nel tempo, Italia secoli XVIII-XIX", University of Naples, 11th March 2016.

⁴ "Gli usi civici: punti di vista (...) vicini e lontani", University of Siena, 10th June 2016.

⁵ An article by Fabien Locher (2016, pp. 303-333) shows that the academic movement, which with forums, conferences, and studies, prompted the creation of IASC in 1989, was sustained by the activities undertaken in the same period by the United States Agency for International Development (USAID) to identify alternative growth models in view of the crisis of the dominant model. There were historical and political events in the Seventies and Eighties that called for change in the development policy. Locher cites three salient events: 1. The Sahel crisis had made it clear that direct intervention by governments and international institutions was inefficient; 2. Nairobi's failure to develop was a clear demonstration of the

leading association on this issue, of which she was also president. And it was precisely de Moor with Laborda-Pemán in an editorial of the *International Journal of the Commons* - the IASC journal - that invoked the urgency of a "necessary conversation" between history and the commons, that is, the introduction of historical tools and approaches, such as "attention to long-run developments and broader contextual factors, heavy use of empirical evidence and primary sources) into the multidisciplinary study of the commons", because "limited attention" had so far been devoted "to the social dimension of the commons" (Laborda-Pemán - de Moor, 2016; de Moor - Laborda-Pemán - Lana-Berasain - van Weeren - Winchester, 2016).

The revival of a historical perspective aims to reaffirm the public vocation of history in the formulation of long-term solutions with the return of historians to their traditional role as "advisors to the prince" (Armitage - Guldi, 2014; Torre, 2015). On this point, according to Locher (2016, pp. 303-304), "the commons movement is a key ingredient in civil society initiatives to invent future trajectories of civilization that will be sustainable, fair and democratic", as a possible valid response to the environmental crisis, to the limits of political representation, and to the expansion of knowledge capitalism. The commons movement is thus configured as a social movement in a context that since the end of the Eighties has seen the growing importance of development anthropology and the ecological approach in anthropology.

The recent studies on common resources, therefore, appear to be a kind of mixture between the transposition of the neo-institutionalist reference points proposed by Ostrom in the 1990s and the updated dialectical and multidisciplinary methodology of de Moor. Current historiographical research experiences in Italy have focused more attention on the local dimension and on the processes of qualification and activation of common resources. As Tigrino (2017, pp. 301-302) points out, these are

matters certainly dealt with [...] by neo-Institutionalist historiography, but which need to be constantly contextualized [...] within the more general advances of the historiographical debate of recent decades. This therefore explains the uniqueness of this series of Mediterranean studies.

crisis of the cooperative agricultural model long promoted by the FAO; 3. Anthropologists, who promoted forms of community development, were playing a growing role as advisors in international organizations.

To put it simply, the neo-institutionalist perspective favours the emphasis on the institutions' resilience, on their ability to adapt to economic, political and social transformations. More specifically, the commoners, well aware of the risk of failure of the commons, establish rules and institutions to impose limits, regulations and punishments on themselves, guaranteeing the survival of the common-pool resource in the long term. In contrast, the discrepancy of many recent contributions from the Mediterranean area lies in the importance attributed to the 'category of conflict', as a strategic element for the redefinition and reconstruction of collective rights in the long term. Indeed, as Bonan (2017, p. 462) points out, collective resources

far from being an element of community cohesion, were at the center of continuous factional disputes within the communities themselves [...] in a social conflict. First of all, because the disputes over the management of collective resources were part of more complex disputes over the control of political power at the local level. [...] The great opposition that the project for the privatization of municipal land aroused among the notables [...] I believe is the most obvious example that those assets, regardless of any formal certification, neither belonged to everyone nor, much less, to anyone.

Consequently, the local conflict needs to be reconstructed for a long-term qualitative analysis of the commons, because conflicts are essential moments for the maintenance and/or transformation of collective rights (Di Tullio - Ingold, 2020, pp. 571-575). Many historical Italian rural landscapes derive from the complex interplay between resilience and discontinuity in establishing the relationships between local communities and resources (Tigrino, 2015, pp. 23-44). In addition, as Torre and Tigrino (2020, p. 682) recently emphasized, micro-history "promouvait l'exploration du micro et ses potentialités heuristiques afin de défendre l'articulation d'échelles diverses, pensées en termes de complémentarité".

In the framework of methodologically updated studies, this article seeks to espouse the line of neo-institutionalism of the Mediterranean area, according to which it is necessary to investigate the ways of forming local ownership through the property deeds stipulated by notarial deeds and through the concept of conflict in order to better understand the processes of the modernization of society.

2. The political-economic debate on the crown land of the Apulian Tavoliere

The origins of the complex, multifaceted phenomenon of common goods in Terra di Bari date back to time immemorial. For the purposes of this article it is sufficient to show that the problem of communal and state property was handed down to the first rulers of unified Italy through the Bourbon monarchs after a string of measures for the juridical reorganization of the lands and the elimination of indiscriminate use and of civic uses promulgated from the late 1700s on, and in particular under the rule of the Napoleonic kings. The intricate task of subdividing the common land immediately proved to be difficult. At the outset of the unification of the Kingdom of Italy, the huge state property of the Tavoliere covered approximately 300,000 hectares and the pastoral-agricultural economy was still dominated by large estates. In 1863 the area in *Tavoliere's regime* extended over 8,796 *carri* (equivalent to about 219,900 ha)⁶ in the province of Capitanata; 1,648 *carri* (41,200 ha) in Terra di Bari; 1,601 *carri* (40,025 ha) in Basilicata and 142 *carri* (3,550 ha) in Terra d'Otranto (Crisafulli - Miccolis, 1982, p. 123).

The question of the overturning of feudalism and the evolution of small private landholdings in Terra di Bari, and in most of Apulia, is therefore closely tied to the history of the *Regia Dogana della mena delle pecore di Puglia*, which for many centuries had exerted administrative and juridical control over the Tavoliere, conditioning its structure and socio-economic relations. The *Regia Dogana* had been established for a precise fiscal purpose. In examining the history of the finances of the Kingdom of Naples, Bianchini, writing of the great size of the Apulian Tavoliere, said that its economy was 'ruined' for many centuries, because instead of being left in the hands of private citizens, it had had the "misfortune to be targeted by Alfonso I of Aragon to make it into an extremely important branch of finance (...) and this very devil (...) was and is nothing more than a huge, poor estate for herds of livestock" (Bianchini, 1859, pp. 134-135).

Many scholars have suggested that the reform implemented by Alfonso I was simply a version – on a smaller scale – of the Mesta Castigliana, designed exclusively to raise tax revenues (McNeill, 1992, p. 92; Pinto-Correja - Vos, 2004, p. 146; Grigg, 1976, p. 136; Carrier, 1932, pp. 44-55). Croce (1917, p. 43), too, regarded the transhumance practices imposed by the Aragonese as an expression of the submission of Naples to Spanish domination. In this

⁶ A "carro" or "carra" (plural "carri") is an ancient surface measure used in Apulia, corresponding to about 25 hectares.

perspective, the Dogana brought back a pre-existing system in organizing transhumance, previously adopted by the Swabians and the Angevins. Consequently, the poor ability to innovate derived from the reintroduction of an old model of governance and the result was a fiscally oppressive system that prevented the development of agriculture. Braudel (1995, p. 95), referring to an anonymous 17th-century report stating that the Apulian sheep customhouse worked in the “same way as the Mesta”, wrote “whether fair or not, this comparison is symptomatic”. By contrast, the study by Guenzi and Rossi (2014) focuses on the differences between the Apulian Dogana and the Spanish Mesta, underlining that Alfonso I of Aragon had in fact established in the Kingdom of Naples an alternative, innovative model that triggered a kind of reform of the agricultural system, surpassing the Swabian-Angevin system. Forni identifies the main distinction between the two institutions as the way property rights were utilized.

In Spain, for centuries the rights of different transhumant groups were coordinated among themselves and vis-à-vis peasant farmers by the Mesta, an association of transhumant livestock raisers which obtained legal status in 1273. Difficulties in institutional arrangements and the monitoring of effectiveness tend, however, to increase considerably as group size and heterogeneity increase. This problem was overcome by the Dogana system which functioned effectively in southern Italy for several centuries through its in-depth organization of all the activities of CPR [common property regimes] rights holders when in transhumance outside their home areas, thus providing institutional support (Forni, 2000, p. 33).

The phenomenon of transhumance can be traced along the more than 3,000 kilometres of sheep trails, tracks and cross-paths, between the summer pastures on the slopes of Gran Sasso, Maiella, on the Cinquemiglia plain and in Alto Molise and the winter herbage of the Tavoliere (Di Vittorio, 1974; Franciosa, 1951). At the same time Braudel (1995, p. 95) underlined:

Any logical study should therefore begin with this basic agricultural situation. It is this situation that determines the separation between shepherds and peasants. A first step towards understanding the large-scale pastoralism of which the Tavoliere of Apulia is the terminus and the Abruzzi the centre of departure, would be to note the positions at both high and low levels of the settled peasantry.

Marino (1988, pp. 90-93) calculated that at least until the mid-1700s between two-thirds and three-quarters of the sheep that spent winters on the pastures of

the Dogana belonged to the Abruzzese and the vast majority of the pastureland was rented by them (21 locations out of 23). This created a sort of identification between the shepherds of Abruzzo and the Apulian farmworkers above all involved in growing cereal crops. Farming, however, was limited to the space and time allowed by transhumance grazing; production was conditioned by the absolute ban on tilling the soil, planting trees or enclosing fields with dry-stone walls or by any other means. This had prevented the spread of small landholdings and the typical form of land ownership was certainly the *latifundium* (Di Cicco, 1964, p. 101).

The structure of the *Dogana* was brought into question by the Neapolitan Enlightenment thinkers – including Genovesi, Filangieri and Galanti – in the second half of the 1700s in a broader context of crisis for the feudatory-community system all over Europe, with demands for liberal reforms and proposals for changing the entire organization of agriculture. As Martucci (1972) points out, during the 18th century there were conflicting attitudes to the Dogana: for some, it represented the return to the proper functioning of the institution as it had been intended under Alfonso I Aragon as a check on the abuse by the feudatories; for others, instead, the Dogana needed to be completely abolished because it was now an anachronism in view of the new forces at work in agriculture. According to Russo (1988, p. 931), the Neapolitan Enlightenment thinkers saw the problem of the reform of the Dogana not so much as a criticism of sheep-herding, but rather in the perspective of eliminating a sort of “juridical-institutional monster that was the epitome of economic constraints”.

They proposed the subversive action of overturning feudalism and transforming the collectively owned lands, on the inspiration of the physiocratic economic doctrine that saw agriculture as the only sector capable of producing a surplus (Spagnoletti, 1997, pp. 39-41; Bevilacqua, 1993, pp. 3-9). The considerable population increase in the second half of the 18th century all over Europe, and also in the Kingdom of Naples and Terra di Bari, had prompted debate about a different and more effective way to use the land of the Tavoliere for agriculture. The demographic pressure had inevitably caused a greater demand for food and the Apulians demanded land for crops through the transformation of the organization of the Tavoliere and the dividing up of communal lands. Di Vittorio (1974, p. 125) shows that “the transformation of the economic structure of the Tavoliere thus appears to be a question of necessity, even more than a question of economic advantage”. Prior to the work of the physiologist Maz Rubner on calculating the nutrient value of foods through the number of calories, the need for food brought out the unconscious

awareness that the animals occupying the vast Apulian plain were taking more food away from men than they were providing. Therefore, at least from the point of view of quantity, it was advantageous to grow more cereals for bread-making and plant more vegetable gardens and orchards instead of reserving most of the soil for pasture to produce a greater amount of meat and cheese.

Physiocratic ideas were well-known in the Kingdom of Naples mainly through the works of abbot Galiani (1780, p. 414), who from 1759 to 1769 was secretary to the Neapolitan ambassador in Paris where he became a close friend of Diderot and Madame d'Épinay. In the 1780 re-edition of his *Della Moneta* he condemned the system of the Foggia Dogana in the following words:

among the main obstacles that, after a rapid start, caused a forced slowing down in the course of progress and in the rebuilding of agriculture, was the system of the Dogana of Foggia (...). To the wise it seems absurd (...) to prefer unused land to cultivation; feed for livestock to food for men, wandering paths to fixed roads, barns to houses, (...) and lastly to retain a kind of rural activity of which there is no other similar example in cultivated Europe: only in the African desert and in barbarian Tartary.

The arguments in favor of grain-farming were increasingly bolstered by the irrefutable market logic, which had changed the terms of trade between the agricultural sector and the pastoral one. At the beginning of the 1800s, according to the prices published in the Foggia marketplace, wheat prices had quadrupled compared to 50 years earlier, while the price of wool was 1.5-1.75 times the previous level (Marino, 1988, p. 375). Bonazzoli (1973, p. 146) showed that the discussion that started in the 1780s about reforming the Dogana can be seen as a conscious cultural dispute on the clash between agricultural society and the pastoral world. In those years the Salentine marquis Palmieri, in *Pensieri economici relativi al regno di Napoli/Economic thoughts relating to the Kingdom of Naples* of 1789 blamed the Tavoliere system for the backwardness of agriculture and in *Della ricchezza Nazionale/About National Wealth* of 1792 he underlined that “there is no doubt that sheep-herding offends agriculture”. This opinion was shared by Galanti (1969, p. 521), who felt that Alfonso I of Aragon had committed a ‘historic mistake’ that generated a perpetual war between sheep-herders and farmers. The Foggian lawyer and economist Bellitti (1805, p. 63) then added an ecological reason for the impossibility of sheep-herding coexisting with grain-growing: pastoral activity had always damaged Apulian agriculture since it was the cause of the rat plagues that every two or three years destroyed the seed, in addition to which there were grubs and grasshoppers coming from the unploughed soil. Delfico, who graduated under

the direction of Filangieri and was a student of Genovesi, also stressed the theme of sustainability: he called for the immediate abolition of the Dogana system, in order to avoid the threat of famine, because it had “made the Kingdom’s most ancient and fertile granary sterile”.

On the other hand, de Dominicis was one of the few who argued that the Dogana had managed to reconcile the contrasting interests of farming and sheep-herding and hoped that such an ancient institution would continue in its function as mediator. The Dogana, in this role, had assured greater efficiency in an economic system based on the coexistence of wheat and wool and was an excellent solution to guarantee an increased quantity of pasture and at the same time of wheat, because it was able to solve the potential conflict between farmers and sheep-herders to their reciprocal advantage. He showed that over the years the institution of the Dogana had been able to exercise its leadership by constantly making adjustments that showed the sheep-herders and the farmers that their destiny was intertwined in the long run. From this point of view, the two actors had gained awareness of their role in society, assuming a sort of collective responsibility (Lewin, 1948)⁷. Nevertheless, though Galanti recognized the balancing role long performed by the Dogana, he showed that the rising demand for agricultural products and the growing grain prices were inevitably leading to a liberation of the land from any sort of constraint, in favor of agriculture.

Therefore, from the 1770s on, the scenario included new terms of trade detrimental to wool, the effect of population growth, and the spread all over Europe of economic policies against constraints which promoted opposition to all forms of feudalism and full acceptance of an individual concept of ownership. In this situation the productive classes of the grain-growing sector in Terra di Bari, and in general in the Apulian Tavoliere, started to recuperate a degree of autonomy which led to an authentic re-launching of the ‘agricultural vision’ as opposed to the ‘pastoral vision’ (Russo - Salvemini, 2007; Russo, 1988, 2002). In this context with the establishment of a French government in Naples in 1806, a reform was put forward, more substantial than the measures adopted in the closing years of the 1700s by the Bourbons, to effectively implement the freeing of the lands of the Apulian Tavoliere, the overturning of feudalism and the dividing up of communal lands.

⁷ On this Sakellariou, 2012, p. 271 wrote: “beyond the equilibrium between arable and pastoral resources, institutional arrangements and market relations played a crucial role in striking a balance between cereal and livestock farming”.

3. *The decline of the commons in Terra di Bari*

Essentially, for lands not belonging to the Royal Court, the Customhouse imposed grazing rights on those owned by private individuals, ecclesiastical bodies and municipalities; these lands were ceded by the Dogana to the lessee, with compensation for the owner of the land and a prohibition on changing the purpose of land-use. Consequently, on the same land various different rights existed: of the owner, of the Dogana and of the lessee. To encourage agriculture, trade and manufacturing, the kings Joseph Bonaparte and Joachim Murat implemented a number of reforms designed to abolish feudalism and its privileges; for this purpose, in 1806, a reform was introduced to simplify the plurality of rights on lands under the jurisdiction of the Dogana.

The law of 21 May 1806 granted redeemable emphyteusis to the tenant farmers who had rented the land until that time. This therefore authorized freedom of use and imposed the elimination of grazing rights on cropland. This measure triggered a long slow process of transformation of the land with the suspension of the Royal Customhouse of Apulia. Most of the land classified as cultivable was used for wheat-growing, in the wake of the numerous operations of reclaiming and preparing land for grain-cropping underway in much of Italy and many parts of Europe. Furthermore, in violation of the law, pasture areas were also ploughed and sowed, because the leaseholders regarded crop-farming to be much more profitable. The Intendant of Capitanata, civil commissioner for the affairs of the Apulian Tavoliere (VV.AA., 1831, p. 15), calculated that between 1806 and 1816 leaseholders who abused their rights put under cultivation more than one thousand three hundred *carri* (equivalent to approx. 32,500 ha). This contributed to the massive exodus of flocks from Abruzzo to the nearby Papal State, such that the livestock entering Apulia fell from 1,050,557 sheep in 1798 to 725,280 in 1808 (Di Cicco, 1964, p. 47). Salvemini (1989, p. 114; 2000, pp. 60-62) rightly underlined that the so-called southern agro-towns had an adaptive agriculture that responded to the pressure of international markets, systematically modifying the balance between cropping and pastureland. This interpretation is in contrast with the literature that sees some of the roots of the South of Italy's underdevelopment in the static, stagnant and backward nature of southern agro-towns (Curtis, 2013, pp. 377-419). The changes in crops grown on the farmlands in Terra di Bari during the 1800s is evidence of the tendency to align production with the demands of the market. On this point, Lo Re (1896), one of the first and most important representatives of the new agronomic culture in Apulia, stated: "no population has dared in the short span of twenty-five years, to attempt two shifts of such importance: the first from pastures to cereals, the other from cereals to trees".

The French reform put an end to the system of land-use constraints in the Tavoliere and to the ancient Abruzzese transhumance, and by privatizing the land brought the dual usage of land to a close. However, the goal of redistributing land ownership and land rents remained far from being achieved, also because in 1817, with the Restoration, the great flock-owners – still able to exert strong political pressure – obtained a softening of the 1806 measures. The records of the Administration of the Tavoliere offer an eloquent picture of the situation: between 1806 and 1813, 494 contracts registering land-ownership were stipulated covering altogether approx. 4,068 *carri* (equivalent to about 101,700 ha) and the vast majority (455 contracts) were signed by great exponents of feudalism and by wealthy well-known figures from Foggia and Abruzzo, known to have been the leading tenants of the Dogana (Foggia State Archive (henceforth FGA), *Tavoliere*, II inventory, ff. 145-154). The illusion of creating a new category of free, independent landowners to lift up the poor from their proletarian state through the full possession of a piece of land had endured for over half a century and would last for many years to come. The development of small land ownership in Terra di Bari therefore became inevitably intertwined with the events related to the Italian Risorgimento.

On the threshold of the Unification of Italy, the rural masses and the liberal class were experiencing great hatred and bitterness about the issue of the redistribution of state lands and the suspension of feudal privileges. Bevilacqua states that “the participation of the population and the masses was scarce in the unification movement, for the simple reason that the latter offered very few social measures that could affect the population. It was still the land question that was the detonator of an explosion of revolt” (quoted in Russo, 2005, p. 72). The same climate of non-involvement of the Bari population with the nation’s political and institutional history could be seen in many other southern regions, especially in Sicily and Calabria. This made Dal Pane (1958, p. 455) write: “Sad the state of Italy! It was condemned to begin its Risorgimento without the help of the multitudes”.

With the landing of Garibaldi on the peninsula, the revolutionary flame also in the province of Bari got the upper hand, culminating at the end of August 1860 in the proclamation of the government of Vittorio Emanuele II in all the municipalities of the Bari area, except for Canosa di Puglia. The latter, under the pressure of the neighbouring towns of Spinazzola, Minervino, Andria, Corato and Barletta, which threatened to inflict a large bounty, raised the Savoia flag on 2nd September. But the day which should have been a great celebration for the populace for the establishment of the new liberal government, turned into a tragedy. At Canosa di Puglia the procession of the

tricolor flag with the sabaudian cross was infiltrated by armed peasants and in the tumult three peasants were killed, seven were seriously injured and many suffered light injuries (Maddalena, 1987, pp. 153-155). The peasants proclaimed themselves supporters of the Bourbons, not out of true faith in the dynasty but because the 'slave-driving bosses' on the other side, the great landowners, called themselves liberals. The violent reaction concealed social anger, radicalized by centuries of exclusion of the masses from participation in public power and fueled by the failure to solve the great problem of the communal lands which had hampered agricultural progress and the forging of modern relations of ownership and production. The discontent of the rural masses grew so strong that it led to the civil and social disorder of brigandage. The Hon. Massari, in a report written in 1863, declared that

Among all the causes of brigandage, the main one is the social condition, the economic state of the countryman which is of extreme poverty (...). The peasant has no tie to keep him on the land (...). Brigandage is the wild, brutal protest of poverty against ancient, timeless injustice (quoted in Brunetti 1883, p. 54).

To re-establish social order in new-born Italy, it was therefore necessary to strengthen the bond between the peasant and the land through the affirmation and spread of rights to property. A few decades earlier Proudhon (1842, p. 13) had praised the figure of the citizen-owner in the following words

Le droit de propriété inspire a son maltre un sentiment de sécurité sur son avenir, le rend plus tranquille et moins turbulent. (...) Les hommes laborieux sont toujours les meilleurs citoyens, comme les plus utiles à la société. Quels sont les hommes qui redoutent le plus une secousse politique dans l'État? Ce ne sont pas les pauvres, qui, n'ayant rien à perdre, ne peuvent voir dans tous les changements, que des chances favorables à leur cupidité: ce sont donc les propriétaires que l'on doit considérer comme les plus attachés au gouvernement de l'État.

The so-called *Historical right*, inspired by the model of liberal England, promoted free trade and the development of the agricultural sector. Sella called the period immediately after Italian unification 'a sort of economic revolution' in agrarian matters implemented by the government through the transfer of common lands and the promotion of private ownership (Farolfi - Fornasari, 2011, p. 23). In Terra di Bari, too, a strong push came from the final decline of the commons and the rethinking of systems of production. To investigate the dynamics of the shaping of land ownership in the old province of Bari in the

twenty post-unification years, a qualitative and quantitative analysis has been made of the notarial deeds stipulated in that period in the municipality of Canosa di Puglia, a mainly agricultural town in the Bari area. In the mid-1800s it had the appearance of a large village with about 13,000 inhabitants. Of the 10,053 deeds notarized (Bari State Archive, Trani section (henceforth BSATs), *notai, Canosa di Puglia*, prott. 323-328; 350-356; 376-393; 414-437) from 1861 to 1880 we identified those related to communal and state property⁸. The microanalytical profile of the deeds enabled us to examine the process by which the juridical and institutional systems adjusted to the economic structures and the processes of modernization. Furthermore, the reflections that this prompted can be inductively applied to the broader area of Terra di Bari, where the social and economic conditions can be considered similar. Canosa, in fact, like Andria, Corato and Barletta, was one of the big agro-towns in Terra di Bari.

On 26 February 1865 the law of enfranchisement of the Apulian Tavoliere (Bettoli, 1868; Colapietra, 1961) unified 'Land owned' and 'Land in use' in the hands of the registered owner, abolishing any kind of dual use tied to the lands in the Tavoliere. The enfranchisement of the lands could come about in two ways: against payment of a sum equivalent to 22 times the ground rent, starting from 1868 and to be paid within 15 years, with a sliding interest rate of 4.5-5%, or through public bonds at 5% of the nominal value. There was a clear need to cover the fiscal requirements of the new Kingdom of Italy. By the end of 1872 a third of all the contracts had been settled but the rents paid came to 90% of the total: therefore, it had been almost exclusively the great landholders who had paid the land registry charges, mainly through public bonds. The low value of the public bonds, which in 1866 fell below 50 lire and did not rise much again until the early 1870s, undoubtedly favored the large landowners. In line with these data, between 1861 and 1880, at Canosa di Puglia nine notarial deeds of enfranchisement were stipulated to gain full ownership of about 300 *versure* (equivalent to about 370 ha)⁹ of the Tavoliere. In all the cases it emerges that it was the great landowners who paid for the enfranchisement with a public bond issued on the debt of the Kingdom of Italy. This highlights the selective effect which in practice meant that the small landowners and the dispossessed were cut out of the process of privatization.

⁸ For an analysis of the development of the property market in general in the municipality of Canosa di Puglia, see Mascolo, 2017.

⁹ A "versura" (plural "versure") is an ancient measure of surface area used in Apulia and corresponds to 1.2345 hectares.

The enfranchisement of the Tavoliere did not lead to an improved distribution of land ownership, but one must not underestimate the effects deriving from the availability of large parcels of land on local markets and the subsequent transformation in land use. When the prices of wine shot up, above all due to the increased demand from the French, whose vines had been seriously damaged by phylloxera, there was a sudden change in crops with the conversion of the northern part of the Bari area in particular to vineyard cultivation.

The suddenness of the crop conversion is clearly reflected in the words of De Cesare (1859, p. 159):

Providence decreed that the land of Bari was to be the least affected in these six years of grapevine disease. A barrel of wine had sold for up to 21 ducats, so many unhappy farmers became rich [...]. Looking at the Ofanto valley near Canosa, the plains of Monte Carafa near Andria, the countryside of Minervino, Spinazzola, Corato, Ruvo, Barletta, Trani and the entire Bari district, one could see millions of vines planted in the last five years.

In the mid-nineteenth century Bari's foreign trade accounted for almost half of the quantities exported from all over the continental South (Graziani, 1956-1957, p. 255). In Europe's strong economies, the complex figure of the 'shopkeeper' of the ancien régime was gradually supplanted by the wholesale and retail merchant, the shipowner, the financier and the producer, following a process of specialization and simplification of roles; on the other hand, in the hinterland of Bari, as well as in Canosa, more complex entrepreneurial figures emerged. It was up to the large landowners to identify new systems of production; they bought or rented large estates which they transformed in line with market prices¹⁰. The abolition of the feudal rights prompted the creation of a new middle class at Canosa di Puglia, of which the main representatives were the Rossi, Pesce and Samele families. It was a bourgeoisie that knew how to exploit the potentialities of the land, adapting production to the needs of the market by bringing about the cultural transformation of the territory, in spite of the resistance of antidemocratic aristocrats like the charismatic Antonio Capece

¹⁰ See the example of the deed executed before the Cerignola notary, Ottavio Farina, on 23rd August 1863, by which Messrs Samele of Canosa di Puglia "took out a lease from the Illustrious family of Viscount Venosta de La Rochefoucauld, for farmland, named Forcone, in the holding of Cerignola, on the express condition, to change a part or all of it, according to their wishes, to planting with grapevines and olives" (BSATs, *notai, Canosa di Puglia*, prot. 416, 27th November 1863).

Minutolo, minister for police under King Ferdinand. On this point, Antonacci, in his study on the economic transformations and the phenomena of social mobility during the 1800s in Andria – another agro-town in the north of the Bari area – suggests rethinking the accusation of selfishness and exclusivity traditionally directed at the landed middle class by classical historiography. In the complex relationship between continuity and change in the South of the 19th century, large estates did not merely represent the continuation of the aristocratic latifundium in a bourgeois form, because the production structure was progressively changed according to an agro-commercial model.

Its profitability in fact was not based on technical innovation or increased capital intensiveness, but on the possibility of following the changeable movement of the international market thanks to a business organization that enabled the factors of production to be exploited flexibly – for example by reducing or expanding the cultivated area [...] by adopting different ways of using the rural workforce [...] and through contracts for the self-exploitation of peasant farmers, which in some cases also led to enormous feats of land transformation (Antonacci, 1996, p. 33).

At the start of the 1800s Canosa di Puglia covered a surface area of about 149 square kilometres, similar to today, and over 90% of its land was devoted to extensive land-use based on a combination of cereal crops and grazing, reflecting the influence exerted for centuries by the Foggia sheep Customhouse. To be specific, pastures occupied about 10,000 hectares (65%) and cereal crops 4,000 hectares (26%). There was a very large amount of mixed cropping, a system of heterogeneous land-use where cereals coexisted with other plants: arable areas were often combined with pasture or trees (olive, almond, pear, apple and fig). This combination acted as the prelude to land improvement and was designed to raise the value of the holding. The area under trees was small with less than 100 hectares planted with olives, while grapevines occupied a little over 1,200 hectares (8%). Grape-growing had already begun developing with the division of the Difesa state property in 1740 and that of Quarto in 1790 and was often combined with almond groves and vegetable-growing (Poli, 1987, p. 42; 2008, p. 713). It should be underlined that over the centuries gentlemen and large landowners took advantage of the poor protection of the territory to unlawfully take possession of common land, transforming it into private property (Magno, 1975, p. 13).

During the 19th century the rural landscape underwent a dramatic change with the reduction of grazing land and the increase in trees. Overall, 32% of pastures gave way to olive groves and vineyards, a crop change in many cereal-growing holdings that was mainly carried out by means of so-called 'contracts

of land improvement'. The notarial deeds reveal that enfranchised wheat-growing lands were very quickly divided into small lots (between 1 and 10 *versure* – between 1 and 13 ha) and leased out through improvement leases to those called *versurieri*, who were mainly small farmers or proletarians. The land improvement contract envisaged letting a parcel of land for over 20 years to an individual who undertook to enrich the land by planting a certain crop, in most cases vines and olives (Carrara, 1954, p. 690). The notarial deed specified the period within which to complete land preparation and planting, the types of additional crops allowed, the modes and practices of tilling, fertilizing, and treating the soil. The deeds elevate the improvements agreement to the level of a sort of handbook of agronomy. Such contracts state:

The planting of vines and olive trees must be done correctly, (...) in an orderly way in parallel rows over the whole area. (...) Vines will be planted with a distance of four palmi¹¹ between them. (...) Olive trees will also be planted according to the regulations with a distance of forty palmi between one trunk and the next (BSATs, *notai*, *Canosa di Puglia*, prot. 416, 27th November 1863).

The cost of planting the vines was borne completely by the tenant farmers, who undertook to conduct themselves “like good and diligent heads of a household, following the rules of farming” (BSATs, *notai*, *Canosa di Puglia*, prot. 389, 15th November 1875). The land improvement contracts reveal the attempt to plan crop conversion in the farms around Canosa following precise agronomic instructions and techniques, evidence of which can still be seen in the present rural landscape in the Bari area and generally all over Apulia. Among the improvement leases, one that stands out for its large size was the lease by the Chapter of St Sabinus in Canosa di Puglia of the grassland estate “Erba dei Preti” (Priests’ Grass) in the Quarto district measuring a hundred and fifty-six *versure*. The uncultivated land-holding was leased to 90 individuals on 10th September 1863 for 27 years, on condition that it was to be planted with grapevines and olives within 4 years from the beginning of the lease (BSATs, *notai*, *Canosa di Puglia*, prot. 377, 10th September 1863).

With this form of rental agreement, the great landholders did not have to bear the cost of transforming the land and at the same time off-loaded the risks of a change in crops onto the tenant farmers. At the end of the lease, the owners came back into possession of the improved landholding, incorporating it again

¹¹ A “palmo” (plural “palmi”) was the basis of the ancient Borbonic metric system and was equivalent to 0.264550 metres.

into the reconstituted large estate. The land improvement contract enabled capital to be accumulated by reaping surplus value from the great rural masses that lived in a situation of under-consumption. The wealth-making system was based on a highly labour-intensive organization of production, rather than on raising productivity by modernizing the activity. The class of agrarian gentry of Canosa, and in general of the Bari area and the South, rose in the shadow of the feudal system and lacked an innovative entrepreneurial spirit; it implemented the change in land use through the peasant work-force and by increasing its own rent of land (Stefanelli, 1974, p. 48).

As regards the splitting up of the communal lands in the twenty years following Italian unification, as we have already mentioned, this question overshadowed the Risorgimento in Terra di Bari. Back in 1806 the abolition of civic uses on feudal lands had on average allocated a third of the area to the municipalities with the obligation to divide it up among the poor peasants. However, at Canosa di Puglia at the time of unification the common lands of Murgetta, Piano San Giovanni and Colavecchia had still not been distributed and this “often gave rise to popular unrest” – as shown in the papers of the Canosa Municipal State Archive (henceforth CMSA, *Finanze*, folder 40, cat. V, class VI, f. 3). It was not until 1863 that Piano San Giovanni and Murgetta were divided up, with Colavecchia not until 1875 after a drawn-out dispute with the Cathedral of Santa Maria Maggiore in Barletta about the definition of municipal rights. The subdivision of these lands was tied to the obligation to make improvements to the landholding received by planting trees within six years, under the penalty of losing the land granted. The subdivision of the commons therefore certainly contributed to the change in the landscape and in land use already mentioned.

It was found that the San Giovanni plain, measuring 65.5 *versure* (about 80 ha), and the Colavecchia common land, of about 50 *versure* (about 62 ha), were offered in leasehold by bailiff auction open to all the inhabitants – and not only to the proletarians – with the explicit aim of “arousing greater competition among the citizens” (CMSA, *Finanze*, folder 37, cat. V, class I, f. 4; folder 40, cat. V, class VI, f. 8). Obviously, as was the case in many municipalities, preference was given to the financial requirements of the town budget rather than the needs of the poor. For instance, Piano San Giovanni had brought a net income up until then of around 2,200 lire per annum; after being recorded in the land registry it produced a total annual rent of over 7,000 lire. As far as the subdivision of Murgetta (measuring 610 *versure* - about 750 ha) is concerned, however, two different modalities were adopted. The non-arable part (measuring 143 *versure* - about 176 ha) went through a bailiff auction while the

arable grassland (measuring 467 *versure* - about 574 ha) was divided into four classes according to fertility and sold at a fixed price. In this case the system of free bidding was not allowed since the town council finally declared that the main aim was to “raise up the poor classes and not to let the property fall into the hands of the rich few” (*Ibidem*). Murgetta was split into half-*versura* lots, little more than half a hectare, “for the greater convenience of the citizens”. The records of the subdivision show that the 803 recipients drew lots among all the poor of Canosa (CMSA, *Finanze*, folder 38, cat. V, class I, f. 5; folder 40, cat. V, f. 8). It was forbidden to sell the land received or let it for over six years in the twenty years following the subdivision in order to prevent the distribution to the citizens from being merely illusory. The purpose of this was to “break up the monopoly of those who by offering a small sum might have taken back from the citizens that which the municipality had granted them” (*Ibidem*). The notarized deeds show that over 30% of the original recipients soon proved unable to pay the leasehold rent and this created difficulties in balancing the municipal budget. After a short period of intense use, the soil was impoverished and, unable to be sold, the lots were either abandoned or changed hands in the guise of rental contracts or contracts of *antichresis*. From 1871 to 1880 in Canosa 239 notarized deeds were recorded for withdrawal from *emphyteusis* on the Murgetta allotments and stipulation of new land leases, through which the municipal council made new grants of land “to harder-working citizens with greater credit-worthiness” (BSATs, *notai*, *Canosa di Puglia*, prot. 386, 8th September 1872). The municipality regained possession of 263 Murgetta allotments, 250 of which were of half-*versura* and 13 were smaller, having been divided among heirs; the withdrawal mainly involved the least fertile allotments. The land originally assigned mainly to peasants soon returned into the hands of the medium and large landholders. On the one hand, while 213 peasant farmers withdrew from *emphyteusis*, only 82 entered a new contract; on the other hand, 80 landowners gave up leases and 138 contracted a new *emphyteusis*.

The enfranchisement of the Tavoliere and the subdivision of the common lands benefited the large landowners, who continued to expand their possessions, taking advantage of the vulnerability of the common people. Nevertheless, despite the numerous difficulties, the small peasant landholders managed slowly and with huge hardship to grow and safeguard their interests. A comparison of the data on the degree of concentration of land ownership at Canosa di Puglia between the 1861-1876 period (Pierro, 1989, pp. 100-102) and the early years of the 1900s (Ministero di agricoltura, industria e commercio - Ufficio del lavoro, 1909, p. 290), clearly shows a high disproportion in land-

ownership which remained unchanged over the years. Of the 15,521 hectares of the whole Canosa area, over 55% of the landholdings were concentrated in the hands of very few large landowners (19 in the 1861-1876 period, 20 in the early 1900s); just over 30% of the holdings were distributed among small owners; the rest were held by around 90 middle-sized owners (85 between 1861 and 1876, 92 at the start of the 1900s). It is interesting to see that in the last thirty years of the 1800s around 1,100 new investors had access to the land: the number of small landholders, who on average owned little more than one hectare, went from 3,790 to 4,900.

The glowing predictions of politicians on the positive outcomes of the spread of private ownership with the abolition of the feudal system and the subdivision of common lands did not have the results hoped for. In the twenty years after unification, the wealthy classes benefited from liberal policies and the consequent transformation in land use, but the small farmer remained discontented with the national institutions. Almost the entire population of the South lived in hardship and gained no advantage from the unification of Italy, but in spite of this, the number of small landowners in the whole of Terra di Bari grew considerably, inevitably affecting the social structure and civil organization (Corvaglia, 1987, pp. 135-146).

4. Conclusions

The pre-unification economic literature of the South insists on the presence of a constant gap between the natural fertility of the soil and the stagnant state of agriculture caused by the persistence of feudal privileges, the unfinished subdivision of common lands and in general the continuing situation of the rights to dual use of property and the failed growth of small land ownership. Therefore, the socio-economic transformations, along with the adaptation of the juridical-institutional and production systems during the 1800s in Italy, especially in the South, were inevitably intertwined with the so-called process of the decline of the commons (Caroppo - Mastore, 2018, pp. 9-28).

North underlined the need, in historical-economic analysis, to consider the close ties interconnecting the institutions that establish the framework and the legislative constraints, their modification and their economic development (North, 1990). In this perspective the reinterpretation of political, social and economic history in the management of the commons and in the emergence of small land-ownership in Terra di Bari and, in general, in the South of Italy during the 1800s with special attention to the twenty years following Italian unification, is interwoven dialectically with numerous themes: from

demography to agronomy; from juridical-institutional structures to the dynamics of the Risorgimento and to local conflicts. The basic idea is that the right to property was born with the human being, it grows and develops among humans in society, and therefore social, political and economic history is tied to the history of the rights of peoples. When the needs and customs of nations change, it leads to changes in the laws governing property rights. The effect is also reciprocal. As Tacitus rightly said: “*cunctis rebus inest quidam velut orbis, ut quemadmodum temporum vices, ita morum vertantur*¹²”.

Starting from the second half of the 1700s, demographic pressure and growing needs for food scaled down the predominant role played by sheep-herding in Terra di Bari and on the entire Apulian Tavoliere, protected as it was by the Royal Customhouse for many centuries. The laws of 1806 accelerated the process of bringing feudalism to an end, but in actual fact, it was only after Italian unification that a real juridical-institutional change took place with the elimination of all types of dual use of common lands and the promotion of the concept of private ownership, in the sense of full, exclusive, individual rights, through a sharp decline of the commons, with the enfranchisement of the Apulian Tavoliere and the subdivision of communal land. The qualitative and quantitative analysis of the deeds notarized in the twenty years following the unification of Italy in one municipality, Canosa di Puglia, in the province of Bari, enabled us to investigate the complexity of the shaping of small private landowning, which obviously cannot have a homogeneous explanation. The notarial deeds help to describe the role of social conflicts, on the one hand as catalysts, and on the other as barriers in the process of forging small-scale land ownership and the decline of the commons. The notarial documentation in this municipality in Terra di Bari attests to the high concentration of landowning and tells the story of the Risorgimento of Terra di Bari, far from political ideals and motivated primarily by the social question involving the rural class of the South.

The development of local land ownership is part of neo-institutional microhistory and makes a fundamental contribution to the understanding of certain social, political and economic events in the history of the nation.

¹² All things are a kind of cycle, as are changes in the Seasons, so are also moral revolutions.

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