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## The communities and the *comuni*: The implementation of administrative reforms in the Fiemme Valley (Trentino, Italy) during the first half of the 19th century

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**Abstract:** This paper examines transformations in the common management of lands in a valley of the Trentino Alps during the process of Austro-Hungarian state centralization in the first half of 19th century. The main aspects of this process involved an administrative transformation that led to the abolition of all legal and institutional competences of the rural communities and their replacement with modern municipal corporations, and new forest legislation. The hypothesis proposed here is that state intervention did not cause the end of common institutions, but instead caused a general redefinition of who could use these lands and how these lands could be used. These transformations were not simple top-down impositions, but the results of conflicts and negotiations within local communities and between them and the central government.

**Keywords:** Alpine communities, commons, state strengthening

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## I. Introduction

The management of common resources has become the centre of everyday talk and a popular topic in many disciplines: ecology, economy, law and history (Van Laerhoven and Ostrom 2007; De Moor 2011). As known, the neo-institutional approach has strongly influenced this academic debate over the last few years. This is the case with Elinor Ostrom's principles for long-enduring institutions that efficaciously managed commons (Ostrom 1990).

In this context, one of the works that better exemplifies Elinor Ostrom's proposed theoretical framework is *The Management of Common Land in North West Europe*.<sup>1</sup> This anthology represents a turning point in the historical research on the subject and has provided innovative categories for historical studies on common resources.<sup>2</sup> However, subsequent studies have mainly explored topics related to the local management of common lands and the rules that regulated their exploitation over time. Less attention has been dedicated to the role of the state in defining these tendencies: a theme in its turn present in the cited anthology and in Ostrom's book (Serrano Alvarez 2014, 108).

More recently, the relationships between states and common institutions have been the subject of debate between Tine de Moor, who considered the presence of a 'tolerant state' as a necessary condition to make collective action possible, and Daniel Curtis and José Serrano Alvarez, who contradict this hypothesis (De Moor 2008; Curtis 2013; Serrano Alvarez 2014). Regarding the role of the state in the resilience of common institutions, one should be aware that commoners did not form a homogeneous group (De Moor 2010). State intervention did not act on cohesive communities, but affected various dynamics in the different groups that formed the local communities.

As early as the Ancien Régime, the 'state formation' process has occurred by increased supervision of local common resources (Warde 2002, 2006a,b). A good perspective for analysing this process can be found in the legal transformations carried out in the majority of Europe since the introduction of the Napoleonic reforms (De Moor 2009, 6–7). In many cases, this process, in correlation with the economic and social transformations that took place in that period, occasioned the gradual disappearance of many institutions related to the collective management of resources (Demélas and Vivier 2003). In other situations, these changes did not signify the end of common pool institutions, but instead caused a general redefinition of the form of use and the rights of access to these lands.

This article aims to investigate the response of some common pool institutions (CPIs) to the process of state centralisation in the Alpine valley of Fiemme (Trentino region) during the first half of the nineteenth century, a period defined by a change in the relationship between rural communities and the central government. The hypothesis proposed is that state intervention, rather than resulting

<sup>1</sup> De Moor et al. 2002; approach applied also in Van Zanden 1999.

<sup>2</sup> Cf. the different opinions in Alfani and Rao 2011; Torre and Tigrino 2013.

in common resources disappearing, intensified the endogenous contrasts within the Alpine communities. These disputes arose around the control of the elective offices, for the definition of commoners after the administrative reform, and for the quarrels about the use of common woodlands between elites and the rural population.

The paper will firstly provide a general picture of Fiemme, underlining the importance of collective resources in the valley's economy. Even if the common pastures were largely extended, more attention will need to be devoted to the main resource of the valley: common woodlands. The second part of the paper will outline the local institutions of the valley in the Ancien Régime and their transformation in the early 1800s.

In the third part, the relations between central government and peripheral territories in the process of consolidation of the modern state will be examined. In this case – as in a large part of the Alpine region – the reformatory period that started during the French occupation in Northern Italy can be seen as an important moment in this process. Rather than complete enforcement of private property, which did not erase collective property even in the 'manifesto' of bourgeois values represented by the civil code, the innovative elements of the French reforms can be identified in two ways: firstly, the administrative transformation that led to abolishing all legal and institutional competences of the rural communities and replacing them with modern municipal corporations, and secondly, introducing forest codes that were completely different from those enacted by the Ancien Régime states. Under these new laws, the mountain forests were considered an asset that the state should preserve to decrease hydro-geological risk and to ensure long-term supplies necessary for the cities' needs. This protection was directed *in primis* against those same Alpine communities who lived close to the forests and who exploited the forests as means of survival (Whited 2000). One of the most evident elements during this process was, for instance, the removal of certain customs in favour of a monetary income. Nevertheless, the real efficacy of the 19th century reforms should not be evaluated by the codification and by this presumed performative efficacy, but by its application at the local level, its degree of accomplishment and the reactions that it encountered. It is important to stress that different local actors constantly mediated the application of these ground-breaking reforms (Viggiano 2009).

The final section of the paper is devoted to the conclusion and to provide a suggestion for the analysis of common resources in mountainous areas. Indeed, the historiography of commons has been strongly influenced by the debate about English enclosures, whose role has been evaluated in a different way, both for their contribution to increase agricultural output, both for their role in the process of 'immiseration' and 'proletarianization' of the rural population.<sup>3</sup> Nevertheless, the English case has some peculiarities hardly extensible to other areas. Considering,

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<sup>3</sup> Cf. Humphries 1990; Thompson 1991; Allen 1992; Neeson 1993; Shaw-Taylor 2001a,b.

for instance, the land involved by the parliamentary enclosure (that are of most interest here because it represents a state intervention on common resources), this land was prevalently used as common pastures or for common rights of grazing after the harvest. As will be explained afterwards, the forests and high-mountain pastures of Fiemme Valley, as well as much of the Alpine commons, were exploited in a completely different way. To better understand the resilience of the Alpine commons it will be useful to examine a notion proposed several years ago by Lucio Gambi, one of the greatest Italian geographers. It concerns the concept of environmental vocation (*vocazione ambientale*), which enables us to identify the agrarian space according to the methods in which this territory was used. This notion can be configured in two different modalities: simple environmental vocation or complex environmental vocation. The first case regards the potential that the land has to provide food or raw materials to men and their animals during particular seasons. The second case regards a more complex strategy involving the environment for the production of industrial materials or usable goods. This second hypothesis implies wider social structures and markets that are based on more complex institutional and infrastructural organizations (Gambi 1972).

## 2. Ecology and economy of Fiemme: a general overview

### 2.1. Environmental context and agricultural production: an integrated economy

From a geographical point of view, the Fiemme valley constitutes the intermediate part of the Avisio torrent, which streams across eastern Trentino before flowing into the Adige River. The valley is located between two mountain ranges: on the left bank of Avisio, the porphyry chain of Lagorai (2613 m) separates the valley from that of Vanoi; on the other side of the torrential basin, the dolomitic group of Latemar (2846 m) marks the boundary with Egna valley. Even though the orientation of the valley on the axis W-S/W – E-N/E allows a remarkable insolation, the average altitude of more than 1000 m marks a harsh climate.

The altimetric distribution of land precluded much of the territory to agriculture, and the principal elements in the Trentino mixed farming system – mulberry and grapevine crops – were almost completely absent. No reliable data exists on the distribution of crops in the valley during the Ancien Régime; nevertheless, a sufficiently clear picture emerges from the statistics quoted in *'Bollettino del 1892 del Consiglio provinciale d'agricoltura per il Tirolo'* (Statistica Agricola-Forestale 1892). Confronted with a total land area of 52,829.6 ha that, without unproductive land, equalled 49,407.6 ha of agricultural land, the arable zone was only 1523.6 ha (about 3% of the total area). These numbers outline a residual agriculture in which the domestic production was not sufficient to guarantee food self-sufficiency, and it had to be integrated with imports from perialpine regions (Tables 1 and 2).

As in most Alpine areas, private property in Fiemme was extremely fragmented and productive choices naturally oriented towards polyculture. The best



Figure 1: Location of Fiemme valley.

soils at the valley bottom were used for cereal production; among them corn, which spread to Trentino in the first half of the seventeenth century, and was predominant in Fiemme and in the rest of the region. Barley, wheat and oats were also widespread. The earliest sources indicate that potato cultivation started towards the end of 1700, but already in the first decades of the next century (especially after the famine of 1816–1817) did it become a staple in Fiemme inhabitants' diets. On the whole, agricultural production, especially cereal, was not sufficient to meet the needs of the population. The constant grain deficit was partially balanced by the widespread seasonal migration and above all, from the exploitation of massive collective properties.<sup>4</sup>

In the Alpine ecological context, besides privately owned arable land, which was fragmented and cultivated intensively, forests, meadows and high-mountain pastures were collectively and extensively used (Netting 1981; Coppola 1989).

## 2.2. Common forests

Forests were essential to the valley's population for two reasons: due to their use value and their increasing exchange value. Concerning the first aspect, in common woodland all the *vicini* (the 'original' habitants, identified for agnatic inheritance) could obtain firewood for cooking, and heating purposes (Delugan and

<sup>4</sup> For a general overview on the Trentino agricultural context (with many data on the Fiemme situation) see Zaninelli 1978; Gregorini 2000. On the introduction of potatoes in Trentino, see Mathieu 2009.

Table 1: Cultivated area under each land use (hectares).

Village	Arable lands	Meadows	Vegetable gardens	Vineyards	Pastures	Alps (high mountain pastures)	Forests	Lakes and swamplands	Productive lands	Unproductive lands	Total area
Anterivo	74	126	0.3	-	331	-	548	-	1079	28	1107
Capriana	73	20	0.30	21	156	-	412	-	682	37	719
Carano	99	182	-	-	170	-	885	-	1336	32	1368
Castello	132	189	0.3	-	321	947	2821	-	4410	222	4632
Cavalese	186	274	2.8	-	109	1441	2391	-	4404	134	4538
Daiano	44	116	-	-	31	147	607	-	945	14	959
Forno	16	84	0.4	-	27	158	372	-	658	112	770
Moena	148	406	4.2	-	1795	1167	2301	-	5821	571	6392
Panchià	57	68	0.4	-	802	-	718	-	1646	383	2029
Predazzo	115	1387	5.5	-	1887	1987	5636	-	11,018	1089	12,107
Rover-Carbonare	19	11	-	1	77	6	467	-	581	17	598
San Lugano	22	34	0.1	-	14	-	203	-	273	10	283
Stramentizzio	9	23	-	-	37	-	732	-	801	24	825
Tesero	136	287	2	-	1047	682	2442	10	4606	439	5045
Trodona	69	188	0.1	-	266	25	1218	-	1766	32	1798
Valfioritana	97	113	-	1	379	312	2891	-	3793	164	3957
Varena	46	129	0.1	-	251	206	1519	-	2151	175	2326
Ziano	101	155	0.3	-	70	1428	1593	-	3347	334	3681
Total	1443	3792	16.8	23	7770	8506	27,756	10	49,317	3817	53,134
Total (%)	2.72	7.14	0.03	0.04	14.62	16.01	52.24	0.02	-	7.18	100

Source: Statistica Agricola-Forestale 1892.

Table 2: Population, families, and animals owned.

Village	Houses	Families	Population	Pop/land (kmq)	Pop/woods (kmq)	Cattle	Goats	Sheep
Anterivo	126	111	410	37	75	255	103	–
Capriana	161	163	699	97	170	167	94	5
Carano	176	214	793	58	90	378	206	185
Castello	363	379	1520	33	54	391	444	71
Cavalese	571	682	2852	63	119	614	525	514
Daiano	70	113	444	46	73	265	78	70
Forno	55	48	201	26	54	183	41	43
Moena	306	455	1803	28	78	577	439	334
Panchià	161	163	657	32	91	177	209	58
Predazzo	483	647	2954	24	52	483	913	181
Rover-Carbonare	46	41	202	34	43	76	61	9
San Lugano	34	46	208	74	102	65	28	–
Stramentizzio	28	25	108	13	15	38	15	–
Tesero	469	516	2374	47	97	467	790	818
Trodèna	98	123	540	30	44	291	79	11
Valfloriana	260	266	1281	32	44	321	263	2
Varena	168	161	601	26	40	268	114	314
Ziano	233	336	1249	34	78	322	484	44
Total	3808	4489	18,896	–	–	5338	4886	2659

Source: Statistica Agricola-Forestale 1892.

Visani 1988). Timber could also be cut for domestic use (to build or to fix houses, or to produce craft furniture) and for village use. Furthermore, common woodland produced potash, resin, tannin, and litter for the animals. Finally, some woods were occasionally used for grazing and temporary crops (Piussi 1966; Vecchio et al. 2002).

Apart from its many domestic uses, which were typical of village communities nearby forest resources, the timber obtained from the vast woods of tall trees, especially conifers, was also a trade commodity of huge value (Corradini 1930, 11). The most widespread species was spruce fir, but silver fir and larch were also plentiful. These varieties were high in demand for the shipbuilding industry (one of the main attractive centres for softwoods was Venice's Arsenal) and other areas of manufacture (Braudel 1979; Galetti 2004).

In addition to monetary income derived from the rental of forest plots and cutting licenses to lumbermen, the timber trade provided an important additional income to many families. Firstly, contracts negotiated with merchants contained a clause that assured the use of domestic workforce for cutting down and wood hauling. Also, construction and upkeep of structures relating to timber transport were paid by the merchants and these jobs were mostly reserved for the local population (AMCF, *Esibiti*, 1820–1821, sc. 85, 129). The main structures used for wood hauling were *risine*: ditches made of wood or stone that facilitated a controlled descent towards riverbanks. Indeed, until the last decades of the nineteenth

century, timber was principally traded by log driving (Hollister-Short 1994). To collect the water required to initiate this operation, artificial barriers called *stue* were located at certain points of the river (Agnoletti et al. 1986; Agnoletti 1998, 110–112). Moreover, charcoal made from the wood and the governance of charcoal provided an additional income and had to meet the growing need for fuel of the lowland areas.

Finally, some *vicini* – excluding the wealthy and panhandlers – were allowed to cut a certain amount of logs for commercial purpose each year; this custom was called *rate corte* and enabled many households to gain an important income for their subsistence.

### 2.3. Common pastures

Most of the other major collective resources were above the altitude limit of forests, for example the high-mountain pastures, where animals could graze during the summer. It is highly unlikely that the meadows near the villages would provide enough fodder for the entire year; generally, these lower-lying fields, owned privately by peasants, supplied hay only for the winter. In early spring, sheep were moved to pastures in swampy places near the Adige River, on which the *vicini* had the right to pasture for about 40 days a year.<sup>5</sup> As soon as snow began to disappear around the villages, animals that were not needed for agricultural works were moved farther up the mountainside to the summer pastures that were known as ‘alps’ (the term also refers to the huts and stalls of these animals).<sup>6</sup> All 25 alps located in the valley were owned by the *Magnifica Comunità* of Fiemme (for the administrative organization of Fiemme valley, see the next paragraph). To keep as many workers as possible focused on agricultural work, every *regola* charged a few herders to round up the entire village’s animals, so “alpiculture represented a form of exploitation that consumed space but saved labour, with a favourable proportion of costs and benefits” (Mathieu 2009, 52; see also Mocrelli 2013). If an alp could sustain more livestock than the amount owned by the inhabitants, some plots were rented to stranger flocks. Therefore, the alp system realised not only manpower for agricultural tasks, but also provided an additional income and a chief link to regional markets.

These forests and high-mountain pastures are not available to everyone to use (i.e. open access resources); considering that only the *vicini* could exploit common lands,<sup>7</sup> their assemblies led to a fixed time period of usage and exclusive use of mountain pasture, and established the number of livestock that could

<sup>5</sup> This ‘inverse transhumance’ was a common right (*dominium utile*) on lands owned by other communities; Coppola 2004.

<sup>6</sup> Viazzo 1989, 20; on Trentino pastoralism see also Cole and Wolf 1974.

<sup>7</sup> The membership right (*vicinia*) was regulated by inheritance system and was assigned on familiar basis. Until 1583 all sons and daughters inherited membership rights; from that year, only if there were no sons the first daughter could inherit membership rights (patrilineal system); for a better understanding of the membership rights in Trentino rural communities see Casari and Lisciandra 2014.



graze in the common alps. Likewise, assemblies set the time for woodworks, determined which lots to cut and the exploitation interval, and designated specific portions of forests called *gazi* (usually coppices) for the domestic use of *vicini*. All these rules are established in rural charters and were enforced by specific officers elected annually among the *vicini*. In addition to these rights, the *vicini* had similar duties called *urte* that included the participation in collective works for the maintenance of infrastructure (roads, *rìsine*, stalls) and common property.

### 3. Institutional framework

#### 3.1. The Magnifica Comunità of Fiemme

As in other European regions during the Early Modern period, the use of the common lands by the rural Trentino population was the linchpin of the cultural and institutional system on which the organisation of rural communities was based. Common lands served not only an economic function; they also played an eminent role in strengthening community cohesion and reinforcing the original bonds between inhabitants.<sup>8</sup>

In the Italian mountainous areas, especially in the Alps, this relationship between common resources and communities was particularly marked (Armiero 2011, 77). This situation – related also with the lower feudal and urban influence on these lands – allowed the formation of largely autonomous institutions called *vicinie* or *regole*. These institutions were family assemblies composed of the members of the same families. Only members of the families of the *originari* (i.e. natives) benefited from the exploitation of common resources (Corona 2010, 92). People that did not descend from these families and had not been integrated into the community were called *forestieri* and had limited or no rights to hold assemblies and to use the common lands. These institutions were based on legal documents mostly granted by the Prince-Bishopric of Trento (rural charters) that established internal rules of the communities and, above all, regulated the rights and obligations related to the use of common resources (Casari 2007).

Historian Mauro Nequirito states that, concerning Trentino, “the *Magnifica Comunità* of Fiemme was the most significant example of rural community for what concerned dimension, powers and tradition” (Nequirito 2010, 3). Its existence was first affirmed in a document dated 1111 called Gebardini Pacts, thus named because they were signed between the Bishop of Trento Gebardo and the representatives of the valley.

The *Magnifica Comunità* of Fiemme was hierarchically structured on several levels. At the base of rural institutions were the households (*fuochi*); the use of common resources and all the rights or obligations that community life

<sup>8</sup> For an overview on the Italian rural communities, see Della Misericordia 2012; Di Tullio 2014. For Trentino, see Nequirito 1988.



Figure 2: The Fiemme valley in the 18th century. Source: AMCF, sc. 68, 369.

imposed were not exercised individually by all members of the community, but were instead assigned to heads of families. Each *pater familias* could participate and vote in the village assembly in which the official in charge of local administration was appointed and competed for these elective positions. In these same assemblies the management of the common lands belonging to every single village community (*Regola*) was regulated. *Regole* autonomously owned only a small part of the common lands. Instead, *Magnifica Comunità di Fiemme* directly owned the majority of the common land. The *Regole* were grouped into four districts that divided, by rotation (*rotolo*), various portions of the common heritage – initially on a yearly basis and, starting from 1634, every 4 years. At the end of a long phase of settlement reconfiguration, the four districts were divided in this way: 1st district included the *Regole* of Cavalese and Varena; the 2nd Tesero and Panchià; the 3rd Moena, Predazzo and Daiano; the 4th Castello Trodena e Carano (Bonazza 2009).

Every district designated delegates (called *Regolani di Comun*) who elected the most important officer in the community: the *Scario*. This officer was in charge to make sure the community's rules were followed and, in doing so, others assisted him, among which the *Saltari*, whose main task was to monitor the common woodlands. The position of *Scario* held a 1-year appointment and a *Scario* could not be re-elected from a district if the previous *Scario* was also from that district.

The *Scario* also presided over the general assembly, which took place twice a year (on the 1st of May and the 15th of August) in the village of Cavalese. All

native heads of families could attend these gatherings and determine the internal rules of the community and how the common resources would be exploited.<sup>9</sup>

A part of the historiography of the Trentino rural communities has focused on the institutional aspects and the rural codes of the communities. This has led to further understanding of the internal organization of these communities, the establishment and spread of the rural codes and the role of legitimation played by the bishopric authorities (Casari 2007). Nevertheless, the social historiography has highlighted the limits of this documentation. First of all, the long-standing validity of these codes tends to encourage a vision of community life as socially stagnant, where everything was held back by the bonds of traditions, whereas further research has shown substantial internal vitality of the customary agrarian regimes (Torre 2007). Moreover, the analysis of other types of documentation has revealed how such codes, particularly those parts regarding the rules that regulated the democratic participation in community life and equal rights in using the common lands, had a symbolic value to which a practical application did not correspond.<sup>10</sup>

As in other parts of Europe (Lana 2008), it is important to stress that, in Fiemme, this fairly democratic system did not entail an equitable access to the common resources. Throughout the Ancien Régime, community cohesion (which was deemed so important on symbolic level and always remarked upon in the rural charters) has been undermined by economic and social changes that led to the formation of deep social differences and consolidation of cliques that would control the management of common lands.

### 3.2. The early nineteenth century reforms

The abolition of the Prince-Bishopric of Trento (1803) did not immediately transform the administrative organisation of the territory. However, after the annexation of Trentino to the Kingdom of Bavaria in 1805, the administrative situation changed radically. By the decree of the 23rd of January 1807, the *Regolanie maggiori e minori* were abolished and the modern municipality (*comuni*) was set up in its place. On the 2nd of October, the office of *Scario* was abolished and replaced with a treasurer who was forbidden to bear the previous title. This act decreed the end of an institutional configuration that lasted almost seven centuries.

After the Tyrolean Rebellion,<sup>11</sup> the valley was annexed to the Napoleonic Kingdom of Italy that established the 'interim commission for the management of

<sup>9</sup> For more information about the administrative structure of *Magnifica Comunità* of Fiemme, from the Gebardini Pacts, through the formalization of the Community rules between the fifteenth and seventeenth century, until the last disputes with the Episcopal power in the last years of eighteenth century, see Pantozzi 1990; Sartori Montecroce 2002.

<sup>10</sup> For instance, see the studies on the alpine communities of Carnia made through criminal sources (Bianco 2002) and notarial records (Lorenzini 2006).

<sup>11</sup> Recent historiography has read Tyrol's uprising of 1809, of which one of the first outbreaks occurred in the Fiemme valley (in the village of Predazzo), as a conflict between centralism and autonomy; the main cause of the revolt was the authoritarian character of the process of state modernization and centralization. Cf. Felicetti et al. 2009; Allegri 2010.

the goods of the community' (1811), which remained in office until 1818, when the resettled Austrian government decided that the Community administration should be delegated to the mayors of the valley, led by an elder that was elected by and among them.

This led to the creation of an atypical situation that would last for several decades. The eleven municipalities created in the territory where the Community previously stretched (whose operation was disciplined by the regulation of the 26th of October 1819) became the exclusive rights-holders of political and administrative powers at the local level. Especially with regard to the first half of the 1800s – until the municipal law of 1862 – such powers were exercised under tighter control of governmental appointment offices; first, the *Giudizio Distrettuale*, which was located in Cavalese and held the first instance of juridical power (Garbari 2000). Furthermore, the *Comunità Generale* of Fiemme (it could no longer use the title '*Magnifica*') retained possession of a huge land heritage whose use was central to the valley's economy and to the existence of those same territorial bodies that had supplanted the Community in the control of the territorial government, but without whose assets they could not deal with the weighty competences typical of modern municipality. In most parts of Trentino, the administrative fragmentation and absence of any redistributive mechanism between state and local finance proved to be functional in a markedly conservative policy in which the limited resources available to municipalities covered – often with difficulty – current expenditures (Garbari 1981; Caffaro 1999). However, in Fiemme, the common woodlands allowed municipalities to easily cover the running costs and to undertake important steps to modernise the area.

On the other hand, this situation created a series of contrasts for the management of common resources that arose from its difficult legal definition within the changed institutional context.

#### 4. From rural communities to municipalities: institutions, notables and outsiders

The transition from rural communities (which were characterised by great autonomy by the Prince-Bishopric and the central role of the general assembly) to a management restricted to the eleven heads of municipalities (whose role was placed under the direct control of state authorities and whose appointment was usually the result of a lack of participation of the rural population), created disagreement within the valley, both between different villages and between different social components.

Already during the Ancien Régime did the major institutional roles of the valley become the prerogative of narrow elites who could use collective resources to consolidate private interests. Even though the ownership of land represented an important indicator of social stratification, since the possibility of receiving credit was tied to demesne, in the agricultural alpine context previously outlined, arable land could not identify rural elites and guarantee their wealth (Lorenzetti and

Merzario 2005). Land ownership was an activity that was in addition to the more profitable ones, such as commerce, money lending, and various professions (notaries, medium-high level administrators). Only a limited number of families were involved in these activities and controlled the functioning of the local institutions, directly or through intermediaries.<sup>12</sup> The gradual process of administrative centralisation and standardisation increased the power of these notables, especially of those who, despite being members of the local community, could interact with political and economic structures larger than those of the local village, and then to act as mediators between centre and periphery.<sup>13</sup> Simultaneously, the overall redefinition of common resources management, caused by administrative and productive changes, had intensified the struggles over the control of the rural area between different factions of these elites and among those who felt excluded from the exploitation of common resources.

The Riccabona family from Cavalese was a typical case of notables playing an active role both as political brokers and in the timber trade. They became one of the major families in the valley during the Episcopal period. During the overcoming of the Ancien Régime, some family members consolidated their positions at the regional level. This was the case for Francesco Felice, who climbed the bureaucratic ladder through three different dominations (Bavaria, Italian and Austrian), and later also for Benedetto, who was Bishop of Trento between 1861 and 1879 (Nequirito 1996, 340, Bellabarba 2010, 359–360). Meanwhile, the family line (led by Giuseppe Luigi) remained in Fiemme, in companies with another important family of the valley (the Rizzoli), who obtained monopoly of the log driving on the Avisio River in 1804 (AMCF, *Esibiti*, 1819, sc. 83, 32). Giuseppe Luigi was not just a timber merchant; he was member and head of the council of Cavalese several times and a representative in the Diet of Innsbruck. In several dispositions, the Community administration entrusted him to extend appeals to the government for defending the local population's forest and pasture rights (AMCF, *Verbali*, sc. 73, 1).

If Giuseppe Luigi allows us to understand the potentialities that were offered to these mediators, the vicissitudes of his heir, the son Carlo Antonio shows the innate instability in these roles (cf. Rosenberg 1988). The excessive relevance that the family business had gained in the valley impelled the governmental apparatuses to implement limitative actions. In 1838, the *Giudizio Distrettuale* of Cavalese revoked the appointment of Carlo Riccabona as head of *Comunità Generale* of Fiemme due to “the excessive relations of the family regarding the

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<sup>12</sup> The control of the administrative positions by the main families of the valley of Fiemme between the 18th and 19th centuries is described in Degianpietro 1975. For a comparison on the recent European debate on rural elites cf. Aparisi and Royo 2014.

<sup>13</sup> See Wolf's definition of ‘brokers’ as who “must serve some of the interests of groups operating on both the community and the national level, and they must cope with the conflicts raised by the collision of these interests. They cannot settle them, since by doing so they would abolish their own usefulness to others.” Wolf 1956, 1076.

woods” (AMCF, *Verbali*, sc. 73, 2). In that period, the contracts that guaranteed Riccabona the logging monopoly were also ended and the *Comunità Generale* began to allocate individual forest plots instead of sole contracts, a demonstration of an increased competition among notables for the control over forest resources (Riccabona 1996).

Moreover, the apparent correspondence between the *Comunità Generale* and the eleven municipalities, which was valid if observed in its high levels, lost its validity when the comparison was drawn between inhabitants instead of administrators. Indeed, the municipal regulation of 1819 established that citizenship rights were regulated on a territorial basis instead of a patrilineal inheritance basis (RLPTV, 1823, vol. VI, 756–778). The law implicitly created a distinction between two categories of citizens: outsiders, who were members of the municipalities but were excluded from the *Comunità Generale*, and insiders, who were heirs of the original members of the Community. In other words, while in the Ancien Régime the right to participate in community life (e.g. vote in the village assembly, compete to elective offices) was bound to the right to access and exploit the common resources, after the municipal reform some family groups, although they had the citizenship rights, they could not benefit from the use of common resources.

During the 1800s, outsiders appealed repeatedly to the state courts against insiders and mayors of the valley because they were prevented from using the common resources and they were discriminated against in different ways.<sup>14</sup> The heads of municipalities opposed these claims, arguing that according to the decree of the 25th of November 1806, the forests and pastures of the valley were not the property of the municipalities but lands with private-order governance owned by a restricted association composed by the heirs of the original members of the Community (BLRI, vol. III, 1025–1029).

This is a widespread dispute in the Italian jurisprudence of the nineteenth century. The distinction was between common resources as *universitas civium* – and then property of original members and their heirs only – and common resources as belonging to the communities conceived as administrative units – and so, in this interpretation, common resources belonging to *regole* and, after their abolition, to municipalities (Grossi 1981; Caffiero 1988).

The ambiguity between the public and private legal status of *Comunità Generale* almost lasted the entire century. Only in 1872 did an Imperial Court judgement establish the private nature of the institute, because the membership right “did not depend on the citizenship right but it was derived from patrilineal inheritance from an original member or from an acceptance by the general assembly”.<sup>15</sup>

<sup>14</sup> For instance, outsiders were forced to pay even for the death knells of the relatives; AST, *GDC*, Valle di Fiemme. Amministrazione Patrimoniale. Fascicolo Separato, b. 334.

<sup>15</sup> Nevertheless, diatribes continued in subsequent decades with several actions, sometimes supporting the private nature of the institute, other times in favour of the public nature of it, see Minghetti 1941 (the quote is on p. 16).

## 5. Forest exploitation: old customs and new laws

Further complications were created by the forestry administration that was acquiring a predominant role in the monitoring and protection of the woodland areas. As is known in the scientific publications of the late eighteenth century, but more generally among the ruling classes of Western Europe, concern regarding excessive deforestation was widespread. Because of wood's importance as source of heat and as raw material, also related to an awareness of the relationship between forest degradation and hydro-geological conditions, contemporaries worried about wood shortage. Even though timber famine is a controversial topic among historians, it was this belief that promoted the action of Napoleonic administrations and, after the Restoration, of Austrian foresters (Radkau 1996; Corvol 2000; Warde 2006a,b).

As Renato Sansa has indicated, a gradual change of forestry legislations took place throughout the Italian peninsula between the 1700s and 1800s. In that period, the forest laws, whose intervention was restricted to protecting specific areas of woodland or particular species of trees (such as those used in shipbuilding), were gradually replaced by general regulations influenced by silvicultural theories (Scott 1998; Sansa 2000; Radkau 2008). In the implementation of these new laws, Diego Moreno has identified the period of transition from a custom-based forest regime (which was based on a multiple use of tree-lands) to a forestry laws regime (Moreno 1990).

The introduction of modern codification did not entail the immediate abolition of customary uses. Especially regarding the exploitation of forests, these practices were gradually regulated according to modern forestry notions and, if necessary, the replacement of certain common rights by monetary compensation. The Forest Law of 1822, the first enacted in Trentino after the return of the Austrians, addressed extensively the rights of inhabitants of the municipalities in the local forests (§ III) and it established forest sessions (§ IV) (RLTV, vol. IX, 658–732). These 'meetings' were convened municipally and all heads of families could attend them. This was a way to 'modernise' the old general assemblies: on these occasions, foresters had to explain the new legislation and assess local requests to prepare forest management plans. It is appropriate to analyse the effects that these reforms had on the valley of Fiemme, where the huge forests were the main resource for the population.

The most controversial issue was tied to the *rate corte*. Indeed, the terms of trade between timber and grain improved steadily over the centuries preceding the 1800s. This situation led to overexploitation of some woods, in spite of limits provided in the common charters. These contraventions were no longer tolerated after the fall of Prince-Bishopric of Trento. In 1805, a decree forbade the trade of *rate corte* through the passes of Valles and San Pellegrino, from where the logs reached the Piave River and thus, Venice; this intervention was aimed at curbing the contraband that was easier passed through those pathways (AMCF, *Esibiti*, 1823–1824, sc. 88, 12).<sup>16</sup>

<sup>16</sup> On wood transportation through these passes see Lazzarini 2007.

Shortly after the return of the Austrians in 1815, the Commissioner for the interim administration of the Tyrol and Vorarlberg Anton von Roschmann implemented a new regulatory intervention. The new provisions halved the amount of timber annually awarded to the *rate corte*, and took away the competences from the local administrations and gave them to the forestry administration. It is interesting to note that Roschmann did not consider the peasants responsible for the abuses; his accusations were levelled at the members of the municipal councils who were the main perpetrators of the abuses (AMCF, IV: *boschi 1560–1994*, sc. 191, 29.32).

In subsequent years, partly due to the severe famine that struck the valley in 1817, several common pleas were sent to the *Giudizio Distrettuale* of Cavalese because it would restore the previous number of axes of timber (AMCF, *Esibiti*, 1818, sc. 82, 391; AMCF, *Esibiti*, 1823–1824, sc. 88, 12). However, the contraventions continued<sup>17</sup> and, faced with the impossibility of remedying the situation, the heads of municipalities decided, according with the government, to suppress the *rate corte*; in their place, a monetary income was introduced and was assigned for charitable purposes (1838). It was assigned a value of four Austro-Hungarian gulden for each timber wagon, to a total of 1600 Austro-Hungarian gulden (AMCF, II: *amministrazione interna 1756–1975*, sc. 155, 13.3).

A few years later, even the right to cut wood for building purposes was eliminated and replaced with the establishment of municipal warehouses, where the inhabitants could buy timber for domestic use.

The progressive deletion of ancient customary practices continued in the early 1860s, with the prohibition to grant inhabitants wood for charcoal and limestone.<sup>18</sup> This last resolution sanctioned a limitation already imposed for several years that had caused growing discontent in some social groups. Particularly interesting is the exchange of accusations that occurred at the turn of the late 1840s and early 1860s among administrators of the *Comunità Generale* and many householders (AST, *GDC*, Valle di Fiemme. Amministrazione Patrimoniale. Fascicolo Separato, b. 334). The latter, through various appeals sent to the government, harshly criticised the current management of common lands, in particular the large sums allocated to infrastructure such as the new commercial road – which they considered functional only to the interests of landowners and timber merchants – while more than a third of the inhabitants were forced to emigrate temporarily to survive. The postulants complained about the removal of the old rights on common forests, starting with the *rate corte*, and they demanded that the common lands be divided among the *vicini*. The administrators always replied by extolling their management methods and reminding them that the construction of the new road allowed a rapid growth of the timber trade, which will benefit the valley's entire population. Indeed, the new carriageable road allowed a further advancement in the timber trade. The road, whose construction was

<sup>17</sup> AMCF, *Esibiti*, 1819, sc. 83, 13. AMCF, *Esibiti*, 1824–1825, sc. 89, 80.

<sup>18</sup> Decrees 19 May 1845 e 20 December 1861; see Nequirito 2010; Rizzoli 1904.



started in the 1820s and was only completed in the early 1860s, was funded by the *Comunità Generale* that spent more than 1,000,000 Austro-Hungarian gulden to achieve the 47 km that led from Moena up to Ora in Adige valley.<sup>19</sup> The greatest advantage of this infrastructure was not so much in reducing transportation costs, but in facilitating the sale of timber boards instead of logs; this allowed selling semi-finished products, whose price was higher than logs, which increased the working stages in the valley. A good marker of this development is the number of sawmills present in the valley, which grew from 64 in 1848 to 86 in 1870 (Agnoletti 1998, 109–110).

This ‘reversal of roles’ between notables committed to protecting the common heritage and peasants (or, at least, part of them) calling for the division of the commons, is only apparently paradoxical. As in other Italian regions, narrow elites in Fiemme controlled the commons, even if the antique functions of these lands were formally maintained (Caffiero 1982, 27). Either way, several factors influenced these positions. Administrators knew that the income from these lands was essential to integrate the municipal budgets without taxing the population and, in particular, the main taxpayers that very often were the administrators themselves. On the other hand, the progressive restriction of common rights on forests and excluding a large part of the population from decision-making about the management of common resources resulted in several attempts to assert the old customary rights. Such endeavours could consist, as mentioned earlier, of collective appeals to the government or, also, of brokering the forest laws that they perceived in contrast with the “right to subsistence” (Scott 1976). Even in Val di Fiemme, as in so many regions, flipping through the minutes of the forest contraventions, it is possible to see how the allegations were in most cases related to practices once considered lawful and so opined by the majority of the population.<sup>20</sup>

The action in defence of the collective use of the forest (pasture, gathering wood and resin etc.) by the local population was opposed to the modern idea of the forest as a wood quarry (Armiero 2008, 62). These conflicts also reveal the presence of different ways of conceiving of forestland and planning for its use. On the one side: a management whose objective was achieving the highest timber production that the modern notions of forestry allowed; this approach was supported primarily by the forest administration eager to apply general and unifying rules. On the other side: the local population convinced that the traditional knowledge and practices of land use should not be abandoned to follow external impositions (Hölzl 2010). Following a widespread theory proposed by

<sup>19</sup> AST, *GDC*, 1839, b. 12; AST, *GDC*, 1840, b. 12; AST, *GDC*, 1844–1847, n° 11, b. 23; see also Molinari 1990.

<sup>20</sup> APT, *Archivio dell’agente forestale di Cavalese*, 1842, sc. 02.03.33; APT, *Archivio dell’agente forestale di Cavalese*, 1846/II, sc. 02.03.38; AMCF, *Economo forestale*, sc. 452.6. To pull a few from a potentially large comparative selection, cf. Thompson 1975; Brunello 1981; Guha 1990; Peluso 1992; Ceschi 1996.



Figure 3: 'Timber road' to Trento: log driving on Avisio and Adige Rivers. Source: AMCF, sc. 68, 369.

Guha and Martinez-Alier (1997), it is possible to read the protest actions of this kind as acts of “environmentalism of the poor”.<sup>21</sup>

<sup>21</sup> Cf. Jacoby's definition of “moral ecology”: Jacoby 2001, 3.

The effects of these different approaches in resource utilization had outcomes not only on a social and economic level, but also on forest vegetation. In the following decades, the development of the sawing industry and the timber trade at the expense of the use of wood for domestic practices resulted in a gradual decrease of copse woods in favour of conifer woods.<sup>22</sup>

This does not mean that all administrators were profiteers and all peasants had a disinterested vision of the common lands. Personal interests often motivated those who demanded the division of common resources or recalled old customs: one of the main organisers of the petitions was a blacksmith from the village of Predazzo, who was accused repeatedly of forest abuse.<sup>23</sup> Administrators assigned large amounts in support of equalising interventions: besides financing the poor boxes, the incomes from the timber trade were used to support a hospital in Tesero and two schools in Cavalese and Predazzo (AMCF, *Categoria XX: diverse 1821–1989*, sc. 265, 56.1; AMCF, *Categoria VI: istruzione 1850–1954*, sc. 200, 32.6). Rather, the complexity of the interests involved made it difficult to relate the social groups themselves in the mere opposition between notables and the poorest social strata. Such alliances could mutate over the years and produce different fronts, also in relation to different aspirations related to the use of the common resources. As Tamara Whited said for the mountain forests of France in the same years, “to borrow James Lehning’s formulation, this was a process of occasional conformity, occasional resistance, but always negotiation” (Whited 2000, 5–6).

## 6. Conclusion

The *Magnifica Comunità* is still present and active in the Fiemme valley; it is one of the largest wood suppliers in Italy, has many employees, and manages about 20,000 hectares of land (especially forests and pastures) and some buildings (among which the historical palace that has been the premises of the institution for centuries).<sup>24</sup> Throughout the twentieth century, the role of modernisation that started with the construction of the carriageable road has continued; examples are interventions in the hydropower sector and the construction of new sawmills (Bonazza and Taiani 1999, 591–600). As in the events described above, the strategic choices in the following years were not free from disputes, even harsh, as in 1906 when some *vicini* temporarily occupied the premises of the Community in opposition to some government decisions that allowed outsiders to use the common lands (Zieger 1996, 99–106).

To explain the survival of an institution whose life exceeds 900 years, it is not possible to find either a specific reason or a small set of them. Instead, it is

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<sup>22</sup> This trend accelerated during the ‘900 because the progressive electrification brought down the need for firewood; Agnoletti 1998, p. 175. An interesting case study on the decrease of coppice management in the same period is Müllerová et al. 2014.

<sup>23</sup> Cf. the conclusion in McNeill 1992.

<sup>24</sup> For more information see <http://www.mcfspa.it/en/m-c-f.html> (referenced 30 November 2015); for the present institutional framework see Magnifica Comunità di Fiemme 1991.



*Figure 4: Forest workers (end of the nineteenth century). Source: AMCF, Fotografie, sc. 464, I.*

appropriate to speak of a series of factors that have varied over time. Concerning the period analysed, two questions can be addressed: what has enabled the Community to play an active role and not be a mere spectator in the process of state centralisation, mediating constantly their rights rather than sustaining impo-

sitions; and what conditions have allowed the different interests to form a coherent system rather than cause that system to implode?

The events described so far seem to contradict Curtis's hypothesis that societies with highly equitable social distribution of risk were more resilient in managing their common resources (Curtis 2012). In the Fiemme valley, there was a prominent social stratification and marked contrast for the use of common resources.<sup>25</sup>

The evaluation of the effects that State interventions had on defining these dynamics is more complex. For the mere legislative point of view, there was a growing hostility from the governmental authorities and the forestry administration towards the common management of forest. However, the Community institutions, although heavily modified, survived. This element seems to confirm the hypothesis advanced by Daniel Curtis and reaffirmed by José Serrano Alvarez that the survival of the common pool institutions did not presuppose the presence of a tolerant state (De Moor 2008; Curtis 2013; Serrano Alvarez 2014). However, if we move our attention from legislation and official regulations to their practical application at the local level, something different emerges: the incapacity of State authorities to impose the end of these ancient customs or, rather, the capacity of the local population to take advantage of the room to act granted by the new Austrian legislation and to constantly negotiate the applications of the new rules and regulations at the local level.<sup>26</sup>

Among the various factors that help explain the longevity of the common resources, one factor is particularly useful for understanding the story of the Fiemme valley and other mountainous areas. It is the concept proposed by Lucio Gambi of complex environmental vocations (*vocazione ambientale complessa*) that Gambi associated with the ability of some groups of people to use environmental resources articulately (Gambi 1972). This meant the capacity of communities to integrate their commodities into trading channels that would promote the local production (timber, in the case of Fiemme); in these cases, the character of sustainability in the use of resources was not given by environmental awareness *a priori*, but because this system could only work if the exploitation ensured the reproduction of environmental resources on which the valley's economy was based (Vecchio et al. 2002, 150–154). In the long run, this has not only favoured the consolidation of specific productive systems, but also cultural ties and institutional organisations that survived after the administrative transformation of the early part of the nineteenth century.

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<sup>25</sup> Bianco 2005; Lana 2008; Cf. De Moor 2010. On the logic of appropriation of common resources and the unequal distribution of profits arising from the use of these areas, see the monographic volume "Risorse collettive" of the Italian review *Quaderni Storici*: Moreno and Raggio 1992.

<sup>26</sup> I am grateful to an anonymous reviewer for highlighting the relationship between 'tolerant' and 'weak' State, which is a very important point in my case study.

## Archival abbreviations

- Archivio della Magnifica Comunità di Fiemme (AMCF)  
 Archivio Provinciale di Trento (APT)  
 Archivio di Stato di Trento, *Giudizio Distrettuale* Calvaese (AST, *GDC*)  
 Bollettino delle Leggi del Regno d'Italia (BLRI)  
 Busta (b.)  
 Raccolta delle leggi provinciali per Tirolo e Vorarlberg (RLTV)  
 Scatola (sc.)

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