Peasant agency, collective action, and institutions in early medieval societies: an approach from NW Iberia

by Álvaro Carvajal Castro*

This paper engages critically with the idea that the individual household is the basic unit of social production and reproduction in peasant societies. Building upon a relational approach to agency and a critical approach to institutions, it argues that in order to develop a comprehensive theoretical framework on peasant agency in early medieval societies, we must account for the attested forms of collective action and consider the institutions that may have served as an interface between individual and collective agency. To demonstrate the potential of such approach, the paper addresses the role of property and commons as institutions mediating access to natural resources and conditioning individual agency. For this, the paper focuses on the extant written sources from NW Iberia. Ultimately, the aim is to explore avenues for dialogue between different disciplinary and methodological approaches to peasant agency in early medieval societies.

Early Middle Ages, Iberian Peninsula, Critical Institutionalism, Agency, Peasants.

1. *Introduction: from Punjab to Delhi*

In 2020, the laws passed by the Indian government to deregulate produce markets sparked major protests in the country. Tens of thousands of farmers camped in the outskirts of Delhi. One of them, a man from Punjab called Jas-

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pal Singh, declared: "I have promised my family and my villagers that I will not return home till the laws are repealed".[1] He thus bridged his engagement in that particular protest movement with the complex network of social relationships and values he was bound to, linking the realm of national politics to the daily life of the locality he was from.[2] Yet exactly what he meant by family and what tied him and his fellow villagers together we cannot tell, and while the feeling of obligation that his statement expresses conveys a notion of belonging and an idea of representativeness, at the same time it conceals Mr. Singh's very distinctiveness. For why was he in Delhi, and not any other member of his family, or any other of his fellow villagers?

Mr. Singh's statement encapsulates some of the anxieties that historians and archaeologists face when confronting the question of collective action in early medieval local societies. Groups of people acting together for different purposes are well documented.[3] However, the words with which they are labelled frequently present themselves as black boxes. Terms and expressions such as *homines de*, *concilium*, or *collatio* seemingly identify groups with an agency of their own, but say little about membership and the internal composition of these groups, the social practices and relationships that bound their members together, or the values and norms that regulated their workings, let alone the motivations of the individuals that belonged to them. As a result, collective action in early medieval local societies and how it shaped individual agency are difficult to assess. In contrast to the attention paid to early medieval elites, and despite some recent contributions on the issue, these, as other dimensions of peasant agency, remain significantly under-theorised and understudied.[4]

This paper will address this problem by developing a critical approach to the institutions that served as an interface between individuals and collective

[1] "Violent clashes as Indian farmers storm Delhi's Red Fort", Hannah Ellis-Petersen and Aakash Hassan, *The Guardian*, 26/01/2021 (https://www.theguardian.com/world/2021/jan/26/violent-clashes-as-indian-farmers-storm-delhis-red-fort) [Date accessed: 26/010/2022].

[2] On social movements and protest, see, for a sociological approach, Tarrow, *Power*; Tilly, *The politics*.

[3] For an overview, see Reynolds, *Kingdoms and communities*. The study of local communities in early medieval Europe has a long tradition, though they have frequently been regarded as undeveloped forms of their later, high medieval counterparts. See, among others, *Les communautés*, edited by Higounet; Genicot, *Rural communities*; Mouthon, *Les communautés*; and n. 27 for critiques of this view. For a specific focus on the early medieval period, see the works collected in *People and space*, edited by Davies et al. In recent years, work on assemblies and commons has open way to discussions veering towards the analysis of collective action and institutions. Cf. *Assembly places*, edited by Pantos and Semple; Oosthuizen, "Beyond hierarchy;" Semple and Sanmark, "Assembly." On the areas here addressed, see Carvajal Castro, "Local meetings and meeting places;" Escalona, "Community Meetings;" Martín Viso, *Pastos*. More specifically, on peasant groups in the context of conflicts and disputes, see Wickham, "Looking forward." For a more cautious approach, see Zeller et al., *Neighbours and strangers*, chapter 4.

[4] Quirós Castillo, "Introducción: Agencia del campesinado." For an overview of recent work on the elites, see *La royauté*, edited by Le Jan; *Les élites*, edited by Bougard et al.; *Les élites et leurs espaces*, edited by Depreux et al.; *La culture*, edited by Bougard; *Les élites et la richesse*, edited by Devroey et al.

action in early medieval societies.[5] It will argue that this can provide a more nuanced understanding of both collective action and individual agency at the local level, thus complementing current approaches to peasant agency in the early Middle Ages.[6] In particular, it will focus on commons and property, that is, on the institutions that regulated the individual and collective appropriation and use of land and other natural resources.

The area studied is the north-west of the Iberian Peninsula, which is particularly well suited for such a purpose (Map 1). The written sources are abundant and provide ample evidence for the study of local societies, which has gained momentum in recent years.[7] Local groups and instances of collective action – most notably, but not only in the form of local communities engaging in land disputes– are relatively well documented in many different forms and from an early date, in comparison to other European regions.[8] Furthermore, the exponential development of archaeological research over the last twenty years has significantly enhanced our knowledge of early medieval settlements and has radically altered our understanding of local societies.[9] Commons, collective action, and the institutions for collective action may not be as visible in the archaeological record, but this does not mean that archaeology cannot play a significant role in their study and contribute to better illuminate the socioeconomic and political organisation of early medieval localities.[10] Thus, while the approach in this contribution is based on the written sources, following Marcia-Anne Dobres and James E. Robb, I depart from the idea that "different forms of agency likely operated in the past, that they involved context-specific mechanisms of materiality and sociality, and that empirical evidence of them occurs at many different scales". I take this to mean that a history of agency cannot be built upon one single type of empirical record and "can have no 'one size fits all' methodology".[11] On these grounds, I acknowledge the partiality of the view on peasant agency that this paper offers, but nonetheless hope that it will be useful as a contribution to interdisciplinary dialogue, and with it, to the development broader theoretical considerations about peasant agency in early medieval societies.

[5] For the critical-institutional approach, see Cleaver and de Koning, "Furthering critical institutionalism;" Cleaver, *Development through bricolage*.
[6] Quirós Castillo and Tejerizo-García, "Filling the gap."
[7] Martín Viso, "Unequal small worlds." In studies about NW Iberia the concept of "local society" now prevails over the attention once paid to peasants and local communities, in tune with historiographical developments elsewhere in Europe but contrary to other historiographical approaches elsewhere in the Iberian Peninsula. See Kirchner, "La arqueología del campesinado." See also García-Porras in this volume.
[8] Carvajal Castro, "Collective Action." For the observation that the phenomenon becomes apparent earlier than in other European areas, see Wickham, "Space and society;" Wickham, "La cristalización."
[9] Escalona, "The early Castilian peasantry."
[10] Fernández Mier and Quirós Castillo, "El aprovechamiento;" Oosthuizen, "Beyond hierarchy;" Quirós Castillo, "An archaeology of 'small worlds'." See also the remarks by Teresa Campos in her contribution to this volume.
[11] Dobres and Robb, "'Doing' Agency," 162.

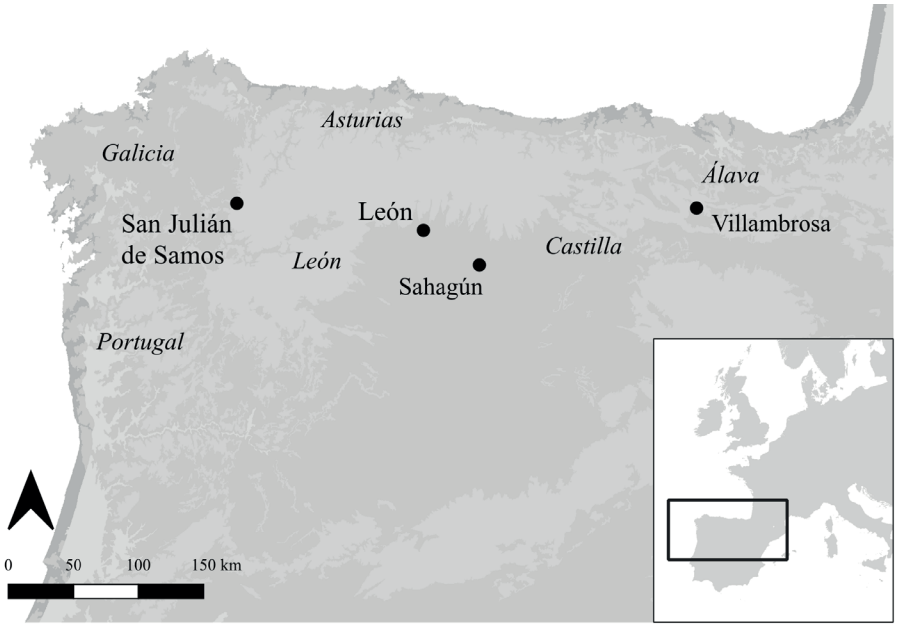

Figure 1. Places in NW Iberia mentioned in the text.

2. *Peasant agency? A collective conundrum*

Over the last forty years, analyses of the written sources sparked by seminal works by authors like Wendy Davies and Chris Wickham, combined with extensive archaeological research on early medieval settlements throughout Europe, have contributed to illuminating the variety of social positions and trajectories, relationships and practice, that characterised early medieval localities.[12] This has brought two significant theoretical advancements. First, it has made it possible to consider the capacity that individuals acting at the local scale had to develop their own, self-motivated strategies. This has been mainly realised for local elites, whose patrimonial strategies and materiality are more visible in the records,[13] but it has also been developed for the lower social strata, based on the realisation – advanced theoretically long ago –, that lordly domination did not absolutely determine peasant initiatives.[14] Rather, peasants had some autonomy to organise certain aspects of their so-

[12] Two classic studies are Davies, *Small worlds*; Wickham, *The mountains*. For results derived from archaeological research see Hamerow, *Early medieval settlements*; *The archaeology*, edited by Quirós Castillo; Yante and Bultot-Verleysen, *Autour du "village"*. For a comprehensive analysis of local societies in early medieval Europe, see Zeller et al., *Neighbours and strangers*.
[13] On local elites and social promotion, see, among others, Bullimore, "Folcwin;" Feller et al., *La fortune*. On materiality and "life-styles", see Loveluck, *Northwest Europe*.
[14] Wickham, "Le forme."

cial life, both individually and collectively.[15] Second, it has done away with the idea that the local community was the sole horizon structuring collective organisation at the local level, which has dominated much of the historiography on the issue, and has allowed for the recognition and analysis of other types of groups and forms of collective action, as has already been explored for later periods.[16]

It could be argued that this does not represent such a radical departure from previous historiographical models. Nineteenth-century ideals of community may have conveyed a homogenizing picture of early medieval local societies, and dominant accounts of early medieval societies in the 1960s and 1970s may have been structured around the dichotomy lords vs. peasants.[17] However, since the 1980s historians have been careful to stress that local societies and the peasantry were far from uniform, and consequently that local communities were not homogeneous.[18] Also, and more importantly from an epistemological perspective, many current approaches continue to portray groups – whether local communities or other – as the result of the aggregation of individuals and individual households, as previous historiographical models did, and thus continue to depart from a methodological individualistic position.[19]

The latter is in accordance with the anthropological characterisation of the household as the basic social unit of production and reproduction of the peasantry, as discussed in some recent work on early medieval societies.[20] This notion is methodologically sound and is based on solid empirical grounds. If we take the case of NW Iberia, the written sources predominantly record social practice at the level of the individual household – namely transactions made by individuals or members of a nuclear family, and more rarely of extended kin groups. Moreover, the sources show that rights to shared natural resources such as grazing areas, woods, and waters were attached to households individually.[21] It is clear from this that households had a significant weight in the appropriation of land, the distribution of other natural resources, and the organisation of production, and also that household members built on this to develop key aspects of social practice such as land trans-

[15] Kohl, "La agencia campesina;" Portass, "Peasants;" Schroeder, "Iniciativa campesina."
[16] Carvajal Castro et al., "Collective action;" Provero, *Contadini e potere*.
[17] For the 19th century, see, for example: Joyce, *Social history*; Maine, *Village communities*; Marx and Engels, *Pre-capitalist economic formations*; von Maurer, *Geschichte*; Vinogradoff, *Villainage*. For the dichotomy of lords and peasants, see, paradigmatically, Duby, *Guerriers et paysans*.
[18] See the works collected in *Les communautés*, edited by Higounet. See also Genicot, *Rural communities*; Hilton, "Reasons for inequality."
[19] Sánchez León, "El poder."
[20] For the anthropological approaches, see Chayanov, *The theory of peasant economy*; Shanin, *Naturaleza y lógica*; Van der Ploeg, *Peasants and the art of farming*; Wolf, *Peasants*. For recent discussions in the historiography, see Wickham, *Framing*, 536-7; Quirós Castillo and Tejerizo-García, "Filling the gap." See also the contribution by Carlos Tejerizo-García in this volume.
[21] Larrea, "De la invisibilidad," 186-8.

actions. On top of that, archaeologically, houses are among the most visible structures in the extant material record, and analyses at the level of individual households, as well as intra and inter-site comparison have a significant potential for the assessment of production and social reproduction, of social inequalities, and, more broadly, of social relationships and practice in early medieval localities.[22]

However, this methodological approach relegates the collective dimension of social life to the position of a secondary phenomenon, both in theoretical and historical terms. Theoretically, in a Lockean manner, it presents collective action and institutions as the result of interactions and negotiations between individuals or individual households. In pure theoretical terms, though, we should also contemplate the idea that shared expectations, values, and norms may have developed and have been built –whether they were negotiated, agreed on, imposed upon, or contested – from the very first engagements and have a bearing on how continued interactions and long-term relationships were established, thus moulding the process of group formation rather than being merely a consequence of it.[23] On the other hand, historically, it characterises collective action and institutions as the outcome of long processes of social aggregation – whether around the year 1000, or before, or after.[24] Indeed, recent archaeological research has shown that during specific periods of time – the fifth and the sixth centuries in some areas of NW Iberia, for example – individual households had a very significant weight as frameworks for productive and ideological relationships.[25] However, this does not necessarily exclude the possibility that certain forms of collective action and institutions had already developed or would soon do so. The fact that we do not see them recurrently in the early medieval sources does not mean that they did not exist, as they may have been reproduced or transformed through daily practice without being continuously open to negotiation or contested – though neither should we take their existence for granted.[26] Ultimately, while we should not reproduce the assumptions of primitive communalism, neither should we wait to see fully fledged, formalised local communities as they appear later in the Middle Ages to accept that such collective arrangements could exist.[27]

What I want to argue here, though, is not only that the focus on individual actors and on the interactions between them hinders the assessment of groups and collective action in early medieval societies, but also that it precludes an adequate characterisation of individual agency. Much recent writing on peas-

[22] Quirós Castillo and Tejerizo-García, "Filling the gap," 10. See also Quirós Castillo, "La compleja interpretación;" *Social inequality*, edited by Quirós Castillo; Lewis, "Elitismo y estatus."
[23] Axelrod, *The evolution of cooperation*; Ostrom, *Understanding institutional diversity*.
[24] Cf. Chapelot and Fossier, *Le village*; Schreg, "El campesino eterno;" Wickham, "La cristalización."
[25] Tejerizo-García, *Arqueología*; Tejerizo García. "The archaeology."
[26] See Escalona, "Vínculos comunitarios."
[27] Reynolds, *Kingdoms and communities*, 1; Wickham, *Comunità e clientele*, 15-6.

ant agency in the early Middle Ages has Giddensian overtones in that agency is conceived of as the individual capacity to do things and act strategically on the basis of given resources and in accordance to a reflexive assessment of ongoing social situations.[28] Such a characterisation of agency offers a limited perspective of power relations. It acknowledges that subordinate actors can influence the activities of their superiors, but risks failing to question the very nature of domination and the actors' potential not just to mutually influence each other, but also to transform the very relationship that bounds them together.[29] Also, it assumes horizontal cooperation between peasants without considering how cooperation itself – in actuality or potentially – may have shaped individual agency.

In this regard, Juan Antonio Quirós and Carlos Tejerizo-García's call to adopt a relational approach to agency is much welcomed.[30] From this perspective, social relationships are not merely seen as constraining or enabling individual initiatives, but rather as being themselves constitutive of individual agency and as being continuously produced, reproduced and transformed through practice.[31] This can provide us with a clearer understanding of how peasant' initiatives could transform the socioeconomic conditions of their subordination, and how this in turn could influence their agency. For example, and to mention but one recent contribution to the current debate, Nicolas Schroeder has shown how peasant initiatives in tenth- century monastic estates in Lotharingia could lead to the transformation of demesne land into tenure – and note also Isabel Alfonso's earlier studies on the weight of peasant initiatives in the formalisation of local bylaws and the configuration of rents and obligations.[32]

Furthermore, this approach also compels us to move beyond individual relationships and interactions between individual actors, and assess the changing networks of relationships in which the actors were embedded. Thus, it can be applied to consider not just the relationships between lords and peasants, but also the panoply of relationships in which peasants were enmeshed at the local level, including family relationships, as well as those tying them to their neighbours. They provided the immediate context for collective action and the articulation, reproduction, and transformation of groups at the local scale. This does not mean that we should adopt an idealized view of local sociability and group building. Such relationships could be based on cooperation for specific purposes, though cooperation could be imposed from above rather than result from mutual accord, and group building could be based on unequal relationships such as patronage and clientship. Collective

[28] Giddens, *The constitution of society*, 2-16.
[29] Giddens, 16.
[30] Quirós Castillo and Tejerizo-García, "Filling the gap."
[31] Burkitt, "Relational agency;" Long. *Development sociology.*
[32] Schroeder, "Iniciativa campesina," 86-9. Cf. Alfonso, "Campesinado y derecho;" Alfonso, "La contestation paysanne."

institutions could be aligned with individual interests and be beneficial for all but restrains to individual initiatives through social sanctioning must also be contemplated. That is, after all, what stories about the demons active in Kempten and in the villages visited by Theodore of Sykeōn tell us about.[33]

Importantly, interpersonal interactions would have been structured not only by personal relationships but also by institutions. The definition of this latter term is problematic. Approaches vary, most significantly for our purpose here – there are other definitions but their applicability to the analysis of early medieval societies is more limited – between those who regard them as rules and prescriptions, and those who see them as regularities in social behaviour, with the efforts to reconcile them meeting little success.[34] I will here resort to Frances Cleaver's critical approach to institutions as "arrangements between people which are reproduced and regularized across time and space and which are subject to constant processes of evolution and change".[35] I find this approach useful for three main reasons – others could be adduced but go beyond the purpose of this paper.

First, a critical institutional approach allows us to contemplate not only the formal rules that may have regulated social behaviour in early medieval localities in NW Iberia in the abstract – such as the prescriptions of the Visigothic law that are sometimes mentioned in the charters and invoked in dispute processes[36] – but also any informal arrangements and the social embeddedness of institutions in terms of their constitution, reproduction, and transformation over time, considering the impact of social inequality and power relations on how they were shaped and, at the same time, the role of institutions in the reproduction of social inequality and power relations. In this, it is compatible with a relational approach to institutions, understood as a condensation of specific social relations that are reproduced and transformed through practice; as well as with a strategic approach, that is, one contemplating that institutions may offer different opportunities for different actors and affect them differently.[37] It also seems better suited to address the social complexity of early medieval localities, as well as what processual approaches to justice have shown about the operationalisation of rules in conflicts and dispute settlement in early medieval societies.[38]

[33] Costambeys, Innes, and MacLean, *The Carolingian world*, 231-2; Wickham, *Framing*, 408-10.
[34] For institutions as norms and prescriptions, see North, *Institutions*; Ostrom, *Understanding institutional diversity*; as regularities in social behaviour, see Greif, *Institutions*; Aoki, "Endogenizing institutions;" and for the effort to reconcile them, see Hindriks and Guala, "Institutions."
[35] Cleaver, *Development*, 8.
[36] Collins, "*Sicut lex Gothorum continet*;" Collins, "Visigothic law;" Isla Frez, "La pervivencia."
[37] Jessop, "Institutional re(turns);" Jessop, *State power*, 21-53.
[38] See the works collected in *The settlement of disputes*, edited by Davies and Fouracre; *Conflict*, edited by Brown and Górecki.

Second, it explicitly aims to link the social to the material. More specifically, it is concerned with the ways in which institutions shape access to natural resources. From this, it is easy to build a dialogue on economic terms with current definitions of the peasantry, some of which could be reconciled with such a critical institutional approach. For example, Jan Douwe Van der Ploeg's reappraisal of Chayanov's theory of balances contemplates the role of institutions in surplus exaction.[39] The same could be said with regards to the balances between people and living nature and between production and reproduction.[40] As he notes in relation to the resources of the peasant farm, "the available social and material resources represent an organic unity... The rules governing the interrelations between the actors and defining their relations with the resources are typically derived from, and embedded in, local cultural repertoires, including gender relations".[41] Van der Ploeg talks about rules in the abstract, but it does not take such a leap to assume that in some, historically situated contexts, such rules may have been part and parcel of commons, understood as "institutions for the collective use and management of land and other natural resources";[42] and also to consider the social – and not only the cultural – embeddedness of such institutions, in as much as they were grounded on specific assemblages of social practice and relationships that could define clear boundaries with regards to membership – this being a key factor in the reproduction of the commons overtime.[43] Ultimately, then, access to certain social and material resources that were integral to the individual households' productive and reproductive processes could be mediated by institutions, and thus conditioned by the households' belonging to the groups so defined – whether local communities or other.

Third, Cleaver's approach contemplates the multifunctional, multi-scalar nature of institutions. This is in accordance to what we know about the forms of collective organisation in early medieval localities, which could serve as fora in which land transactions were formalised, conflicts settled, and justice exercised; as well as arenas of sociability for festive and ceremonial purposes, among others.[44] At the same time, it forces us to consider the different institutional arrangements in which people may be enmeshed at different scales, both within and across the different groups to which they belong. From this perspective, agency should be assessed at the scale of the individual household as a collective actor – as in current definitions of the peasantry –, as well as at the level of their members, whose agency could be defined both by relationships internal to the household and on the basis of their belonging to

[39] Van der Ploeg, *Peasants and the art of farming*, 60-2.
[40] Van der Ploeg, 48-54.
[41] Van der Ploeg, *Peasants and the art of farming*, 72.
[42] De Moor, *The dilemma*. 24; see also Ostrom, *Governing the commons*. 30-3.
[43] Lana Berasain and Iriarte Goñi, "The social embeddedness;" De Keyzer, *Inclusive commons*.
[44] See Barnwell, "The early Frankish *mallus*;" *Assembly places*, edited by Pantos and Semple; and more specifically for NW Iberia, Carvajal Castro, "Local meetings;" Escalona, "Community Meetings."

different sets of social relationships and groups beyond the household – and ultimately even, to different institutional realms. This is most evident with regards to gender relations. Households, like communities, were not ungendered units, neither were the articulation and reproduction (or transformation) of gender relationships solely restricted to the arena of individual households or communities.[45] The household was indeed one of the social arenas in which they were articulated, but they were also shaped by norms that cut across households and affected larger groups, as in the case of inheritance rules.[46] Gender relations could also affect other aspects of local life such as the construction and reproduction of local territorialities, in as much as this was built on memory, and memory itself could be gendered.[47]

In order to ground this on the analysis early medieval societies and to engage with the definition of the household as the basic unit of production and reproduction in both its material and social dimension, the remaining part of this paper will focus on the appropriation and use of natural resources in early medieval NW Iberia, considering both its individual and collective dimension. It will combine a twofold approach, departing first from some remarks on the labour processes associated to farming practice and commons; and then discussing "property" as an institution from the point of view of social practice and the social relationships that made the appropriation and use of natural resources effective in each historically situated context.[48] The notion of property adopted here derives from the 'bundle-of-rights' approach, as classically defined by Henri Sumner Maine, while also attending to the different capacities that individuals can have with regards to a particular resource.[49] For example, some people may be allowed to collect wood in a forest, but may not be permitted to clear land. The differentiation between *proprietas*, as ownership, and *possessio*, as the capacity to make effective use of the land, which has been frequently contemplated in the historiography on the early Middle Ages, would also fall within this conceptual framework – as in the case of peasants who were allowed to cultivate a plot of land but could not sell it or donate it freely, this being a prerogative of the lord.[50] From this perspective, Elinor Ostrom and Edella Schlager distinguished between five types of rights – access, withdrawal, management, exclusion, and alienation –, which they characterised as rights to which different actors can be differentially entitled.[51] For example, an actor could have access and withdrawal rights but not management rights, as in the example of the forest. I will here adopt such a five-tier bundle but characterise its constituent elements as "ca-

[45] Agarwal, "Environmental action."
[46] Casari and Lisciandra, "Gender discrimination."
[47] McDonagh, "Feminist historical geographies;" Whyte, "Custodians of Memory."
[48] Congost, "Property Rights."
[49] Maine, *Ancient Law*, 178-9.
[50] E.g.: Sánchez-Albornoz, "Repoblación," 635-9.
[51] Schlager and Ostrom, "Property-rights regimes."

pacities" rather than "rights", in order contemplate not just their normative dimension but also the web of resources and social relationships that enabled any given actor to make any such claim over a resource effective.[52] The aim is to bridge the concepts of "property" and "agency", contemplating how individual and collective capacities to appropriate and make use of land and other natural resources may have been shaped by relationships between actors with a shared interest in a given resource, and between these and other actors.

3. *Property, commons, and gender in early medieval localities*

Agrarian production in the early Middle Ages in NW Iberia largely depended on mixed farming, though a certain degree of productive specialisation can be observed even at relatively low scales of social complexity – as recently argued for networks of settlements in the modern day districts of Álava (Spain) and Guarda (Portugal).[53] Farming practice included individual appropriation and use of arable plots and meadows; and could have also included semi-collective arrangements in fields in which cultivation was carried out individually in stripes of land held in severalty and cattle was grazed collectively after the crops had been harvested.[54] Access to natural resources that were also central for household economies, such as grazing areas, woods, and waters was shared. As noted above, it is clear from the sources that it was conferred upon individual households.

That resources were shared does not entail that work was undertaken collectively, though it cannot be discarded that this was so on specific occasions or for specific tasks.[55] For example, the inhabitants of Villambrosa (Castile), at the instance of Bishop Diego, cleared a *serna* (see below) on behalf of the local church.[56] Moreover, even if shared resources were used individually, we should probably expect that their use was regulated by institutions that were collectively upheld – i.e. by commons. Commons could regulate aspects such as exclusion or inclusion of members, the times in which resources could be exploited, the intensity of exploitation, and even the transformation of the resources, as with regards to the conditions under which new land could be brought under cultivation. This means that group membership – being a member of a common, and analogously of a community, in as much as this was a condition to be granted access to natural resources within the territory of a given locality – could shape the capacities of individual households with

[52] Galik and Jagger, "Bundles, duties, and rights;" Ribot and Peluso, "A theory of access."
[53] Quirós Castillo, "Archaeology of early medieval peasantry;" Tente, "Social complexity." See also C. Tente and S. Prata's contribution to this volume.
[54] Fernández Mier, "Campos de cultivo," 44.
[55] Bonales Cortés, "Individualismo agrícola."
[56] See Larrea, "Construir iglesias," 333; see also Corbera Millán and Ingelmo Casado, "Aportación a la historia."

regards to the exploitation of resources that were integral to their production and reproduction processes.

While the emphasis has usually been on the appropriation on individual holdings as the road to the imposition of seigneurial domination, relations between lords and peasants, or rather between lords and groups of peasants,[57] could also be articulated through commons, both at the level of whole communities and of individual households.[58] Commons facilitated horizontal forms of collective action but could also sustain lordly exactions, while claiming the prerogative to grant membership and access, or to impose rules and monitor compliance, were some of the blocks with which lords could build their authority.[59] So much is apparent in the case of *sernas*. From what we can gather from the sources, these were fields that were regarded as a single unit, but were presumably divided into plots that were exploited individually. The use of the term varies greatly across NW Iberia, but in certain regions, most notably in León and in some instances in Castile, it seemingly identifies fields controlled by kings and lords, who would probably derive some benefits from this, and who could also rely on them to imbricate their authority within the localities.[60] Furthermore, judicial records show that disputes over commons did not only revolve around the ownership of the resources – as shown in landmark studies on peasant resistance.[61] Some concern use, as in the case of conflicts relating to access and withdrawal restrictions. Others concern management, as in the case of disputes over the capacity to clear land, or over how shared infrastructures, such as watermills and canals, were to be maintained and by whom.[62]

How labour processes were organised at the level of the household is rarely evident in the sources but the information concerning property is relatively abundant, more so with regards to the differential capacity that individuals had to alienate land – after all, that is essentially what the majority of the extant written sources talk about. To begin with, it is perfectly clear that land could be owned individually but also that kinship could condition individual capacities in at least two different manners. First, the notion that kin could contest an individual's capacity to alienate land is omnipresent in the record and affects all kinds of transactions. The sanction clauses included in the charters frequently contemplate the possibility that close relatives and kin contest the transaction, establishing sanctions to prevent it.[63] Some even resort to Visigothic law to reaffirm the donors' capacity to dispose of the land freely, either because they expect trouble or in response to it. That is the case

[57] Escalona, "De señores y campesinos;" Pastor, "Sobre la articulación."
[58] Cf. Justo Sánchez and Martín Viso, "Territories and kingdom;" Estepa Díez, "Propiedad agraria."
[59] Bhaduri, "Economic power;" Sikor and Lund, "Access and property."
[60] Carvajal Castro, "Prácticas colectivas;" Gómez Gómez and Martín Viso, "*Rationes* y *decimas*;" Escalona, "De señores y campesinos;" Martín Viso, "Commons."
[61] Most notably, Pastor, *Resistencias*.
[62] Carvajal Castro et al., "Collective action."
[63] Carvajal Castro, "Secular sanctions;" Mattoso, "*Sanctio*."

of a grant recorded in the cartulary of San Julián de Samos, which invokes both law IV.II.XX ("Ut qui filios non reliquierit faciendi de rebus suis quod voluerit habeat potestatem") and law V.II.IV ("De rebus extra dotem uxori a marito conlati") to reassert the donors' capacity to donate their properties freely.[64] Dispute records show that such conflicts actually occurred and, for later periods, that it was part of the dynamics through which certain kin groups and monasteries actualised their relationships across generations.[65] This does not mean that lands were held in common by kin groups thus attempting to fetter individual members from diminishing their resources, as earlier historiographical models suggested.[66] Rather, it conveys the idea that the holding of certain resources was multi-layered and that members of kin groups could hold reasonable expectations with regards to land held individually by their members, based on actual or expected inheritance entitlements.[67]

Second, access to certain resources may have been granted to kin groups or to groups of individuals within kin groups. A case in point is that of a *serna*, allegedly owned by the bishops of León, but which had been held by a certain Froila and his relatives, and which would later be claimed by a group men and their wives, some of which referred to Froila as their father-in-law:

> *nos, Petro, Atari, Arias et Argileoua… quia prouocauit nos et nostras mulieres iste Berulfus uel alios plures… socer noster Froila uel sui parentes habuerunt seneras addiligatas de Sancta Maria et de antecessoribus domni Ouecconi episcopi.*[68]

Leaving aside the conflict over ownership that constitutes the main subject of this record, for the purpose of this paper I want to draw attention to the fact that those claiming the *serna* were a group of relatives, and that their claims spanned over generations. Kinship was central to their claim. It is also worth noting that one of the individuals named at the beginning, Argileuva, was a woman, which contrasts with subsequent references to men as protagonists of the conflict. The text presents them speaking in the first person as they narrate how they had been challenged by Berulfo, while their wives are mentioned but have no voice. Moreover, Froila is referred to as their father-in-law, the implication seemingly being that while Froila's daughters' rights over the *serna* were acknowledged, notionally their legal capacity to intervene in the process was limited, even if they could have some in practice – as the appearance to Argileuva indicates.

This leads us to the question of gender in relation to property and how it conditioned individual agency – and women's agency more particularly.[69] In

[64] Lucas Álvarez, *Tumbo*. Doc. 132, AD 978. For the edition of the Visigothic laws I follow *Leges visigothorum*, edited by Zeumer.
[65] Alfonso, "Litigios por la tierra."
[66] Barbero and Vigil, *La formación*.
[67] Cf. Charles-Edwards, *Early Irish*, 259-303. White, *Custom*.
[68] Sáez, *Colección 1*. Doc. 191, AD 946.
[69] Howell, "The problem."

NW Iberia, both men and women could own land. Women, like men, could acquire it through different means, including inheritance – Visigothic law provides for sons and daughters to inherit equally if parents die intestate (IV.2.1), though this was not so in all early medieval legal codes.[70] Also, they could alienate it, which is particularly important given that land transactions were not merely economic affairs, but part and parcel of the dynamics through which social relationships were established and maintained both at the local level and beyond.[71]

The overall impression that we get from the record is that while both men and women could own and transfer land, their respective capacities with regards to property differed. To put numbers to this impression, I have performed a cursory analysis of the charters from the monastery of Sahagún before the year 1000, and they reveal a telling picture that offers further lines of enquiry. First of all, while women, regardless of their status, are abundantly recorded as donors and sellers, even if less frequently than men, women performing land transactions on their own appear more rarely (7%), while men do so more frequently (32%). Women appear more frequently with their husbands (24%) – and couples occasionally do so with their offspring (5%) –, as well as alone with their offspring (7%), this probably indicating that they were widows; or else as part of groups of men of and women of different size.[72] This suggests a strong association between their condition as spouses, and probably as widows – perhaps tied to age –, as well as their belonging to kin and other groups, and their capacity to perform land transactions – something which is much less pronounced in the case of men.

Alienating land was not the only relevant capacity with regards to property, though. Land transactions were public affairs for which social recognition was needed. This was so not only to make the transaction effective, but presumably also on the assumption that, should a conflict over the land arise, witnesses could be called to testify on the matter. In NW Iberia, the calling of witnesses is a practice frequently attested in dispute records, and to judge from what the sources from other regions tell us, we should also expect it to be gendered, though the weight attributed to women's testimonies may have

[70] Nelson and Rio, "Women and laws," 110-3; see more broadly Bitel, *Women*.
[71] The literature on this is very vast; for NW Iberia, see Davies, *Acts of giving*; Portass, *The village world*; and from a broader historical perspective, Pastor et al., *Beyond the market*.
[72] For this analysis, I have only taken into account charters from Sahagún before the year 1000 that are presumably preserved in full – that is, they were not abbreviated in lists of transactions (e.g.: Mínguez, *El dominio*. Docs. 36 and 94). I have only considered the information relating to the transaction that is the main subject of the charter – i.e.: I have not taken into account information about previous transactions, which is sometimes recorded when the history of the property is narrated. I have excluded forgeries and dubious charters, as well as dispute records that are not formulated as transactions. See Alfonso, "El formato." The total number of legal acts thus resulting is 353. Groups is here used indistinctly to refer to kin groups, local communities, and small groups of individuals with no apparent or various types of relationships between them.

varied across regions.[73] Two of the roles in which people appear in charters recording land transfers are relevant in this regard. First, charters are usually accompanied by witness lists that evidence the public character of the transactions – G. Barrett provides an excellent discussion of the NW Iberian charters, and see also the work of B. M. Tock on the issue for a broader perspective.[74] Women are conspicuously absent from witness lists in Sahagún's charters – only 2% of names are female, even if we only consider original charters.[75] This does not necessarily mean that they did not attend the social occasions in which transactions were performed, but does suggest that it was rarely deemed relevant to record their names. Second, property descriptions sometimes include boundary clauses listing the adjacent properties, and these are sometimes referred to by the names of their owners who, we may assume, could be expected to testify on the basis of their knowledge should there be a conflict. To mention but one example:

> *terra in Villa que vocidant Seceos iusta flumen Porma, locum predictum de termino de domna Visclavara et per terminu de Silonia et per terminu de Auria et reafige in termino de domna Visclavara unde primus diximus.*[76]

This boundary clause is exceptional in that several women are mentioned. In general, of the names recorded in boundary clauses in the charters from Sahagún, only 6% can be identified as female.[77]

Ultimately, women rarely appear in the charters in roles that are associated to the public recognition of land transfers and, potentially, to witnessing in the case of land disputes. Whether they acted as witnesses or not should be contrasted with dispute records specifying the names of the witnesses called, though this is not always possible as names are not always provided. In any case, it should be noted that the suitability of a person as a witness was defined on the basis of different criteria, including old age and "worthiness".[78] Moreover, other factors, including gender, could determine a person's knowledge and the authority granted to his or her testimonies – on this, later records suggest that women in León and Castile performed a more prominent role than in other European regions.[79]

[73] Davies, *Windows*. On the gender dimension, see Van Houts, "Gender and authority."
[74] Barrett, *Text and textuality*, 163-71; Tock, *Scribes*.
[75] The total number of names that I have been able to identify as male or female is 3,302. Note that the figure does not correspond to the number of individuals – individuals can appear more than once in the witness lists of different charters – but rather to individual mentions of names. The observation about original charters is important in as much as witness lists were sometimes abbreviated in later copies. On this, see Fernández Flórez and Herrero de la Fuente, "Libertades de los copistas." Forgeries have been excluded.
[76] Mínguez, *El dominio*. Doc. 205, AD 962.
[77] The total number of names that I have been able to identify as male or female is 485. Forgeries have been excluded.
[78] Andrade Cernadas, "La voz;" Luis Corral, "Lugares de reunión."
[79] Van Houts, *Memory and gender*. Cf. Alfonso, "Construir la identidad."

In order to offer a fuller and more nuanced picture of how gender relationships were constructed in relation to property, these analyses should be extended to the whole of the charter corpus and further nuanced on the basis of the contexts in which the charters were produced – to see, for example, whether church records impose their own bias different to those of lay charters and archives –, and of other individual attributes of individual status, such as age, wealth, class, and so on.[80] In any case, this preliminary approach to the evidence shows that men and women could enjoy very different capacities in relation to property, and that this was something that was not limited to the household, but rather conformed to broader sets of norms.

4. *Conclusion*

This paper has argued that in order to develop a comprehensive theoretical framework of peasant agency in early medieval societies, and to do so in relational terms, we need to revise how we conceptualise the peasantry as a social group, and that this partly entails integrating the notion of the household, as a social unit, within the social and institutional contexts to which it belonged in each historical situation. This is key not only to assess agency at the level of the household, but also at the level of the individual members of the household. Their respective agency was defined by social relationships both within the household and beyond, and different members may have engaged differently in the latter, as a cursory analysis of gender relations with regards to property suggests. Taking this into consideration could contribute to further our understanding of how collective action was articulated.

It has also been argued that a critical approach to institutions as an interface between individual and collective agency can be a fruitful line of enquiry, as suggested by cursory analyses of commons and property, and that this is something that can enrich not only historiographical approaches to early medieval societies, but peasant studies more broadly. Ultimately, the aim has been to explore some avenues for dialogue between disciplines working on different methodological and empirical grounds and which may provide a more solid theoretical basis to collectively solve the conundrum of peasant agency in the early Middle Ages.

[80] Kosto, "*Sicut mos esse solet*."

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