When Multi-level Governance Hits the Ground

EUropean nature protection and land-use change in Vrancea and Galicia

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Table of Figures

Table of Pictures

Annexes

Annex I: Sectorial plan of windfarms in Galicia.

Annex II: List of interviews.

Annex III: Stronghold 2000 – The ethnographic film of the present study.

Chapter 1 – Introduction

1.1. What this study is about

"Fill the Earth and subdue it", God blessed Adam and Eve after their creation! But as soon as He closed the doors of Heaven on them, they probably looked at each other and asked: "OK, so how do we go about it then?" The response to the first part of the blessing came in 'a natural way'. As for the second part, their offspring have been looking for an answer ever since.

The story of governing nature is a very complicated one. Apart from religious view points it embodies vast themes of human knowledge, if not all. When new attempts to govern nature take place to old ones we are tempted to see this as a step forward in civilization. With every new unveiling of nature's mysteries we hop ahead in time and hope for better. Governing nature is therefore nothing but human history and nature protection is the most recent mode of mitigating human-nature relations in this extremely knotty phylum. Any attempts for governing nature are set in specific historical and geographical contexts where 'the natures of governance' shall be considered at first. The subject matter of this PhD thesis examines the situation when a multi-level governance regime meets village modes of governing the same geographical space but with differently defined natural valuables.

The project is situated at the convergence of two vast themes of academic inquiry: nature and property. It deals with environmental degradation and social conflicts from a historical perspective and shows how the latest transnational attempts for nature protection, the EU's program Natura 2000, are perceived by local people in Galicia, Spain, and Vrancea, Romania, as new means of land dispossession. Natura 2000 is a multi-level mode of governance within the EU's governance framework. Galicia and Vrancea are characterized by the survival of peculiar, yet similar, forms of common property regimes for forests and pastures. For historical reasons, the land of these villages is outside the market realm: it can neither be sold nor inherited according to modern private property principles. This image of waste attracted external attempts to break into the village commons, and memories of dispossession span over more than a century in the local discourse. Nowadays, these memories convert into a linchpin strategy to defend traditional land use in the face of EU policies for nature protection. This is yet another process within the political dynamics of property where rights over land and natural resources are claimed and contested by the actors involved: village communities, regional governments, transnational companies, national

states, supra-national political entities. Therefore, the question this study builds upon is: *How do the local actors involved in the EU's multi-level governance regime for nature protection use the open policy-making chess board as a resource for attaining their aims?*

Recent scholarly work from the governance field dealing with European environmental policies (Jordan and Liefferink 2004; Heijden 2010, among others) looks at how competences are shared in the EU's multi-level policy-making system among various state and non-state actors. These studies take as a basic assumption the willingness of local actors to become involved in the open chess board of policy-making provided by the EU. With few notable exceptions (Paavola and Lowe 2005; Bäckstrand et al. 2010), another common feature of this set of literature is that it pays little attention to the resources that the local actors have in order to understand and act in the new regulatory space. Most optimistic arguments in multi-level governance and international regime complexity studies (Della Porta and Tarrow 2005, Alter and Meunier 2009) state that local actors, despite their lack of means to work in the labyrinth of a multi-level governance regime, will ultimately create parallel institutions and thereby force powerful actors to deal with new institutional realities.

From another perspective, studies in the field of political ecology look at modes for governing nature from a broader perspective. Besides the historical and geographical contextualization, these studies address the overall societal and environmental outcomes of local, regional, national or supra-national politics which bear a *will to improve* (Li 2007) both the human and the environment. Some called this *environmentality* (Agrawal 2005), others address it as *global nature* (Peet et al. 2011), but most of the studies in this field look at human and natural transformations in tight interconnection: as a *sentient ecology* (Anderson 1998) or as *human-nature dialectic* (Peluso and Vandergeest 2011). This corpus of studies looks at social conflicts in close connection with environmental degradation and search to place them within broader political ideologies. Social justice interferes with environmental justice (Shrader-Frechette 2002; Schlosberg 2007), in complex *socionatre* networking (Callon 1986). While most of these studies deal primary with conflicts in remote areas from the non-western world, no study from a political ecology perspective has been made on the consequences of the EU's nature protection policies on the ground. Mainly following the path of the political ecology tradition of inquiry, this study addresses the gaps identified above in the field of multi-level governance literature.

The case of nature protection at the level of the EU is particularly interesting for the studies both in multi-level governance and in political ecology because natural protected sites are located in EUropean rural areas which have poor technological infrastructure, as is the

case in Romania, or are highly depopulated, as in the case of Spanish Galicia, or lack adequate knowledge, as in the case of both of them. The fall of fascism in Spain, of communism in Romania and, soon after, the adhesion of these states to the European Union left little time and sometimes offered little room for social adaptation. In this context, the ability of local actors to move within the multi-level web of governance is severely limited. A multi-level governance regime harms the local capacity for political action when the actors have no means to resist social injustice and, as in the case at hand, environmental degradation. Having rights is not enough, one also needs resources. Being allowed to play in chess tournaments is one thing, knowing how to play is quite another matter. In a national governance regime, the gap between rights and the means to attain these rights is relatively small because it is a clearly located seat of authority. This study shows that the same is not true for the EU multi-level governance regime for nature protection because the rules of the game are infinitely more complex. The idea that rural actors in post-socialist Vrancea and post-Francoist Galicia will form parallel institutions and thereby force powerful actors pay attention is a pipe-dream after carefully observing the resources with which these people are endowed with and the lack of or ineffectiveness of alternative channels capable of eventually enabling their voices to be heard all the way up to Brussels.

1.2. The outline of the study

This study is composed of twenty eight chapters regrouped into five parts. Each part serves a precise role: the first contains the methodological and the theoretical gear, the three subsequent ones are the empirical fields, and the last one comprises the analytics. The introductory and the epilogue chapters have been omitted to render the reading more fluent. One could have opted for dividing the study more simply into five chapters. I have chosen to use parts as it facilitates a more in depth study of the data. Therefore, there is no need to be distressed by the number of chapters as it is simply a matter of order.

In *The Warehouse*, namely chapters 3 and 4, I describe in detail the methodological and theoretical basis of the study. This study builds upon the critical realist tradition and as a consequence pays increased attention to the explicit and more implicit or latent manifestations of social action. This ontological preset contributed to the making of the methodological apparatus - an imbrication of multi-sited ethnography and historical investigation, as well as the methods engendering the data – observation, filmmaking and interviews, and those for analyzing the data, namely a historical and geographical comparison and the construction of the two ideal-types.

The theoretical chapter starts with an overview of the origin of transnational governance as an approach to the diffusion of authority in international policy-making, and multi-level governance as the EU's political transnational arena. The difference between the two is primarily the uneasiness to locate an ultimate seat of authority in the first, while the later is seen primarily as having an EUropean pedigree. The chapter presents the relation between transnational and multi-level governance in relation to neoliberalism and is paying increased attention to notions such as space, territory, cultural brokerage and finally, compliance to the law. Here I sketch the theoretical understanding of legal space as a resource. The subsequent parts represent three conceptual blocks: that of nature, of property and of time related concepts. Each of these three blocks contains one key concept: *socionatures*, *access*, and respectively *memories of dispossession*, which are flanked by other related concepts in their turn. This theoretical apparatus is used in the analysis within the empirical parts as well as in the final analytical part.

Protecting nature, the first empirical part, has as main purpose introduction of the EUropean nature conservation program, Natura 2000. Technically speaking, this could be an easy assignment - most of the information can be found on the internet and, after coupling with the information from the Brussels based actors whom I interviewed, it can offer a nice tableau of what nature conservation is all about in the EU. But, Natura 2000 did not appear ex-nihilo, and, as the data shows, nature conservation is a problematic topic not only from a policy-making view point, i.e. a fine-tuning of different interests surrounding 'nature', but even more so from a philosophical point of view. Here I point out that, before describing Natura 2000, the reader needs to be alerted to the conceptual importance of nature protection: What is the historical link between the 'nature' and property? Why is this important in nature protection? What are 'ecosystem services' and what do they have to do with protecting nature? My argument here is that with the Natura 2000 conservation program we witness a ***new*** metamorphosis of the concept of nature within liberal thought, a process which comes at the precise moment when neoliberalism has gained momentum in Europe. Therefore, this empirical part is dedicated to an in-depth presentation of the becoming of the idea of nature in order to understand how Natura 2000 is different and similar to previous attempts in protecting nature.

The liberal approach to nature and to nature protection represents a way of considering how to legitimize access to natural resources and how to deal with environmental degradation caused by human action, generally seen as economic action. I proceed with the introduction of

three key terms: *nature, wilderness and waste*. Tracing back the avatars of these words as concepts is a vast academic undertaking which, besides being immodest, is inappropriate for the current project. However, these terms delineate the conceptual field of this study and therefore a minimum overview of their importance is required. Their conceptual importance is best revealed in connection with the passage from animism to anthropocentrism, and I will thus pay attention to the rise of Abrahamic monotheism and to the regime of legitimization of private property in the late Middle Ages and the period of Enlightenment in Western Europe. This framework having been set, we move towards the history of nature conservation. For this, we need to backtrack to the mid nineteenth century American 'Wild' West, and in chapter 5 we see how the first use of nature conservation back then was nation-identity building. Chapter 6 brings in important empirical data on how the American idea of nature protection was translated in Spain and Romania. We see here how nature protection was from the beginning related to the broader political and economic concerns. Following the raised ecocentrism/ecological modernization debate, the ideological imprint to nature conservation becomes more visible (chapter 7). In the next two chapters I present how Natura 2000 came into being as another mode for pacifying ecological and economic concerns, which is the discourse of the Brussels based actors, and how these ideas finally reach Vrancea and Galicia.

In the subsequent two empirical parts we see the conceptualization of the natural valuables at work in various governance regimes inside two locations, Galicia and Vrancea. The making of natural valuables is intimately linked with environmental degradation and social conflicts related to accessing these valuables. The story of the *access to natural valuables and environmental conflicts in Galicia* starts from the intriguing case of how the people from Labrada village are not nowadays allowed to plow in the *Monte* in order to make pastures for their cattle. Every time they asked the Galician Environmental Department for approval, no matter on which spot from the 2.200 ha of the village's common property, they were refused. Always the same reason: it is a highly protected area, part of the Miño Biosphere Reserve, part of the Natura 2000 environmental network. But at the same time, transnational companies for energy production and distribution plant windmills in nine meters kettle full of concrete, in the core of the highly protected area. What is puzzling is the legitimization process for accessing natural resources in a transnational governance regime for nature conservation. Why are the answers for the companies "Yes" and for the farmers "No"? Is this an isolated, local conflict? Is this a transnational environmental conflict specific to our times? In order to answer these questions, we need to understand the local context in a historical perspective.

The local conceptualization of natural valuables in Galicia is linked to a vernacular common property regime, an agro-sylvo-pastoral system of land-use called *monte*. I first start by looking at *monte* from a historical perspective and see how people used this local property regime to defend their claims of access in the past. Next I present the roots of the first colonial state regulations of *monte* and how these regulations caused environmental degradation and social conflicts in Northern Galicia, the region where Labrada village is located. Then, I follow the state regulations in accessing the *monte* in parallel with initiatives for nature protection and social conflicts during the Franco regime and the EU accession. With no warning, during the Franco regime the *monte* was planted with eucalypts, leaving the people in Labrada, and other regions in Galicia, with no pastures for their cattle. With no warning, the local Government implemented a Natura 2000 site prohibiting people from making their pastures. Chapters 15 and 16 present the present changes in land-use and the consequences at the local level in terms of environmental degradation and political action.

The final chapter compares the bundle of rights in the three distinct historical periods that were under scrutiny. Here I resume how the actors involved repositioned themselves in their attempts to legitimize their access to the natural resources. By placing the current environmental conflicts in their historical and geopolitical context we understand that the local capacity of resistance is strongly influenced by an accurate understanding of the causes of the conflicts. 'Localizing the evil' helps in fighting it. We see that people made use of their local governance regime, the *monte*, and used it in the legal spaces during the feudal and authoritarian governance regimes with much more ability than in the EUropean multi-level one. This was primarily because on the one hand they had a better understanding of how these spaces functioned and of the authority that dominated them, and on the other, learning how to use these legal spaces required not so many material and knowledge resources as they require nowadays.

Access to the natural valuables and environmental conflicts in Vrancea, the fourth empirical part, is in some respect similar to the story from Galicia. Păuleşti village has all its common property of 3.838 hectares of forest and pastures in Putna Natural Park, a protected area established in 2004 following EU integration requirements. The park overlaps with two Natura 2000 sites a fact which confers the park more legitimacy in protecting the respective area. Although both Romanian legislation and EU regulations for the implementation of Natura 2000 provide compensation measures for restricting the access of landowners, no money has ever been distributed. Yet, people in the village perceive the implementation of the

protected areas as *means of dispossession*, the same as in the Galician case. But, unlike in Labrada, people strongly contest the scientific criteria that are at the basis of designating these sites and show much more reliance on their local knowledge and on their capacity to defend their access.

Like in the Galician case, I proceed by describing *obştea*, a key institutional element in understanding the past and the ongoing environmental conflicts in Vrancea. *Obştea* is the vernacular common property governance regime that regulated, and regulates peoples' access to the natural valuables and at the same time defines these valuables. The natural valuables in Vrancea were under continuous challenge of meaning-change same as in the Galician case since late feudal times. The meaning-change endowed political power. Back in the feudal times, people in Vrancea defended their access by collectively imposing their meaning of the natural valuables. At the beginning of the XX century, transnational companies for wood extraction claimed rights to access newly defined natural valuables. The companies succeeded in their attempt with the help of local people who embraced the new meanings of valuable resources. Later on, the communist regime forcefully dispossessed the people from their properties. These memories of dispossession are vivid in people's minds, as well as the process of new meaning creation. This explains their reluctance to scientific knowledge as well as their sternness in defending their rights. Yet, exactly as in the Galician case, losing the control in meaning-creation implies losing control in political action and efficacy in defending their claims.

The analytical part, part V, starts by a recapitulation of the main historical features that fostered the environmental degradation and the dispossession of the local people. We find very similar features in the two cases: external alteration of the vernacular meaning of natural valuables during the expansion of the liberal creed, breaking into the local governance regimes followed by environmental degradation, state regulation of the access to the natural valuables which lead in turn to more restricted access of the local people and more empowered access for external users.

The last chapter makes use of two ideal-types of governance regimes in order to see how the impact of Natura 2000 differs from the previous top-down governance regimes and what prevents local people in this particular context to defend their access. By this analytical exaggeration, I aimed at reproducing the main important features of the multi-level EU governance and the village governance models and to follow how the making of natural valuables and the political action at local level varies within the two.

1.3. How this study came about - a personal note

Throughout all the pages that follow, a certain personal tone might be depicted and rightly so; I have a personal attachment to this research project. Here, I will explain way.

The story of this study is the story of my personal engagement in academic research. While studying linguistics at the University of Bucharest in early 2000s I became increasing interested in folklore, and friends advised me that I should move towards anthropology. The faculty of Sociology had a section in Social and Cultural Anthropology, but for getting there I had to undertake an exam in Economics. I took this provocation and it paid off. Here some fieldwork trips were organized during the semester breaks for the most diligent students. Although far from being diligent, I was interested in participating in such fieldwork. The wont I had with regard to peasant life in Romania was highly appreciated for most of my colleagues were of urban origins (back then 2% of the students from the University of Bucharest were of rural origins). So I was accepted in a research group of students that was planning to pursue fieldwork in Vrancea during winter 2003 and summer 2004. This is where everything started.

The research group was led by a young assistant, Monica Vasile. She was just starting her doctorate. The collaboration with this research group and with Monica had a great impact on my future development and undergoes up-until these pages. A set of research material from Vrancea that I use here was collectively gathered, including interviews and fieldwork notes. We grew up together academically speaking and shared passion for social science and fieldwork studies. Some followed the academic path, others switched tracks. It is therefore *une question de politesse* to express my gratitude to my former field-work colleagues, and a matter of good academic behavior to make the reader aware that the discussions inside this group and the modest publication projects that we worked on together paved my way in writing these lines.

Concomitant with this 'bottom-up' query for scientific knowledge, in the eve of EU accession, Romanian universities received funds so that their Romanian students could study aboard. My generation was among the first who benefited from the charity of the EU and through the Erasmus program I was able to go to study in Germany. I left by train to go first to Budapest, in a March evening in 2005. In the train I started a diary in which I wrote with much excitement about my departure for studying abroad: it was not Paris, was not Berlin either, but was close to it, at least in my mind back then. From Budapest I took the plane to Berlin to reach, finally the University of Viadrina, in *Frankfurt an der Oder*. Here I wanted to study Anthropology. However, I also had to take one course in European Integration because this is what the curricula in Bucharest asked for. I remember that we went with the class of

European Integration on the bridge between Frankfurt Oder and Słubice to celebrate EU's day on the 9th of May. Everybody was singing John Lennon's *Imagine*, a song that I have never been able to stand ever since. During my stay in Viadrina, I realized how important this university was for Brussels' geopolitical aims at the EU's eastern border and why *Land Brandenburg* pumps so much money into this new university. The Europeanization discourse was everywhere: on every board; at every picnic stop in the *Oderniederung* Nature 2000 sites (first time I had heard about Natura 2000 in my life) where I was, well… illegally biking; in almost every course, and in almost every research theme. Being so fed up with the European Union, the *European Integration* classes went bad for me, of course. But, when I came back to Bucharest to complete my BA thesis, I was more aware of the Europeanization discourse than before. I noticed with more accuracy that the discourse of EU integration was one thing, and social reality another.

By recounting this story I want to make the reader aware that writing about post-socialism and Europeanization is also very much related to personal experience: I am a 'post-socialist kid'; I was subject to the Europeanization discourse myself. And not only that I was subject to it, but an actor as well. I am part of the 'catching-up with the west' movement from Romania, even now while I write these lines. Vrancea is my birthplace as field investigator. Everything that followed was a search for growing-up strong and healthy, that is acquiring competent academic skills and cultivating a free and inquisitive mind. Galicia was first conceived as a mirror case for Vrancea but it quickly gained its own place in the research. This is how I reached a comparative study concomitant with an interest in European multi-level governance.

A last note on to the rhetoric used in the pages that follow. Being educated primarily in a Francophone environment, this dissertation was written without any preliminary apprenticeship in the Anglo-Saxon writing tradition. Although it might look sinuous here and there to a reader used with the later approach, I believe that in the end the argumentation as such stays on the topic. It is similar to looking at a stick in a pound: to the eye the stick might look broken, but to the touch it is straight and reliable. So are the structure and the argumentation in this dissertation: it might look a bit confusing to the critical eye used with straight-to-the-point rhetoric, but I am confident that as soon as the reader gets into the story, the reader will discover reliable data and a constant, easy to follow logic.

Part I: The Warehouse

"All tools have intrinsic politics." Godfrey Reggio

As we know, the approaches haunting around in social science (realism, positivism, feminism, etc.) are based on different ontologies, epistemologies, methodologies and finally methods of inquiry. When it comes to the study of humans' interaction with nature, or 'worse', to the arguments of protecting nature from human activity, the borders between different approaches become red hot. This is a sign of distinction but also a sign of permeability. The distinction lines become heated because of "the recognition that science is not objective or neutral and that it is instead value-laden", as Paavola and Lowe put it (2005: 8). It is one thing to start from the ontological assumption that nature has intrinsic value, and therefore there is a need to protect it for *its own sake,* or, on the contrary, to start from the stand that nature is nothing but the environment which serves humans to achieve their goals, and therefore constructing the tools (concepts and machineries) to subdue it is what people have done and will always do until the end of time, which none of us are likely to experience anyway. The permeability of the red hot distinction lines consists therefore in the opportunity for *bridging approaches* between opposite views by showing that under the red hot sign of difference there is communication taking place. The approach that this study follows is actually one such example.

Chapter 2 – Methodology and Methods

The ontological position adopted hereby is that of critical realism, namely rejecting the realism mantra that the external world is as it is perceived, but admitting at the same time that it is possible to acquire knowledge about the world, *as it is,* independent of actors' subjectivity. Moreover, the critical view comes from the assumption that this process of acquiring knowledge is marked by a permanent critical reflection upon reality that social actors undertake.[1] Therefore, the relation between what is explicit, conscious and/or manifest,

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[1] Forsyth established a clear research agenda for critical realist research with regard to environmental degradation: *"The aim of critical realist research on environmental degradation is to highlight how scientific explanations of environmental change provide only partial insights into complex biophysical processes, and that existing models of explanation reflect the agendas of societies that created them."* (2001: 146, see also Forsyth 2003).

on the one hand, and what is implicit, unconscious and/or latent on the other, plays an important role in my study. As the empirical parts show, not only did I pay attention to what were the conscious, explicit manifestations of peasant resistance, for instance, but also to non-manifest ones (non-manifest for our common understanding) and attempted to sense for censored ones. *How do I think they think,* to paraphrase Maurice Bloch (Bloch 1998) was, and still is, an enduring concern for me while gathering and analyzing the data.

The way I 'read' in the field and analyzed *in situ* and *ex post* the environmental degradation and the struggles of different social actors to gain access to natural resources follows the above statements. Therefore, this study does not take environmental degradation for granted, but shows how environmental degradation was and is a political construct following economic aims at different levels of social aggregation, and in different time periods. Nor does it take the social struggles for granted, but shows that struggles over natural resources are, despite power, struggles over meanings. The convergence of environmental degradation and social struggles for natural resources has been labeled in the literature as environmental conflicts (see next chapter). The academic work undertaken at the meeting point of environmental degradation and politics is labeled political ecology.

The second pair of lenses used in this study is that of transnational and multi-level governance. This approach focuses on the study of regulatory measures and the actors that carry them across geographical and institutional borders. It looks at how "the proliferation of transnational governance initiatives in recent decades – which is, in many ways, interconnected with broader trends of liberalization and re-regulation (…) – has resulted in polyarchic and overlapping governance structures in which multiple actors and bodies often claim a legitimate right to engage in policy-making." (Quack 2009: 6).

Both approaches deal with the regulatory reality of the social world. The first is rooted in fine grained investigations of the consequences of regulatory measures on the ground for both nature and humans; the later is looking at the broader consequences following the shifts in governance from state driven to market-based regulatory incentives. The two approaches are rooted in different paradigms and different traditions of inquiry: the first is rooted in critical theory and post-structuralism, the later is embedded in liberalism and normative relativism; the first is rooted in Geography and Anthropology, the second comes from Political Science. Nevertheless, these two approaches make different critiques to neoliberal models of nature protection: while political ecology makes a harsh critique to the neoliberal economic model applied to nature based on sound empirical evidence of 'false promises and unnatural consequences' (Heynen et al. 2007), the governance literature advocates for 'the

best tuning' and is in permanent search for a win-win-win-win…. formula that would find effectiveness in policy. The combination of these two approaches on environment and politics guided the methodological design and the methods used in gathering and analyzing the data from the two cases under scrutiny.

2.1. The cases, multi-sited ethnography and historical investigation

The methodological design combines ethnographic and historical investigation in two case studies. I will treat them separately for it brings more clarity to understanding the methodological apparatus.

The selection of cases

The two cases presented hereby are two village commons seen in their historical becoming. As the subsequent empirical chapters show, the economic and political interlink between the village level, the regional level, the feudal and national state level and the EU is among the factors that stimulated and still stimulates the dynamic of these village governance regimes. Here I will explain what is special about the village of Labrada and Păuleşti, about Galicia and Vrancea and, finally, about Spain and Romania and how these villages constituted in my cases.

As noted in the introduction, the story of this research started in Vrancea some seven years ago. When I decided to undertake a dissertation project I had already a good empirical understanding of the village commons in Vrancea, main focus of research was the re-establishment of collective property rights in Vrancea's post-socialist context. In the meanwhile, the EU integration of Romania into the European Union in 2007 made Vrancea the end of the rail for the Natura 2000 nature protection program and the villages in the region subjects of the EU's transnational policies. In a matter of months, transnational nature protection became a big issue in Vrancea and in Romania. Local people in Vrancea saw their access to their common properties severely restricted only six years after regaining their property rights. The research group "Building institutions across borders" at MPIfG granted me the opportunity to further undertake my research by studying the consequences of transnational governance on the ground. It was within this research group when I understood that Vrancea's village commons can be a case of a local mode of governance meeting a transnational one. Later on, it also became clear that we are dealing with a particular type of transnational-local interaction: an interaction where a multi-level EUropean governance regime meets a local regime of governing natural valuables which throughout its history

endowed the local people with a particular sense of collective identity. It was only after going through many pages of transnational and multi-level governance literature that I understood that this study is important because it presents an odd encounter, maybe one of the most extreme encounters that one can observe in governance studies: one between multi-level governance and village governance of the same physical space but differently defined natural valuables.

According to my knowledge, the villages in Vrancea have a form of common property regime unique in Romania, and this mainly due to historical and geopolitical reasons. The Romanian Principalities, Wallachia, Moldavia and Transylvania, were under the suzerainty of two different empires which were disputing their supremacy in Europe: the Ottoman and the Habsburg Empires (see chapter 18). Wallachia and Moldavia were under the suzerainty of the Ottomans, and Transylvania, under the Habsburgs. The border line between the three principalities and between the two empires was Vrancea. Until 1918, the other side of the mountains referred in Vrancea to another empire, to another type of market, political, administrative and military relations, to a different type of colonial governance, on the other side of the mountain it was truly a different reality, another world. People in Vrancea endowed special rights to common properties in part due to their duties as a borderline region (see chapter 18). According to the Romanian historiography, this institutional arrangement of common property was to be found in other regions along the Carpathian Mountains as well, as it was to be found in other parts of Europe before the industrial revolution.[2] Therefore, in Vrancea we find nowadays an institutional relic managing important surfaces of land in a way that prevents this land becoming part of the market realm.

People in the villages from the Vrancea region are endowed with collective property rights by the Romanian state, and property titles have been issued to the villages as collective bodies since 1910. While this form of property is at odds with the individual private property regime defined by the civil code, there have been different state attempts to regulate this form of property from the XIX century onwards. In Vrancea, as well as in other parts of Romania, most of these attempts turned into forms of dispossession and massive ecological degradation, the most extreme case being the abolition of common property rights and massive de- and re-

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[2] XIX century economics was animated by strong debates on the origins and evolution of the communal system of property. Main reference points in the debate can be considered from Haxthaussen's *Über die Agrarverfassung in den Fürstenthum Padeborn und Corvey* (1829) and Kowalewsky's seven volume *Die ökonomische Entwicklung Europas bis zum Beginn der kapitalistischen Wirtschaftsform* (1901-1914). A good overview of the studies undertaken up to the beginning of the XX century on common property regimes in Europe is to be found in Stahl 1958: 18-25.

forestation during the communist regime. As with other occasions in the past, people in Vrancea were opposed to the communist usurpation of rights and for this they were killed or sent to extermination camps from where only a few returned (see chapter 21). Nowadays, the restriction in access imposed by Natura 2000 is perceived by the local people as another form of dispossession.

While one would expect massive local mobilization against Natura 2000 restrictions in a region characterized by a particular sense of local identity due to its peculiar form of property regime and to a tradition of resistance dating back to the harsh feudal and dictatorial political regimes, in the present times of *freedom of speech* and free political action, this collective resistance is not happening. The Vrancea region had an outstanding geopolitical position before until 1918, it had and still has an outstanding legal character in Romania due to its egalitarian collective property regime. As the data shows, this property regime was the point around which resistance coagulated during past attempts of restricting access, but today this is not the case anymore. This is what makes the Vrancea region exceptional and this is what makes it interesting studying using an approach rooted in political ecology and governance studies more than in the narrow collective action paradigm (see the following sections).

Choosing a village that would help me understand the lack of present resistance in Vrancea is a history in itself. Not all villages in the Vrancea region are touched by the magic wand of the Natura 2000 program, rather only those from the Putna Valley. Among the villages in this valley, some are special from the economic perspective, such as Tulnici which is the village with the second largest common property in Romania, a total of 12.957 hectares, and which forms more than 33% of the Putna Vrancea Natural Park and the Natura 2000 protected sites (see chapter 25.1.). But, where big riches are, big economic interests are not far behind, and those from Tulnici are quite peculiar and not representative either for the Putna Valley, nor Vrancea. Other villages on the Putna Valley preserved their traditional use of land more than others, such as Bârseşti, which can be still considered a village with its economy based mainly on pastoral activities.

From the economic perspective, Păuleşti can be considered an average village community for Vrancea, with an average common property of 3.385 hectares, with a traditional pastoral activity in decline, as is the case not only in Vrancea but in all Romania, with 2208 inhabitants, out of which 1816 were over the age of eighteen in 2009, which is an average population in comparison with other villages from Vrancea and Romania. But, there is one aspect in which Păuleşti is unique in Vrancea: it is the first village in the Vrancea

region attested in historical documents, namely in 1504. As the legend in Vrancea goes, one woman, named Vrâncioaia, had seven sons who fought bravely in the army of Stephen the Great (reigning years 1457-1504) against the Ottoman Empire. For their braveness, each of the sons received a mountain as property, "to be for their descendents use free of taxes until the end of time". And, as the legend goes, their descendents formed villages. There is a customary quarrel in Vrancea regarding who the seven historical villages are, something similar to who is a true local inhabitant of Vrancea. And this not without reason, for the right of indigenousness converts into right of access to common property (see chapter 18.2.). In Păuleşti, people are certain that they are the descendents of Paul and they are proud that their village is the oldest attested one, in the precise year of the death of the great Voivode of Moldavia. Therefore, people here endow a certain pride, and this sentiment is permanently fueled, even manipulated, by local cultural elites and cultural brokers (chapter 3.1.), sometimes in close connection with local politics.

Before going to Vrancea for the first time, I knew that Păuleşti was 'the oldest' village in Vrancea. After going there I did not count too much on this specific account in my research as such, but I did count on peoples' manifest pride for being from Păuleşti, a sentiment which can be at moments easily observed (see the film *Stronghold 2000*, the scene of village assembly), and not necessarily coming from the fact that their village was the one first attested in Vrancea. Even when I started working for this dissertation, I expected 'this pride to fight the system' to play some spectacular role in the present resistance against the implementation of Natura 2000, as it did when they gathered to regain their property rights back in 2001. But, this sense of local identity, of pride for belonging to an important village in Vrancea, is not enough nowadays to stimulate the act of defending and re-claiming access to the natural valuables.

Nevertheless, I chose the village of Păuleşti for it was the first place where I have ever made ethnographic fieldwork and is the village I know best in the Vrancea region. When I decided to continue my field work in Păuleşti for this dissertation, my integration in the village was high and therefore was another good reason to continue the research in this village. Being hosted by Culiţă and his wife Rica was customary, so to say, for they were the first hosts I had in Vrancea. Rica's remark upon my arrival is very telling in this regard: *"you need to stay here for here even the dogs know you."*

While planning this study I became troubled with the question of how much Vrancea's case is outstanding in Europe with regard to its common property regime and with regard to the role

of past memories of dispossession in the present encounter with European nature protection. I knew, from the literature surrounding the debate on the tragedy of the commons, of a few other examples in the Swiss Alps, Albania or the Basque Country, but the language barrier in investigating these forms of similar property regimes was an important issue. Nevertheless, I wanted to come with my own findings for the purpose of strengthening the value of this study. Therefore, I needed to produce a direct replication of the Vrancea case.

It was matter of chance to meet Josemiguel Lana-Berasain, professor of economics at the Public University of Navarre, in Iruñea-Pamplona, Spain, at the *International Association for the Study of the Commons* conference in Cheltenham, in July 2008. After attending his presentation we kept in contact and Josemiguel made me aware that a similar form to Vrancea was to be found in Spanish Galicia. That autumn, I made a short research visit to Pamplona where I started the documentation about Galicia. I had to undertake a careful choice for several reasons. First, I was interested in a village whose common property would be comparable in size and governance regime to that of Păuleşti. Second, this common property was supposed to be in the Natura 2000 network. And third, the high depopulation rates of rural areas in Galicia had to be taken into account; the village had to have a significant number of inhabitants. Thus, in this, there was a laborious undertaking.

While still in Cologne, before going to Galicia, I checked on the internet for a map with Natura 2000 sites in Galicia and I saw that the northeastern part of the region has such protected areas. But this area had more intense nature protection activity than I initially envisaged for here the *Biosphere Reserve Terras do Miño* is located, a biosphere reserve instituted for the protection of the oldest active peat reserve in Europe. When I first arrived in Lugo, I found a map with wind farms in Galicia (see annex) which clearly shows that the most dense wind farm activity is located in the same region. When I asked Prof. Manuel Marey Prez, my host at *Escola Politécnica Superior* in Lugo, why this is the case, he answered, embarrassed for my dull question, that this is because there is a lot of wind there. But how the wind farms were planted in a highly protected ecosystem, he could not really tell. I had therefore a hunch that the village where I shall undertake my fieldwork shall be located in this region.

Latter on, I found out that the region is the second windiest in Spain and that there is a tremendous economic interest in the area. However, the village I was interested in had to correspond to certain criteria that I initially set-up following the replication of the Vrancea case. From what Manuel knew, with regard to the number of hectares there should have been no problem because all villages have important amounts of common land. But with regard to

population, this was truly a problem. He advised me to contact D.V. from the NGO *Asociación para a Defense Ecolóxica de Galiza*. D.V. made me aware about the local conflict concerning the planting of wind farms in the biosphere reserve and the restrictions imposed to the local farmers by local environmental guards in a misinterpretation of Natura 2000. D.V. gave me the phone number of Henar and this is how I arrived in Labrada on 6 October 2009.

Labrada is a village part of the commune (*ayuntamento*) of Abadin. Abadin has a total population of 3.201 people (in 2005) that live in 18 villages (*parroquias*). Each village has its own common property, its own *monte*. The village of Labrada is the most populated one. It has 91 *veciños* - that is 91 families - and a total of 263 people, out of which 128 are males, and the average age is 56. Since my main subject matter for replication was the commons regime, I was forced to stay at the village level and to look at demographics as a variable with high explanatory potential.

Labrada is the second oldest village among the villages that form Abadin, first mentioned in historical documents in 1407 and has 2.200 hectares of common land managed similarly to how people do so in Păuleşti. Similar to Vrancea, the common land in Galicia is also outside the market realm, but for different reasons. What differentiates Labrada from Păuleşti the most, and the Galician case from Vrancea, is the importance the common property regime had in feudal times.

The land in Galicia *de facto* did not belong to the villages at all until 1968 (see 13.2.). The agricultural land belonged to the church or to the crown, and they were administrated in a system of *foro* common in feudal Spain (11.2.). The *montes* were considered *terras incultas*, waste, and were not subject to taxation, therefore outside the market realm. Moreover, Galicia was not a borderline region like Vrancea, situated between two empires, and consequently the Galician people were not endowed with military duties unlike the people in Vrancea. Galicia was part of the first worldwide colonial power in world history. Although situated on 'the continent', Galicia served its duties as any other trans-maritime colony, namely providing rough materials and labor force, a form of colonialism through cultural division of labor that Michael Hechter refered to as "internal colonialism" (Hechter [1975] 1999). The Galician shipyard of Ferrol was in the forefront of the Spanish shipbuilding industry, and this not without ecological and social consequences for the villages around. Galicia was not a bastion of peasant resistance against feudal attempts to subjugate more free land and free peasants. Galicia was not a focal point of resistance when Franco seized the common rights of property either. However, when it came to the complete undermining of the local means of economic

production, namely the pastures, the wood and the land for cultivation, the local people revolted violently.

I came to the conclusion that these revolts play a similar role for articulating a sense of local identity and pride as in Vrancea's case, and consequently, the freedom that Vrancea enjoyed during feudal times is of secondary importance in this regard. What matters nowadays are the memories of past forms of dispossession and resistance and not the overall institutional context in which they happened. But, as Thomas Eriksen shows in his book *Small places, large issues* (Eriksen 2010), studying small-scale societies is relevant for understanding complex phenomena. By spending a total of nine months in the village of Labrada and Păuleşti I saw how it is actually impossible to understand the small-scale village society by only focusing on the village's day to day life. These two villages were part of *large issues* long before my arrival, even centuries ago. Their location nowadays, at the periphery of the European Union, one in the far west the other in the far east, increased their importance in the context of EUropean integration through the establishment of Natura 2000. As small as they are and as peripheral as they look on the map, these two villages become important for *large issues* not by their inner conflicts, but by the way they are contacted to complex legal orders in a transnational governance setting.

Multi-sited ethnography

Ethnography, as an "in the field" research (Yin 1994), is usually associated to long periods of time spent in one place or following a certain group of individuals for a time period which permits the group integration of the researcher. Implicitly, we assume that ethnography is unit-bounded. In my study I *did not* follow the unit-bounded design, but what Marcus (1998) calls **multi-sited ethnography**.[3] He notes: "[m]*ulti-sited research is designed around chains, paths, threads, conjunctions, or juxtapositions of locations in which the ethnographer establishes some form of literal, physical presence, with an explicit, posited logic of association or connection among sites that in fact defines the argument of ethnography. Indeed, such multi-sited ethnography is a revival of a sophisticated practice of constructivism* […]" (Marcus 1998: 90). Donald Moore considers *Argonauts of the Western Pacific* as a primary example of multi-sited ethnography for Malinowski was mapping circuits of exchange within multiple localities. Accordingly, a multi-sited ethnography is the

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[3] Marcus notes: "Ethnography is predicated upon attention to the everyday, an intimate knowledge of face-to-face communities and groups. The idea that ethnography might expand from its committed localism to represent a system much better apprehended by abstract models and aggregate statistics seems antithetical to its very nature and beyond its limits." (1998: 83)

methodology which allows for mapping processes which are "translocally rooted, and not essentially rooted" (Moore 2005: 18). Sally Merry also emphasis that this is even more the case in the context of globalization and plural legal orders when "[a] place can no longer be fully understood by just staying there". Therefore "the classic focus on a local place is no longer adequate for the ethnographic study of social life in the twenty-first century." (Merry 2000: 127)

The multi-sited ethnography that I undertook in this study traces ideas and practices beyond the boundaries of the unit of analysis, which, for the analytical sake, is the village. In both cases I transcended the boundaries of the villages towards the neighboring villages and towards the region. This because I followed the actors in their networking – and this is the first understanding of multi-situated ethnography that I refer to. The second level of this design is given by the three sites where I undertook field-research: Vrancea, Galicia and Brussels. This was necessary for incorporating in the ethnographic cartography the making of new transnational regulations for nature protection. I will be more specific and show what consisted multi-sited ethnography in my study.

Vrancea. Based on my previous knowledge in the field, I assumed that actors from the village of Păuleşti are related with actors from neighboring villages through kin, economic and political relations. I also knew from the historical documents and literature that Vrancea as a region has a peculiar history in the transition from feudalism to capitalism in the mid nineteenth century, and that this peculiarity is based on its particular system of property. But property relations in Vrancea are essentially trans-local. Moreover, I know that during the communist regime, the village of Păuleşti was incorporated into the Tulnici commune and that the communist agricultural reform envisaged the upper stream of Putna valley. Therefore, it was clear for me from the beginning that in order to follow the consequences of land use change caused by the establishment by Natura 2000 and the resistance practices at local level I would have to cross the borders of the village of Păuleşti. This is why I sometimes speak of Păuleşti-Tulnici as one unit, or I consider the becoming of timber-market, or of the estate-market in Lepşa as very important for Păuleşti village. Later on, I understood that the implementation of transnational nature protection laws empowers the trans-local resistance. The example of www.tara-vrancei.ro is very telling in this regard. Hence, it was because in the field it was impossible to isolate 'the village' as an unit of investigation that I moved towards a multi-sited ethnographic strategy. Yet, considering the village as an

analytical unit is only for analytical purposes, although the ethnographic study as such consisted in more than socializing with the people from one village.

Galicia. In Galicia I constantly had in mind the situation from Vrancea. I knew that actors network crossing the boundaries of the village and that I would have to follow them around the village as well as in it. Then I found out that the village of Labrada is in close connection with the surrounding villages due to the common use of *montes* and due to the establishment of the wind farms. Here, like in the Vrancea case, the establishment of Natura 2000, the building of windmills, despite the environmental degradation, coupled with severe restrictions applied to the locals, generated trans-local resistance. For now, the actuation of cultural brokers is the most evident practice; we need to see if this will convert into a bottom-up resistance which will coagulate the villages around Xistral. However, the practice of multi-sited ethnography included the neighboring villages of Frexulfe, Montouto, Romariz and Abadin. I also followed the members of my host family in their daily economic activities which weekly trans-passed the village: for going to the market, to the abattoir or for the meetings in the *cooperativa* (Cooperativa San Cidre – an organization of local farmers). The participation in the fourth Congreso Galego de Comunidades de Montes (22 and 23 May 2010) or the participation in seminars at the Forestry Institute from Lugo for two weeks in September 2009, were also part of the multi-sited ethnography that I undertook in Galicia.

Brussels. In Brussels I did my best to take part in the meetings related to lobbying strategies of the most important environmental NGOs, but it was more difficult that initially envisaged. Therefore, I proceeded to head-hunting strategies for engaging with NGO activists as much as possible. This was not enough in order to understand how lobbying strategies between NGOs and European Commission work. Therefore, I moved to staying close to a Wallonian environmental NGO and to see it at work in establishing some protected areas in the French part of Belgium. This NGO is part of a federation of environmental NGOs and while participating in their meetings and going into the meadows with them I was permanently concerned to see how the information they gather reaches the center of the NGO confederation.

Nevertheless, the multi-sited ethnography transferred to Cologne after the official end of my fieldwork period for I kept in close connection with A.A., one of the environmental activists form WWF in Brussels and with my informants from Galicia and Vrancea. Because the conflicts on the ground are ongoing and the data gathering was a real-time process, long Skype conversations or short phone calls after important events permanently re-confirmed my connection, albeit non-physical, with the field.

The historical investigation

The historical investigation concerns the environmental conflicts in the northern Galicia and Vrancea regions from the end of eighteenth century onwards. It consists of research in historical journals and other types of publications but also research into personal archives of some key actors I met in the two regions. Although my research did not follow the rigor of a historian, I tried to be of maximum thoroughness with the material found. However, viewing the long period of time which the study addresses and the density of facts, I had to select and focus on specific events. The choice was made step-by-step while digging into the material.

Due to the location of the Ferrol arsenal in my fieldwork region and to the nearby naval industry located on the Cantabrian coast I had an intuition that environmental conflicts must have been taking place in northern Galicia before the twentieth century but I didn't know about Sargadelos' revolt, for instance, until starting the fieldwork. This intuition was also based on the knowledge I had from Vrancea. I knew that the foreign companies for wood extraction caused serious environmental degradation at the end of nineteenth and the beginning of the twentieth century and I knew that this was related to the penetration of British capital in the Romanian Principalities following the Treaty of Adrianople from 1829. Therefore, I wanted to see if in northern Galicia the transition from the Ancient Regime to liberal democracy had environmental consequences. And my intuition was right, it had.

Moreover, the historical investigation dealt with the history of the common property regime. For Vrancea, I knew more or less what it was about, but I had to dig deeper for more material in order to be as accurate as possible. The advantage here was that I knew where to look for. But for the Galician case, I had no idea of what I was getting into. Initially I thought that the common property regime is similar to the one from Vrancea, but I did not expect it to be so different with regard to its historicity. The time spent in Lugo, at the Department of Forestry and the great discussions I had from Prof. Manuel Marey made me aware that for understanding the common property regime in Galicia I needed to understand the history of feudal *foral* relations in this region. This concretized in many more nights of reading than I initially thought would be the case.

The historical investigation also concerned the local history of the memories of dispossession and the history of resistance. This actually meant recording personal histories from old people in the two villages but also, following the multi-sited ethnography, from villages around. I was also interested in how these stories pass from one generation to another.

Although the younger generation (between 20 and 35 years old) seemed totally lacking interest in the issues concerning the struggles of the 'elder', it was enough to talk about the difference between the Galician language and Spanish language, in one case, or about the communist abominations, in the Romanian case, for getting the attention of the youngsters. In Galicia I was warned from the outset that *aquí se fala Galego* (here we speak Galician) and it was enough to dismiss this 'golden rule' for starting a discussion about Galician identity. I was not surprised to hear that Spain occupied Galicia, that *Galiza* must be independent (I was used to this discourse from my period of studying in Brittany), but I was surprised to hear stories in which the grandparents were maltreated during Franco for defending the *montes*.

2.2. Methods for gathering the data

The use of multi-sited ethnography and of historical research led me to the use of certain methods for gathering data.

Observation

I participated in the daily activities of the families where I was hosted, meetings and fiestas. Yet, I would not dare to say that I did participatory observation for I did not assume a role in the communities and I did not spend a full, uninterrupted cycle of 12 mounts in any of them. Learning Galician was however a hard provocation because of the little amount of time I had.

I wrote the observations in a field-notebook, a regular school notebook, while being *in situ*, or in the evenings, sometimes the day after. I have two such notebooks. The information is organized chronologically, like in a diary: quotes from the informants sometimes became mixed on the same page with my own observations, thoughts, drawings, phone numbers and various other notes. Slowly, things started to get shaped by themselves because ideas clustered through small signs, notes and arrows on the margins of the pages. This is how several themes developed around several actors: internal enclosures from the *monte*, Franco regime, The Plot, lobbying and so on. The only thing I knew for sure concerning my research was that it was of an exploratory nature, and I knew that organizing the data in the field would have induced panic in me, especially as there was nobody to consult with about it. Thus, while reading this apparent disorganized material in Cologne and Berkeley, I enjoyed the rough unstructured information because I avoided informational misinterpretation due to a preliminary processing.

The Film

Note taking in my notebook was heavily influenced by the fact that for the whole period I had the filming camera with me. Basically I wrote *in situ* only when I was out of battery, out of video cassettes or when the weather or the respondents did not allow me to film, like in the case in the DG Environment in Brussels. Most of my interviews are video recorded, but also audio, for I had a dictaphone always with me. While setting the camera on the tripod behind, a little to the right or on the left, I kept the dictaphone on the table. In total I have 92 hours of footage, which is an advantage but also a disadvantage. I will start with the latter.

I filmed as if the camera and I were one, following the third eye principle. I did not look for the spectacular and I always tried to keep in mind that the film is a research tool and nothing more. However, the film asked for its right. There were moments when the camera was asking me to go in a certain way, to film certain events, for it 'makes a sense in the film', while at the same time the key informants were going somewhere else and I was supposed to follow them, for 'it makes sense in the research'. In the end I pacified the two impulses by imposing my will over the camera's and saying that the basic principle is that the film and research is one. I also made some notes in the evenings with regard to what I had filmed, or how this and that information was to be found on the cassette with the number *x*.

With regard to the disturbance that the presence of the camera produced during interviews, I do not think that this was higher than that produced by a dictaphone. There were situations when the respondent forgot that there was a camera in the room, but I also had surprises when respondents told me after packing the camera and the dictaphone: *ok, now let's talk*. This happened only in Romania on two occasions and I think is related to the general mistrust which characterizes this post socialist society.

The great advantage of having the film is, in the end, having this archive of data. The editing process for 'Stronghold 2000' was nothing but a step in analyzing the data. While editing, I reviewed the whole material several times. This is how I could check the respondents' attitude but also my own attitude with regard to respondents which will lead, I hope, to better interviewing in the future. I re-experienced the fieldwork several times and I was able to understand what the whole story was about, what was missing, and what went wrong. With regard to the latter, I blame myself for not spending more time with the people in the villages just following them in their flow of life. I blame myself for being so greedy, a true colonialist attitude, of wanting to carry everything back with me to the office: capturing every attitude, every gesture as a trophy; every sound and every landscape configuration as exotic fruits from another world. Maybe this has something to do with anthropologists' pipe dreams

in elucidating the sense of the *antropos* in the world. Yet, the importance of the footage is that it can be used over and over again using different tools of analysis.

Nevertheless, making an ethnographic film raised in me issues concerning representation. I had in my head the mantra that the ethnographic film shall describe in imagination what cannot be described in words, which would eventually contribute to an ethnographic description of greatest accuracy as is possible. Having a visual knowledge about the field site, the actors and the events is a great advantage, but the visual stimuli are very powerful for the researcher as well. While one can think that going in the field with a camera is for the purpose of recording what is happening with accuracy, in the end I had to explicitly consider including my presence as part of the investigatory process. Therefore, I had to burn any positivist assumptions about attaining objectivity by ignoring the roles me and my camera had in the field, and to think about how to describe my emotional integration in my study, or what Catherine Bateson called "disciplined subjectivity" (1984: 163). Being about empathy, ethnography cannot stay outside the realm of subjectivity. I keep this quote from Margaret Mead as a methodological standard:

> *There is no such a thing as an unbiased report upon any social situation; an unbiased report is, from the stand point of its relevance to the ethos, no report at all; it is comparable with a color-blind man reporting on a sunset. All of our recent endeavors in the social sciences have been to remove bias, to make the recording so impersonal and thereby meaningless that neither emotion nor scientific significance remained. Actually in matters of ethos, the surest and most perfect instrument of understanding is our own emotional response, provided that we can make a disciplined use of it.* (1968: 15)

Picture 1: Filming how women wash pork intestines in the river located in the Natura 2000 site close to the village.
Photo by Yumara Carracedo Roman

Interviews

The interviews I made in Labrada and Păuleşti were semi-structured or unstructured and I did not have a proper interview guide beforehand. Things were different when I interviewed state or regional officials, professors at the university of Santiago de Compostela or lawyers. With these occasions I composed a list of guiding questions before making the interview. In Brussels I realized how much I am used to interviewing peasants. The EU bureaucrats also noticed this aspect. But, judging that all interviews I had with officials in Brussels, namely nine, lasted more than was initially programmed, without me teasing the respondent, I think this turned into my advantage. While I was used to the peasant mode of questioning, they were used to the PR mode of answering. I had the feeling that the PR instructions run into difficulty when facing the impudent but joyful way of asking questions. Therefore, I think that a course on special methods for interviewing bureaucrats would have actually been harmful for the final results.

2.3. Methods for analyzing the data

For analyzing the data I used two methods: the method of comparison and the construction of two ideal types of governance models.

Comparison

In a multi-sited ethnography comparison is inherent. Marcus notes: "[i]n projects of multi-sited ethnographic research, de facto comparative dimensions develop instead as a function of the fractured, discontinuous plane of movement and discovery among sites as one maps an object of study and needs to posit logics of relationship, translation and association among these sites." And further on "[t]his move toward comparison embedded in the multi-sited ethnography stimulates accounts of cultures composed in a landscape for which there is as yet no developed theoretical conception or descriptive model. (ibid: 86) On the other hand, Durkheim put it sharply on the first page of *Suicide*: only comparison affords explanation. Yet, in anthropology, because history is considered to be at the basis of culture, comparison has a strong historical touch. Peel for instance notes: "[w]hat our comparison most importantly teaches us is that culture is less a reflexion of society, than a reflexion on history." (Peel in Hart 2003: 8)

Therefore, the comparison used as an analytical method followed an odd route for one working in Mills orthodox comparison methodology. I think it is more adequate if one would imagine a continuous research site from Henar's house, the village of Labrada, the neighboring villages, passing by Abadin, Ferrol, Lugo, Santiago de Compostela, Madird, Brussels, Bucharest, Focşani, Tulnici, Lepşa and Păuleşti villages, finally to Culiţă's house,

and back. On this route a passenger took notes concerning environmental degradation and struggles for natural resources for the present and for the past, as long as the people met on the way could remember, and as much as he could understand. What, I hope, will make these notes useful reading is their link to broader issues. For this, a theoretical lynching of the beautiful empirical diversity is unavoidable.

The ideal types

According to Weber, an ideal-type is an "analytical accentuation (*Steigerung*) of certain elements of reality" (2011[1949]: 90). It is an "analytical construct" (*Gedankendbild*) (ibid: 93) that "serves as a harbor until one has learned to navigate safely in the vast sea of empirical facts" (ibid: 104). Consequently, for Weber establishing ideal-types would be the first step in analysis, while the second is explaining how and why the social reality differs from these "pure types (ideal types)" (Weber 1978: 9).

Essentially, I would dare to say that there is nothing spectacular in Weber's appeal to ideal-types for analytical purposes. What looks impressive to us is indeed the way he masters them. Weber understood very well, probably from his sound background in classical philosophy, what the role of *ideas* in thinking about a particular problem was. In the later quote we find a subtle reference to Plato's *pure ideas* from the *allegory of the cave*. From this perspective, the *ideal types* are not ideal in the sense that they do not exist, but they, if we put it most simply, denote *concepts*. However, Weber mentions clearly another source of inspiration. His motivation was actually a critique to 'the laws' from economic theory. "The concepts and laws of pure economic theory are examples of this kind of ideal type. They state what course a given type of human action would take if it were strictly rational, unaffected by errors or emotional factors, and if, furthermore, it were completely and unequivocally directed to a single end, the maximization of economic advantage. In reality, action takes exactly this course only in unusual cases, as sometimes on the stock exchange, and even then there is usually only an approximation to the ideal type." (idem, see also Weber 2011: 89-93). There-fore, the ideal-types are valuable tools for the understanding of social life as such, but they should not be considered as a final aim in the analysis, nor should one rely on them as immutable laws.

With regard to how these 'analytical exaggerations' are used in bringing clarity in situations where governance regimes overlap, Bavinck and Woodman (2009: 208) observe that the "term ideal-type does not appear much in writings on legal pluralism." But, the problem of generalization around a common denominator is a central issue in legal studies. Franz von Benda-Beckmann noted that "[i]mportant and interesting as such abstract

generalization are, they become problematic if the[y] (sic!) pretend to be summaries of the existence of law at the geographical scale to which they refer. (…) To study one village, one micro setting, then appears to be very limited with the macro-statement." (2001: 26). Von Benda-Beckmann concludes that "such generalizations based on aggregation will yield quite a different picture of the law or legal pluralism in whatever region one is interested in than those accounts that construct generalizations on the basis of common denominators. (…) But whatever we like it or not, this is the stuff we need to know if we are interested in the existence of reproduction of law in society, and if we want to explain it." (ibid: 129).

Therefore, the need of conceptual coherence in the hyper-complex legal reality that we encounter empirically nowadays urges for using the ideal-types. Franz von Benda-Beckmann proposed seven "morphological dimensions" for capturing how the "empirical manifestations of law vary in structure, form, content and significance in social life, between and within legal systems." (2002: 49). These are the following:

1) "The extent to which general legal cognitive and normative conceptions have been institutionalised and systematized;"

2) "The extent to which knowledge, interpretation and application of law have been differentiated from every day knowledge;"

3) The legitimation of legal systems including customary practices;

4) "The extent to which legal rules are defined as mandatory, and how the normative relation between rules and decision makers' relative autonomy towards general rules is expressed";

5) "The technology of transmission" – written, oral, as well as the context of transmission;

6) "The social and/or geographical scope for which validity is asserted";

7) "[D]ifferences in substantive content", that is, how forms of procedure differ as well as the "differences in the cognitive conceptions of legal rules and principles" (ibid: 49-50).

Von Benda-Beckmann mentions that "[t]hese variable properties can be used to create typologies of different ideal-typical legal forms" (ibid: 50). I used this taxonomy for setting up the two ideal types of governance regimes - "the aquarium" and "the globe" (chapter 28) - that try to capture, in an exaggerated form, the main characteristics of the village commons and the EU nature conservation multi-level governance regimes. Yet, I would stress once again, it would be a misapprehension to search for a perfect fit of their heuristic value in the immediate empirical reality. If I may go back to Weber once again: "[n]othing can be more suspect, from this point of view, that the construction and application of clear-cut concepts since this seems to be over hasty anticipation of the remote future." (Weber 2011: 104). The methodological apparatus used in this study tries to follow in the Weberian footsteps and

diverges from, as we see, already old mainstream opinion that "it is the end and the goal of every science to order its data into a system of concepts, the content of which is to be acquired and slowly perfected through the observation of empirical regularities, the construction of hypothesis, and their verification, until finally a "completed" and hence deductive science emerges." (ibid: 106).

Chapter 3 – The theoretical tool-box

In the presentation of the empirical data I introduced a first layer of analysis. Therefore I used and explained a series of small and medium range concepts ad-hoc. The aim of this chapter is to sketch the key concepts around which the second layer of analysis presented in part five will be undertaken.

3.1. Governance related concepts

A governance regime is a set of rules and regulations specific to a distinct historical period and to a specific geographical location which is meant to settle conflicts, inherent to social life. Both transnational and multi-level governance regimes are characterized by a complex set of rules and regulations resultant from multiple connections between state and non-state actors located at transnational, national and loosely defined local levels, actors that are not easy to map, sometimes even obscure. Power relations influence the tidiness of these "chains of interaction" (von Benda-Beckmann et al. 2005: 9) which eventually may reproduce or change the existing social patterns. Negotiations may or may not take place between the actors involved, or presumptively involved, in accordance with, or contrary to, common shared expectations. If the common shared expectations are not satisfied in the process of negotiation, or the negotiation process does not take place, the rules lose their legitimacy.[4] These are few basic assumptions that guide the following theoretical exposé on governance related concepts.

Non-state actors and transnational governance

Governance studies increased in number and importance in the past three decades due to the proliferation of non-state actors that entered the scene of polity, sometimes along with, sometimes at the expense of, national states' authority. Yet, the intrusion of non-state actors in state matters is not a new debate in social science. The first two decades of the twentieth

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[4] This interpretation of governance is close to Streeck's and Thelen's definition of social institutions as regimes: "*collectively enforced expectations with respect to the behavior of specific categories of actors or to the performance of certain activities.*" (Streeck and Thelen 2005:9), where the emphasis is placed on a "*third party enforcement that indicates whether a rule has legitimacy*" (idem:10-11).

century debuted with a sever critique on the monolithic approach of national state authority both in international and domestic policy. Early studies in international relations (see for a good overview Genest 2008) advocated for an enlarged perspective towards international policy based on a liberal pluralist philosophy.[5] The fact that not only national state's law matters in the domestic sphere was long ago advocated by the anthropologists starting with the forefathers of the discipline: Maine's *Ancient Law* (1861) or Morgan's *Ancient Society* (1877). Even so, why have non-state actors started to bother a state's political control in 70s more than in previous decades? A combination of repertoires facilitated the ascent of non-state actors in policy-making complicating the map of governance without, however, setting clear symbols for guidance.

According to Engelen et al. (2008: 8-9), an empirical evidence of the limits of rationality and planning within a command-control ruling system led to questioning the governments' authority as a viable institution for allocating resources. Other authors indicated that the economic depression and inflation from the late 60s called in to question the stop-and-go Keynesian model; this was used as a window of opportunity for market-oriented reforms in the UK and the US. The reforms caused an increased marketization of all spheres of social life, and had as consequence, among others, a delegation of rule-making and monitoring duties from the state towards non-state independent regulatory agencies (Djelic 2006: 71). Yet, Djelic and Sahlin-Andersson's work on institutional dynamics in transnational governance account for a continuous increasing of rule-making activity despite the general assumption that transnational governance shall 'open' the world (Djelic and Sahlin-Andersson 2006: 378-9). Drori and Meyer (2006) point that scientization fuelled an organizational revolution which, in turn, required a multiplication of the poles of rule-making. Yet, bringing into question governments' capacity to govern is intimately linked to the energy crisis which spanned from 1973 until 1979. From a political economic perspective, calling into question a national state's policy-making ability is an expression of the perpetual condition of instability that characterizes democratic capitalism (Streeck 2011) in its permanent search for new means of economic growth - 'grow or die' (Bookchin 1980).

Whatever re-stimulated their involvement, firms, NGOs, supra-national political bodies or individual lobbyists started to shape the political environment of policy-making while their behavior (re) defined a transnational space. Hale and Held (2011: 5-6[6]) point to the

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[5] However, as Genest put it following Brian Schmidt's accounts on the history of international relations (Schmidt 2006), the new tradition in international relations ignores this heritage.
[6] There is a striking resemblance between Hale and Held 2011: 6 and Genest 2008: 6-7. The lack of quotation makes the latter study more trustworthy.

paradox that this expansion of transnational relations at political and economical levels from the mid 70s did not fit the dominant realist paradigm from international relations studies, namely doubting for *"the possibility of an enduring cooperation between countries given the lack of an overarching global authority and the imperative of each country to pursue survival in a world characterized by uncertainty"*. The seminal work of Keohane and Nye *Power and Interdependence* (1977) marked a turning point in governance studies by asking not *if* 'parallel' forms of governance count, but *how* they count. Their theory of 'complex interdependence' put into difficulty the supporters of the realist paradigm in international relations by challenging state-centrism, the distinction between high politics (e.g. security) and low politics (economic, environmental) and pointing to the increased interdependency among the states via non-state actors. This new approach within international relations, equivalent with a paradigmatic shift, was labeled *'transnationalism'* (Martin 2007, quoted in Genest 2008: 5), and set the conceptual framework for what currently is labeled in the literature as *transnational governance*.

Kenneth Waltz in *Theory of International Politics* (1979) coined a neorealist approach for explaining that the non-state actors constrain the state's behavior similar to ways in which firms set prices according to the market. Waltz's microeconomics applied to the realist theory of international relations developed into what we know today as neoliberal institutionalism, or, in short, neo-institutionalism. In this perspective, cooperation between states and between states and non-state actors is guided by a relative gain and the actors are defined, according to the micro-economics mantra, as unified rational actors. This yet state-centric approach ignored the previous pluralist 'transnationalist' perspective, a fact which gave rights to scholars such Risse-Kappen to talk about *Bringing Transnational Relations Back In* already in 1995 (Hale and Held 2011: 8).

A triangular deficit

The general fear in social theory back in the 70s was that states, like any other human institution/organization, have a 'natural' incentive to cheat, to betray its relation partner in order to achieve their aims, a political behavior. The participation of non-state actors in policy-making promised, in the name of freedom, more diffused responsibility, and with it, a better allocation of resources following the invisible hand of markets. These were the promises that brought back into discussion Hayek's unlimited freedom for markets. Yet, despite the multiplication of the 'poles' in policy-making at the expense of the old command and control forms, transnational modes of governance could not guarantee achieving more transparency, inclusiveness or accountability. Rating agencies, economic cartels or, in some

cases, transnational firms were and still are the most visible examples of non-state actors who influence national states' policies but whose actions cannot be properly traced. A triangular problem became more pressing during the passage from central government to multi-level/ transnational governance: that of governance deficit, of implementation deficit, and the legitimacy deficit (Haas 2004, Bäckstrand et al. 2010).

In the case of environmental governance, a governance deficit usually occurs when the marginalization of environmental problems happens, for example when environmental issues do not find a place on the political agenda. Among the causes, Bäckstrand et al. mention the high fragmentation of institutions that take part in the policy-making process and the cross-sectoral problematization of environmental issues (ibid). The implementation deficit is referred to the discrepancy between the high expectations of multi-level/ transnational governance *aims* and the local organizational, regulatory, monitoring and compliance *practices and capacities*. Nevertheless, the legitimacy deficit refers to issues of trust, confidence and public support for the new modes of governance in comparison with the 'old' hierarchical ones.

As a result, the ideology of neoliberalism and the gradual expansion of transnational governance at the expense of or in parallel with hierarchical forms of government are intimately linked, but they are not necessarily congruent (see below).

Empirical, normative and critical governance

Yet, governance as a theoretical tool is not a homogenous concept. Generally speaking, the late scholarly work on governance falls usually in three categories: empirical, normative and critical governance (cf. Bäckstrand et al. 2010: 9-12). The empirical approach to governance accounts for the density of the actors involved in the policy-making process and looks at the complexity of mechanisms among them in a search for revealing the consequences, intended and unintended, of the passage from government to governance. Some studies in the field (Treib et al. 2007, Quack 2009a) focus on the history of multi-level governance models and show that actually the trans-border governance (to avoid usage of the term 'national' when not appropriated for historical and/or geographical reasons) is not that new.

The EU environmental policy is a primary field for studies taking an empirical stand to governance. They focus mostly on the advantages and shortfalls of environmental governance, more specifically on the triangular deficit problem above mentioned (Anderson and Liefferink 1997; Börzel 1999, 2002; Jordan and Liefferink 2004; Heijden 2010). The normative governance approach takes a stand towards 'good governance'. The research agenda is set for finding theoretical and practical devices that will help 'improving',

'reforming', 'tuning' the democratic institutions including non-state or non-elite actors (for example Held and McGrew 2002, Weiss 2005, for postsocialist context Hoen (ed.) 2001). 'Good environmental governance' is necessary to attain sustainable use of natural resources. While 'good governance' debates take place within a political perimeter delimited by supra-national institutions such as the EU, OECD, The World Bank, IMF etc., the greatest part of scholarly work taking a normative approach to governance is actually circumventing the problematic concept of power by putting too much faith in new modes of governance that are expected to evolve voluntarily from public-private partnerships, social networking and market mechanisms. The shortcomings of such an approach have been amply documented in environmental anthropology and political ecology (for example Brosius 1999, Agraval and Ribot 1999, Rival 2003, Lebel et al. 2006). These studies indicate that the actors involved in multi-governance regimes have different interests, different access to technologies, use different knowledge and reasoning models and therefore are positioned on different levels of power. Social justice became therefore a problematic matter for good governance models (Barry 2005). Bäckstrand et al. (2010: 10-1) note that procedural ideals such as openness, participation, accountability, coherence, are intimately linked to 'good environmental governance'. They conclude that "the rhetorical promise of new modes of governance (…) has emerged in close interaction between academic scholars and policy makers in the normative debate on good governance" (idem). The most arduous question rises inevitably: *good for whom?*

Yet, both empirical and normative governance approaches take for granted the ability of actors to move within the transnational legal space, and little attention is shown to the means that the actors have at their disposal in using this space. Critical approaches to governance look more at the logics that underpin different governance regimes, pointing to how *absence of dependence* is possible (Dahrendorf 1988: 61). The critical approach builds, on one hand, on Gramscian theory of hegemony and originates in early critique to neoliberalism from international relation studies (Cox 1986, Keohane 1986). More recent studies show the structural mechanisms that connect the passage from government to governance and point to the lack of adequate understanding of how the market principles actually arrive at contradiction with democratic ideas (Mayntz 1998: 16). Another body of critical approach to governance is more inspired by Foucault's theory of governmentality. This scholarly work is less interested in the consequences of eroded authority of the national states following the rise of neoliberalism, and more in the 'techniques' and 'technologies' that are used by the actors involved in a multi-level/ transnational governance regime to achieve

their aims. These studies focus on various forms of discourse, new codes of conduct, standards, audits, benchmarks, different forms of soft regulation that turn into, or bring their contribution to, the formation of new modes of governance. What the governmentality approach has in common with the more Gramscian approach is that they usually follow societal transformations in wide historical periods. Early studies in the governmentality approach to governance started from the comparison of the modes of governance in liberal, welfare and neoliberal political settings and came to the conclusion that social actors that are given autonomy within a transnational governance regime are actually no less governable than in the old command-control setting, but on the contrary, "these new modes of action at a distance increase the possibilities of governing" because "[t]hrough this loose assemblage of agents, calculations, techniques, images and commodities, individuals can be governed through their freedom to choose" (Rose and Miller 1992: 34-5). The path-breaking study of Rose and Miller was defended by Rose in *Powers of Freedom* (1999) and followed in environmental governance studies such as Agrawal's *Environmnetality: Technologies of government and the making of subjects* (2005), Li's *The will to improve* (2007) or more recently Peet et al. *Global nature* (2011). The convergence point of these studies is that the transnational and the multi-level governance regimes which characterize neoliberalism are actually limiting the capacity of resistance at the local level because the main target for reform is the social conduct of the social agents.

However, these studies left behind the situations in which social actors are not given responsibility, but endow responsibilities by themselves using new regulation opportunities in multi-level/ transnational governance as experimental spaces for alternative forms of regulation (see, for example, studies on global activism such as Della Porta and Tarrow 2005, or more specifically on copyright by Dobusch and Quack, 2012). Still, what these later studies elude to show is how access to technology, to specific kinds of knowledge, patterns of consumption, geopolitical configurations, in other words, the ability of social actors to move within the multi-level space of governance empowers them to endow responsibility and to take advantage of regulatory opportunities.

Transnational governance and neoliberalism

Noel Castree points out that neoliberalism is "very much a critic's term" (2010: 1726), although, it is the ideology with less significant opposition, "the most successful ideology in world history" as Perry Anderson put it (2000: 13). But how is one to understand neoliberalism? The work of Noel Castree and Stephanie Lee Mudge offers good guidance.

Catsree (idem) states that there are three aspects which delimitate neoliberalism from liberalism. First, a historical aspect - coming after about 50 years of interregnum with social democracy; second a geographical one – unlike liberalism which was focused in western European countries, the US and the Antipodes, neoliberalism is a global project; third, and most important, it is seen by its critiques as *narrower* than classical liberalism because it focuses in practice primarily on economic freedom, despite the emphasis of Hayek and Friedman on political and civic 'freedoms'. Further on, Castree takes into account for the following characteristics of neoliberalism in relation to regulation of environmental actions (ibid: 1728):

a) Privatisation, that is "assigning clear, legally enforceable, private property rights to hitherto unowned, government owned or communally owned aspects of the social and natural worlds". In other words, thorough neoliberalism we witness what Yergin and Stanislaw (1998: 13) called "the great sale in human history".

b) Marketisation, "rendering alienable and exchangeable things that might not previously have been subject to a market calculus lubricated by monetary transactions".

c) State deregulation, seen as "withdrawal or diminution of government intervention in certain areas of social and environmental life in order to enable firms and consumers to exercise 'freedom of choice';

d) "[T]he creation or encouragement of new quasi-state or state-sanctioned actors to take on functions that states themselves could otherwise perform in theory or practice". Here the example of decentralizing in nature protection issues in Spain stands as a good example.

e) Market-friendly reregulation, or a re-enforcement of state ∕ governmental prerogatives in policy-making so as to extend the frontiers of privatisation and marketisation. Therefore, as Castree put it "the state in its various forms becomes 'market manager' or 'night watchman', and less of a 'provider' to the citizenry or special interests therein: it intervenes for the economy not, as it were, in it" (idem).

f) "The strong encouragement of 'flanking mechanisms' in civil society (i.e. state-led measures to promote the growth of voluntary, charitable, 'third sector' and community groups who are seen as being able to fill the vacuum created by the absence ∕ diminution of direct state-support in the social and environmental domains" (idem).

g) The creation and emphasis of 'self-sufficient' individuals and communities (i.e. the cultivation of an ethic among persons and communities that emphasizes less, and ultimately limited, reliance on state-provided services for life's necessities." Castree emphasizes that

"for neoliberals this ethic is almost a 'natural' good. It encapsulates the individual's right to maximum freedom and their responsibility for their own affairs" (idem).

The later two points (f & g) bring substantial contribution to the understanding of neoliberalism and its relation to transnational governance. They stress the role of non-state actors in the transnational governance regime that is under scrutiny in the present study complementing, therefore, the political economic perspective. The two dimensions mentioned by Castree point to the reality of different governance actions as part of a wider process of governamentality, Foucault's wider understanding of the act of governing, defined as "the conduct of conduct" (Foucault 2007: 389). As the empirical materials of this study show, the dramatic expansion of areas zoned for nature conservation is accompanied by discourses carried by non-state actors in helping legitimizing new governance practices. This is done at the expense of traditional land use practices, a fact which brings back into local discourse former attempts of land deprivation and social exclusion.

Castree's taxonomy on neoliberalism seen from an environmental perspective seems congruent with what Stephanie Lee Mudge calls *the bureaucratic face of neoliberalism*. Mudge looks at neoliberalism as an "ideological system born of historical process of struggle and collaboration in three worlds: intellectual, bureaucratic and political" (Mudge 2008: 704). Following a notable amount of literature, Mudge points out "transnational networks of activists and free-market think thanks, right-wing political elites and the Chicago-based free-market branch of Anglo-American economics as key forces behind neo-liberalism's ascendance" (ibid: 708). Neoliberal institutionalism, part of neoliberalism as an intellectual-professional project, became the dominant approach in 1990 to explain how this 'new' phylum of multiple layers of rules functions. Mudge indicates that the bureaucratic face of neoliberalism consists in: "liberalization, deregulation, privatization, depolarization and monetarism"; and as a consequence, the political face is nothing but market-centric politics (ibid: 704-5).

This pentagram of neoliberal bureaucratic characteristics can be considered as one facet, or one more specific aspect, of what Hale and Held see as the five societal trends in transnational governance: "the merging of 'domestic' and 'international' politics; the increased role of non-state actors in global politics; the emergence of private governance; the shift to new modes of elicit compliance with transborder standards; and the growing complexity of institutional landscape." (ibid: 6). However, one shall remember that this is a

broad picture of transnational governance in which one can find different contrasting nuances, depending on the aggregation and the importance of the (non-state) actors under scrutiny.

Multi-level governance as EU's transnational political arena

According to the *White Paper on Governance*, a document issued by the European Commission in July 2001, the EU is "based on multi-level governance in which each actor contributes in line with his or her capabilities or knowledge to the success of the overall exercise. In a multi-level system the real challenge is establishing clear rules for how competence is shared—not separated; only that non-exclusive vision can secure the best interests of all the Member States and all the Union's citizens." (European Commission 2001: 34-5).

The concept of multi-level governance is an EUropean born concept. Used since the early 1990s in European scholarly work for "a system of continuous negotiation among nested governments at several territorial tiers – supranational, national, regional and local" (Marks 1993: 392), it slowly moved to describe "the most omnipresent and acceptable label that one can stick on the contemporary EU" (Schmitter 2004: 49), even though alternatives were always at hand (a good description is to be found in Hooghe and Marks 2003: 234-5). *Multi-level* first referred to "the proliferation of territorial layers" (Callaghan 2008: 10) bounded with authority in decision-making. Later, it moved towards 'competing interests' in decision making, or 'a setting of opposites' which ultimately define what a level of governance is independent of a well defined seat of authority (Zürn et al. 2010: 4). The identification of similar trends in other parts of the globe, especially through the work of ethnographic based studies, led to conceptualizing multi-level governance in a broader understanding, one which includes "the upward diffusion of power to regional and international [non-state] organizations as well as the downward diffusion of power to various sub-national governments." (Harmes 2006: 725-6).

As multi-level governance started to be increasingly related to empirical evidence of deregulation and market-enabling policy competencies, the unfastening from the territorial bounded layering and the dislocation from its initial EUropean political stream brought the concept close to losing its "denotative precision and become "over-stretched"" (Piattoni 2010: 2). From this perspective, Harmes makes a strong argument that multi-level governance is no longer "an unintentional side-effect of neoliberal policies and political action", if ever, but a political program in itself to "the extent to which neoliberalism requires multilevel governance in order to fully realize its objectives." (ibid: 726; 746).

When set in the neoliberal context, multi-level governance starts to dispute the same conceptual field with transnational governance. As a consequence, in this study I refer to multi-level governance as the EU's transnational political arena and I distinguish it from the transnational governance as briefly described above mainly through its located seat of authority, namely Brussels. However, when looking at transnational governance, multi-level governance and neoliberalism we find the following inconsistency: while neoliberalism preaches deregulation, it demands the multiplication of regulatory actors, which, by their inter-connectedness and superposition create a web of rules and regulations at global level with no precedent in history. This study shows how these circumstances favors actors that are able to manage the new bureaucratic settings and discriminates against those that do not possess the necessary skills to move within the new web of regulation at the level of the EU.

Natura 2000 is an example of a multi-level governance regime at the level of EU, but is one of many. The importance of nature protection at the level of EU is outstanding for economic as well as geopolitical reasons (see chapters 7, 8 and 9 for a detailed description). What makes it particularly interesting among other transnational, multi-level governance regimes is that it targets mainly rural areas where it conflicts with traditional forms of land-use and particular ways of understanding nature. By setting new marks on the land, Natura 2000 assigns the landscape to a different mapping, a different governance logic from the vernacular one.

Territoriality

No matter how abstract we would be tempted to think about governance, the act of governing cannot happen outside a space - well defined or merely perceived, abstract, relative or time contingent (see Harvey 2006 for a succinct theoretical classification of 'spaces'). What is very problematic when looking at the category of space in relation with governance is that the situation when understanding and mapping 'space' actually means to govern it (Lefebvre 1974). Examples abound: from military and commercial maps to more subtle forms of social cognition of the landscape. For example, David Anderson shows that for the Siberian Evenki "local ideas of appropriation have been governed by complex ways of relating to the tundra within what might be described as a 'sentient ecology'" (Anderson 1998: 65). It is important therefore when looking at transnational governance to point to the relation between 'spaces', a particular governance regime understood as a set of rules and/or laws, and appropriation. For this, the concept of territory and its processual correspondent, territorialization, are of good help.

Sikor and Lund make strong links between strategies of territorialization and certain forms of land use and access. Moreover, they emphasize the plurality of the socio-political institutions involved: "[t]erritorializing strategies allow and disallow certain forms of land use and access; […] By making and enforcing boundaries, by creating a turf, a quarter, a parish, a soke, a homeland etc., different socio-political institutions invoke a territorial dimension to their claim of authority and jurisdiction whereby even institutions that are not the state or do not represent formal government claim this particular attribute of governance." (Sikor &Lund 2009: 14) But when we have under scrutiny a transnational space, things get more complicated.

Transnational actors play a major role nowadays in defining 'natural' or virtual spaces. As noted above, the interconnection between multiple state and non-state actors in the rule-making, monitoring and the enforcing process generates a transnational legal space through a complex juxtaposition of legal orders. One of the main assumptions of this study is that the transnational legal space becomes a *governance resource* in itself. In the framework of this study, not only is the physical space a resource, but the legal space as well, either located at the village, regional, national or transnational levels. In this complex legal space, the political authority that scrutinizes this resource shifts constantly from one level to another and the scales of legal validity butt in (von Benda-Beckmann et al. 2009: 9-18). As this study shows, the transnational legal space implies a loose sense of fixed territoriality and an increased sense of spatial unboundedness.

As a consequence, territorialization is a useful concept to look at the legal complexity of transnational governance as well. The focus of analysis moves firmly from resources to the legal sphere(s). Vandergeest & Peluso take a clear stand on the matter by stating that "[t]erritorialization is about excluding or including people within particular geographic boundaries, and about controlling what people do and their access to natural resources within those boundaries" (Vandergeest & Peluso 1995:388). Also do von Benda-Beckmann et al. (ibid: 22) when emphasizing that "special constructions, as embodied in legal categories and regulation, are resources that create frameworks for the exercise of power and control over people and resources."

Consequently, territorialization in a transnational governance regime implies forms of control more over people and resources, natural or legal resources, than over a territory as such. In this context we can expect a paradoxical decline of the private property rights in their classical liberal understanding in the contemporary context of neoliberalism. These aspects need more investigation in contemporary research on transnational governance. The

production of natural protected areas at a transnational scale is one such form of *new* territorialization. As Igoe & Brockington pointed "[t]erritorialization has intensified under neoliberalization, as seen in the proliferation of protected areas" (Igoe & Brockington 2007:438, see also Heyen et al. 2007).

Cultural brokers

The concept of cultural broker is used in social anthropology for denoting a person, or a group of persons, that smoothes the contact between two cultures (Jezewski and Sotnik, 2001). It is usually referred to single individuals but families can also play the role. Usually, cultural brokers belong to one of the cultures under concern. Cultural broker is not a profession or a job; rather people can become cultural brokers more or less by chance, or without even acknowledging it. Szasz (2001) indicates that cultural heritage, gender and forms of local elitism as pre-determinants for who could become a cultural broker. A very nice use of the concept we find, for instance, in Florian Stammler's work of Russian post socialist *obschina*. In essence, Stammler uses the concept referring to social actors who bridge two or more than two levels on interaction (political, economic, cultural, religious, educational etc), but with a crucial emphasis on the fact that cultural brokers "*deliberatively change the emphasis or the content of a concept as they move back and forth*" (Stammler 2007: 259, my emphasis).

As the empirical parts show, the cultural brokers have a crucial role in introducing new ideas in a defined space, articulating resistance practices or local negotiations. In this study, the cultural brokers not only bridge between different levels of social interaction, but they play the role of 'vehicles' between geographical and temporal spheres as well. However, what differentiates cultural brokers from NGOs is that the former lack an organized form to direct social change, a well defined agenda and the support of donors. Therefore, cultural brokerage must not be confused with advocacy groups, business interest groups, or various forms of NGOs within social activism.

Creative compliance

Creative compliance is a term used in law for denoting "the creative use of the 'material' of the law […] to construct devices which comply with the letter of the law" (McBarnet and Whelan 1997: 178). The way I use it in my study is in a more day-to-day understanding. Creative compliance is not only "avoiding laws' requirements without actually contravening them" (idem), but an ad-hoc interpretation of the law according to the circumstances by both rule-makers and rule-takers (Streeck and Thelen 2005). The situations that I will describe in Galicia and Vrancea show how law-enforcers were, and are, forced to adapt the *material* of

the law to the context they are acting in for the simple reason that they are an integral part of it, sometimes even through kin relations. Therefore, this reflects the situation when these specific actors, forestry guards for example, become rule-makers and rule-takers simultaneously. The same happens with villagers that, as a strategy of local resistance to what they perceive as injustice, convert the law according to their understanding and act accordingly. As a result they follow the law, but theirs.

3.2. Nature related concepts

The intrinsic value of nature

Together with the *memories of dispossession* presented in the next section, *the intrinsic value of nature* is the second axis which streams through my study from the beginning to the end. The debates concerning this concept are very dense and are mostly rooted in philosophy. Zimmerman, for instance, draws on Moore's *Principia Ethica* whose main argument is that "the intrinsic value of a 'whole' must not be assumed to be the sum of the intrinsic value of its 'parts'" – a principle that Moore calls *The Principle of Organic Unities* (in Zimmerman 2001: 1). Zimmerman goes on and asks: what sort of thing can have intrinsic value and what it is that such value depends on (idem). His answer is that intrinsic value, first - exists, and, second, it does so as a variety of nonderivative value, an "ethical value which these days goes by the title 'final value'." (ibid: 242) But, he argues against Moore and states that "once the bearers of intrinsic value have been identified, there is no need to subscribe to the *The Principle of Organic Unities*. On the contrary, the intrinsic value of our world is the sum of the basic intrinsic values of those states that have such value." (ibid: 243). Based on the same logic, Agar argues that individual living beings are intrinsically valuable (Agar 2001); as does Vilkka 1997 and the whole array of literature coming from Ecologic History, Radical Ecology and the left political spectrum of academia concerned with the issue. Yet, the problem is that this understanding and plea in favor of intrinsic value is based on ethical assumptions. This is why the critique from green liberalism dismisses the existence of the intrinsic value of nature.

> Wissenburg starts from the following observation:

> *"The existence of intrinsic value solves the most fundamental problem of the greens with one stroke: if nature has intrinsic value, than humans ought to respect nature regardless of their subjective opinions, and polities ought, in principle, to protect nature against even unanimous disbelief."* (Wissenburg 1998: 92)

Therefore, for the righteous question "how 'the' environmental crisis should be adapted to liberal democracy" (ibid: 3), Wissemburg makes a stunning demonstration against the concept of intrinsic value. He states the following:

"There can be no value without a valuer, and there is no reason to believe that the category of independent value cannot be reduced to instrumental or at least external value. Even if an object or act x could have intrinsic value, this would be inconsequential without its being valued by those who either create or discover value in the world: individuals guided by plans of life or theories of the good. To have more than purely theoretical consequences, intrinsic value must be recognized as anthropocentric, i.e. a valuer must 'put value into' an object. Thus, intrinsic value is, for all practical purposes, redundant and reducible to external value." (ibid: 97).

The way I see this debate is as follows: while I am sympathetic with the leftist understanding, I can see the shortcoming of their argument, namely that it is constructed on ethical bases. On the other hand, the liberal greens are dismissing this position by reproducing the old mantra of rational individuals that make rational choices and have accurate plans in life. But there is an aspect that both left and liberal greens do not take into account: intrinsic value is primarily about what one cannot see, cannot understand, does not know, but assumes *might* exist. During the fieldwork in Vrancea and Galicia, as well as during the time spent in the village where I grew up, I encountered local beliefs and practices that were explicated by the people, when asked, in a form of acknowledging and respecting 'the' unknown. The intrinsic value of something was given by the veils of *incomprehensibility* that surround an object or an act, and this state of *incomprehensibility* is respect worthy, therefore, there was not even a search for making it comprehensible. I will bring insights to this statement in the empirical parts. For now, I think that Unamuno's observation is a telling conclusion:

"Hegel made famous his aphorism that all that is rational is real, and all that is real is rational. But, there are many of us who, not convinced by Hegel, carry on believing that real, the really real, is irrational, and that reason is built upon irrationalities." (Miguel de Unamuno [1912]1921: 5).

Environmental conflicts

An environmental conflict is the combination of environmental degradation and social conflict(s). While the array of studies concerning this topic is enormous, I will briefly show here how environmental conflicts concerning Natura 2000 are presented in the literature. The literature can be divided into two: studies that are concerned with environmental conflict resolution, and studies that are concerned with the mechanisms of such conflicts. The first category of studies looks at the *modus operandi* of the two major strategies of resolution: court litigation and the finding of mutually agreed solutions between the actors involved: alternative dispute resolution, community consultation, public participation (Christie 2008: 4-5). Here, the EU Natura 2000 constitutes a peculiar case for it offers the possibility for financial compensatory measures, although as the last resort (Article 6 from the Habitats

Directive). The second part of the literature looks at the role of legitimacy (Keulartz and Leistra 2008, Carter and Turnock 2002) and conflict of interests (Sloep and Blowers 1996; Tellegen 1996: 81-7).

This body of literature presents the environmental conflicts primarily as a clash between development and nature conservation, the aim being, in the end, the right tuning of the sustainable development neoliberal panacea at local level. But none of these studies, although addressing a wide variety of locations, connect present environmental conflicts with any past environmental conflicts that would have occurred in the respective region before the arrival of Natura 2000, albeit studies like Carter and Turnock address Eastern Europe and Aguilar Fernandez (2008) addresses Spain, in particular, on the matter of legitimacy. But there is another aspect that the above mentioned studies ignore, namely that of justice. We know from the literature on conflict resolution that there are negligible opportunities for accomplishing resolution without justice, for retaliation occurs. Merry, for instance, puts it sharply: "*resolving conflicts without producing justice is doomed to fail*" (Merry, 2007:16). Therefore, environmental justice must be taken into account.

Environmental justice

Environmental justice has been defined by some scholars in such ways that avoid considering the concept of justice. For example Bryant defines it as "those institutional policies, decisions and cultural behaviors that support sustainable development, that support living conditions in which people have confidence and their environment is safe, nurturing and productive, and that support communities where distributive justice prevails." (1995: 23) Peter Wenz considers that issues of justice, and environmental justice, appear "when people want more than they can have" (1988: 5). Other authors take sturdy notice of the importance of the concept. Shrader-Frechette takes a philosophical stand based on ethics and compares environmental justice with 'homologous' concepts such as property rights and equality. Her point is that "[a]lthough corporations and governments are proximately responsible for EJ [environmental justice], especially in a democracy the people themselves are ultimately responsible." (2002: 19). However, a fair use of the environment depends on the understanding of the environment, and this understanding is far from being a homogenous one, neither shall it ever be, in my opinion. Yet, David Schlosberg makes a good analysis of the consequences of addressing the concept of justice to nature, either as subject of justice or as its recipient. He makes it clear that "to address justice to nature is to cross the forbidden line in liberalism between an overlapping consensus on political procedures and a value-based notion of the good life." (2007: 104) Therefore, addressing distributive justice based on

recognition, capabilities and participation to nature is a hard challenge for liberal theory. This is because the contract doctrine cannot be extended to include nature as an actor. For this matter Brian Barry's point is telling: "justice and injustice can be predicted only of relations among creatures who are regarded as moral equals in the sense that they weigh equally in the moral scales." (Barry 1997: 95) Barry resumes very well the arguments against the ethical stand for the *intrinsic value of nature* in relation to *justice*: "the common move of appealing to the 'independent value of nature' is a mistaken one. [And this is because] if it is in some circumstances wrong to behave in a certain way in relation to nature, there is no entity that can properly be described as a victim of injustice." (idem)

Yet, what I am primary interested in is not how environmental justice is made and whether it includes nature or not, but how environmental injustice is conceptualized in concrete situations of environmental degradation. For this matter, the studies concerning environmental justice in political economy represent my first points of reference. The volume recently published by Byrne et al. is a timely attempt to understand "national and global structures of ecological injustice" (2009: 4). They make use of notions such as environmental colonialism, or environmental imperialism to examine "international structures of social and environmental exploitation for systemic linkages to patterns of injustice". (ibid: 9) Environmental colonialism occurs when "global economic development is seen as attempting to colonize not only the labor and resources of societies, but whole cultures and ways of life through an appropriation of the environmental conditions upon which communities depend."(ibid: 11) Ecological imperialism refers to changes in land use, seeding, working methods, technologies that ultimately modify the biological composition of organisms and biotopes. Because of issues mainly concerning access to the new technologies and seeds, on one hand, and those concerning the working ethic, the practice of ecological imperialism is intimately linked with deprivation. In the authors' words, it shows "the biological implications of international industrialization that underscores the linkage between structures of social inequality and ecological transformation." (ibid: 12) A good study on the matter is Kloppenburg's *First the seed: the political economy of plant biotechnology*. These issues form the bread and butter for what has been in the past twenty years called political ecology.

Socionatures and the agency of nature

In the past six decades increased attention has been given in environmental studies and social science research to the variety of agency that plays a role in social change. Cultural ecology, for example, focused around the concept of *adaptation*. Classic works such as Marshall Sahlins' (1964) *Culture and environment: the study of cultural ecology* or Roy Rappaport's

(1968) *Pigs for ancestors* show how cultural patterns within a group of people change in order to meet their basic needs as their habitat changes. From this perspective, nature has agency power by itself for it plays a role in social change. Yet, these studies come close to environmental determinism.

In the late 60s, the *Centre de Sociologie de l'Innovation* became established in Paris. Here Michael Callon and Bruno Latour joined efforts for seeking new directions in the sociology of knowledge. In 1986, Callon conducted a study in Brittany's fishing harbor St. Brieuc for studying the controlled production of scallops. The imbrication between a previously naturally extracted commodity and the new technology used for attaining it, what we would now call, after O'Connor (1994), *capitalized nature*, led Callon to formulate the following conclusion: "If one… wishes to talk about nature and society, it is better to say that translation networks wave a *socionature*, an in-between that is inhabited by actants whose competence and identities vary along the translations transforming them." (Callon 1986: 58, quoted in Gallert 2005, note 86, emphasis added). This was the set point for the empirical study of what later became the actor-network theory (ANT).

Paul Gellert (2005), a sociologist, goes in line with Noel Castree (2002), a geographer, in arguing that ANT helps over-passing two major dichotomies that shaped social science research up until the present day: human/nature and local/global. ANT builds upon a relational thinking of a hybrid agency, natural and human in the same time. The method of solid description of the network that ties together different hybrid objects is the starting point in research. "To shuttle back and forth, we rely on the notion of translation, or network. More supple than the notion of system, more historical than the notion of structure, more empirical than the notion of complexity, the idea of network is the Ariadne's thread of these interwoven stories." (Latour 1993: 3) Using the metaphor of the train further, Latour explains that "local and global are less interesting than the intermediary arrangements that we are calling networks." (ibid: 122) [7] Therefore, for the ANT approach, the great merit of overcoming the dichotomies human/nature, local/global lies in the virtues of 'the network', where any network is essentially a *socionature*. Yet, the issue of change remains problematic. How does a new connection come into being? The hybrid agency from ANT is not satisfactory enough

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[7] Here we notice a striking resemblance with Niklas Luhmann's *autopoiesis theory*. While both take into account the non-human element, there is an epistemological difference between them. As Melanie Reddig (2006: 130-9) and Tor Hernes (2008: 93-4) noticed, for the ANT the focus is primarily describing and understanding the network functioning. For Luhmann, following Parsons' systemic theory, the primary focus is the event: "[h]ow does one get from one elemental event to the next? Here the basic problem lies not in *repetition*, but in *connectivity*." (Luhmann 1995: 36)

in explaining how social change comes into being. Also problematic is the role of the non-human in the process of breaking up with repetition and the 'happening' of innovation.

The socionatures are essentially historical. Erik Swyngedouw, another geographer, colleague with Castree at Manchester, takes the ANT a step further in his historical study of the production of the Spanish waterscape. He states that "natural or ecological conditions and processes do not operate separately from social processes, and that the actual existing of socionatural conditions are actually the result of intricate transformations of preexisting configurations that are themselves natural *and* social." (Swyngedouw 1999: 445). As the empirical data from Galicia shows, the role of *o toxo (Ulex europaeus)* and *a xesta* (*Sarotamnus scoparius*), two highly invasive plants, in the local agro-sylvo-pastoral system production of the *monte* is crucial for understanding the past and ongoing environmental conflicts. The same in Vrancea, where the road that links Moldavia and Transylvania over the Vrancea Mountains plays a crucial role in shaping local business strategies that conflict with nature protection policies.

Hacking (1999, cited in Gellert 2005: 77) makes the distinction between 'interactive' and 'indifferent' actors that act in socionatures. An element of infrastructure such as the road above mentioned, or a dam, electric networks, or railways are indifferent actors in the same way a tree, *o toxo*, or a wolf are. They are indifferent in the sense that they are conceptualized, defined, created, or become part of a social contract disregarding their will.[8] The indifferent actors are important for the socionature network because they are part of unpredictable and partially known or totally unknown interactions. Therefore, any intervention upon one actor of the socionature network can produce unexpected outcomes. A socionature network is therefore a permanent human-nature dialectic, essentially historical, essentially unpredictable. As Gellert put it: "The point is not that we humans should master nature by overcoming the inadequacies of our current knowledge, but that such mastery is impossible." (ibid: 79).

3.3. Property related concepts

Property and property relations

In my study the understanding of property is distinct from that of ownership, meaning that property refers to multiple social relations between different actors with regard to a valuable,

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[8] This is not to say that living indifferent actors have no will, for example the will to survive, or in the case of building infrastructure, one does not need to ask the *genius loci*. As one example in Vrancea illustrates, a wealthy local entrepreneur has abandoned his plans to build a dance club on the hill that separates the villages of Păuleşti and Tulnici because he fears for his health and business, considering that the hill is perceived as a damned place, *spurcat*, in the local collective representation of landscape (Chapter 18).

and is not a strict legal term which shows the relation between a person and a valuable. Therefore, property is not considered as a thing, such as a plot of land or a pencil, but as a bundle of rights that different actors have with regard to a valuable (von Benda-Beckmanns and Wiber 2009: 14-6, note 16). Some authors go beyond the conceptualization of property as bundle of rights. Verdery assumes that property is a 'native western' category and thus analyzing property relations implies the analysis of the entire social system – *"a symbol, a set of relations, and a process"* (Verdery 2003: 15). I don't consider that such an approach brings notable contribution to the study of property because any social action is embedded in larger nets of action and in more complex ever-expanding networks of meaning. What I see as central issue in the conceptualization of property as bundle of rights is the notion of power and that of legitimacy. MacPherson makes the distinction between possession and property in that the later calls for a permanent enforcement by law (being customary or formal) by third parties such as the state or simply the society; property is also about rights and obligations (MacPherson 1992: 3-13). Therefore, property defined as a bundle of social relations regulated by a third social entity stays as a good example for institutions as regimes (Streeck and Thelen 2005: 9-16).

In my analysis I will use Franz and Keebet von Benda-Beckmann and Melanie Wiber *analytical framework for the analysis of property* (ibid: 14-23). This is a very useful tool for making a distinction, as clear as possible, of who is having what valuables according to the law, what are the real practices, and by which ideology are the rights established as legitimate. I summarized in the table below the main points of this analytical framework.

Layers of social organization	*Elements of property relations*		
	a. Social actors	b. Valuables	c. Rights and obligations
1. Legally institutionalized property relations	I. The rights and obligations between the social actors with regard to the valuables according to the law.		
2. Concrete social relations	II. The rights and obligations between the social actors with regard to the valuables in real practice.		
3. Ideology	III. The rights and obligations between the social actors with regard to the valuables embedded in ideology.		

Figure 1: An analytical framework for the analysis of property relations

Access

But describing property as a set of rights and obligations with regard to valuables, negotiated by multiple actors, different in space and time and enforced by law by a third party is not satisfactory. And this because, as I will describe in the Spanish and Romanian empirical parts, one may claim or acquire property rights, by force, disregarding the law. Here, access becomes the key concept. I use access in the definition give by Ribot and Peluso: 'the ability to benefit from things – including material objects, persons, institutions and symbols'; access is about '*all* possible means by which a person is able to benefit from things' (Ribot and Peluso 2003: 156). Therefore, if we compare access with property, the later is only 'one set of factors in a larger array of institutions, social and political-economic factors, and discursive strategies that shape benefit flows' (ibid: 157). Sikor and Lund made a good analysis of the distinction between the two: while property is more narrow and more specific, "[a]ccess, by contrast, is broader and includes property" (Sikor and Lund 2009: 4). Property "refers to legitimate social relation only" (idem), while access points to "*why* some people or institutions benefit from resources, *whether or not* they have institutionally recognized rights to them" (Ribot and Peluso 2003: 154).

Primitive accumulation

Primitive accumulation means for Marx "the historical process of divorcing the producer from the means of production" by transforming "the social means of subsistence and of production into capital" and the immediate producers into wage laborers (Marx 1990: 875). This form of capital accumulation "appears as 'primitive' because it forms the prehistory of capital, and of the mode of production corresponding to the capital." (idem) But, we know from the first lines of *Capital* that at the core of the capitalist mode of production is "the individual commodity as its elementary form" (ibid: 125). Therefore, *commodification* is an integral part of the primitive accumulation process. Marx describes the process of divorcing the producer from the means of production as taking place either by force or by law and it can take different forms such as violent expropriation or by law, such as the infamous *Acts of enclosure of the Commons*. Yet, Marx is very clear on the point that primitive accumulation *is not a phase* in the scalar evolution of capitalism as a mode of production, but it may occur at any point in time for it is integral to the capital accumulation process as such. *"The expropriation of the agricultural producer, of the peasant, from the soil, is the basis of the whole process. The history of this expropriation assumes different aspects in different countries, and runs through its various phases in different order of succession, and at different historical epochs."* (ibid: 876, see also 928-9). Starting from Marx's text, I think it is

legitimate to ask how primitive accumulation happens in a neoliberal environment. Spanning a great variety of aspects of social life, the literature concerning this matter is overwhelming (good guides are Glassman 2006; De Angelis 1999, 2001; Perelman 2000). Here I will stop at the core of Marx's theory on primitive accumulation following, in the analytical part, to provide fruitful examples from the nature conservation sphere.

Accumulation by dispossession, accumulation by extra-economic means

Accumulation by disposition is the concept through which David Harvey (2003) links Marx's primitive accumulation with Rosa Luxemburg's *Landnahme,* the expansion of capitalism into the periphery. Harvey states that in neoliberalism the process of primitive accumulation is taking place within the periphery, but complementary to Luxemburg, he states that this periphery is not geographical, but is related to social and economic practices such as appropriation of assets (including natural resources), the suppression of alternative modes of production and consumption (Harvey 2006: 43). However, I agree with Glassman when he states that *"there is little reason to suppose that capitalists would wish to dispose of all formally non-capitalist processes of production and social reproduction (i.e. directly commodifing everything), since to do so would require capitalists to pay all the costs of reproducing capitalist social relations"* (Glassman 2006: 617). What is of crucial importance here is to be aware of the existence of extra-economic means that contribute to the process of capital formation, or in other words, means other than expanded economic production and reproduction of commodities. As I argue in the last part, nature protection is one of them.

3.4. Time related concepts

The Past in the Present

"What explains the appearance of the past as a subject matter in the present?" is the question by which Maurice Bloch (1977: 279) tries to grasp the theoretical headlines of social change. His point is that *"the present cannot be understood apart from the past in that it answers it"* (idem), and therefore the presence of the past in the present, either as discourse, ritual or everyday practice is a good evidence that the social determination theoretical framework is incomplete: *"if all concepts and categories are determined by the social system a fresh look is impossible since all cognition is already modeled to fit what is to be criticized."* He explains further that "if we believe in the social determination of concepts […] this leaves the actors with no language to talk *about* their society and so change it, since they can only talk *within* it" (ibid: 281). Bloch stresses on the fact that it is crucial to understand the role of the past in

the present for it offers the most at hand reference point in understanding, and eventually criticizing and changing, the ongoing reality.

The fact that property as conceptualized above is historically contingent is not a matter of debate (Sikor and Lund 2009: 7). What is debatable is how the past legitimizes or de-legitimizes the present. In a broader perspective, the issue addresses the importance of context for the legitimization of present practices and cognition. Here, I draw extensively on the work of José Ortega y Gasset, whose essays had an important influence on the conceptualization of the present study. Ortega y Gasset attempted to bridge the German phenomenology with American pragmatism in a theory of social change based on education (Dobson 1989: 13, 24). The primary unit of reference is "I" and this category is the ultimate reference to *reality* (like in Dewey for instance). But the "I" has no meaning without its surroundings, and vice versa. The surroundings, the context, become part of the "I" and are not located outside. He states: "*Yo soy yo y mi circunstancia, y si no la salvo a ella, no me salvo yo.*" (I am I and my circumstance, and if do not rescue it, I do not rescue myself.) (Ortega [1914] 2004: 179).[9] Ortega's approach to the past is *not* a reverential one; the past is not the prime category of reference, but only a vector category. In the following excerpt we find a good example of the hermeneutics of the past in the present that Ortega y Gasset argued for:

> "There is only one way for surmounting the past, the kingdom of the sanctioned things: opening our veins and injecting our blood in the veins of the dead. This is what the reactionary cannot do: treating the past as a way of life. Torn off from life's sphere, and, although dead, [the past] is seated on its throne to govern the spirits." (ibid: 183)[10]

However, the balance between realism and idealism that Ortega tried to build at the confluence of pragmatism and phenomenology is falling apart for he credits the idea that the context does not exists outside "I". In the discussion of the concept *intrinsic value of nature* that follows I will show why it is important to take notice of this issue.

Collective memory

The vast academic undertaking of dealing with collective/social memory, a topic that is transdisciplinary *per se*, has been masterfully presented by Olick and Robbins (1998) and Olick, Vinitzky-Seroussi and Levy (2011). What I am interested in is to depict around what

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[9] Translating Ortega y Gasset into English is a difficult task. Therefore, I want to make the reader aware of the approximate translation that I undertook here.

[10] In original: *Sólo un modo hay de dominar al pasado, reino de las cosas fenecidas: abrir nuestras venas e inyectar de su sangre en las venas vecinas de los muertos. Este es le que no puede el reaccionario: tratar el pasado como un modo de la vida. Lo arranca de la esfera de la vitalidad, y, bien, muerto, lo sienta en su trono para que rija las almas.*

elements of reality the collective memory[11] becomes articulated. Here Maurice Halbwachs gives a clear answer: a shared understanding of the past and the material objects. Halbwachs gives examples of objects that for certain groups represent true pillars of shared memory. While referring to peasant societies, he takes the example of land plots and the vernacular modes of delimitating access to resources as main examples of how collective memory gets articulated at local level (Halbwachs 1992: 63-6). Ruth Behar, in her book *The presence of the past in a Spanish village* analysis historical land-ownership documents together with land use practices for attesting that property relations stay for pitfalls of collective memory in the Leonese village where she undertook her research (Behar 1986). The *balado*, in the Galician case, and *hotar* in the Romanian one are further examples that I bring in the same direction. Moreover, I describe in the *Protecting nature* part how the establishment of the first national parks in the US, Spain and Romania are true land-marks of collective identity at national scale.

Memories of dispossession

Before anything else, *'memories of dispossession'* is a real discourse at local level in Vrancea and Galicia. My first aim in the empirical parts was to describe this reality: how this discourse gets articulated, how much is factious and how much relates from historical data, and, nevertheless, in what scope is it used nowadays. In this regard, *memories of dispossession* acquire explicative sense and can be used as a stepping point for further explanations of ongoing conflicts. Kosek proceeds in the same way in his study *Understories: the political life of forests in northern Mexico.* He started from the empirical evidence that *"memories of dispossession and sentiments of longing for land help constitute Hispano identity and make the Hispano community cohere."* (Kosek 2006: 33) But soon he moves on by admitting that *"these stories are also collective memories that are made and remade in the present."* (ibid: 34) and thus, the politics of these memories are of crucial importance. Studying land dispossession in post-apartheid South-Africa, Gillian Hart, also, concludes that *"histories and memories and dispossession are directly and indirectly implicated in key arenas of struggle that are likely to intensify with the new system of local government demarcations"* (Hart 2002: 306). Garcia brings an extreme example of how heroin addiction is related to changes in land use and land dispossession in New Mexico. *"This feeling* [a feeling of loss]*, and the language used to describe it, resonated powerfully with many addicts I interviewed, especially*

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[11] Olick and Robbins present how some approaches and disciplines advocate for 'social' others for 'collective' in relation to memory (1998: 110-1). Yet, I don't think this debate is helpful to the present study and I chose the term 'collective memory' for my understanding of it relies on the distinction Maurice Halbwachs makes between collective memory and social frameworks of memory (1992: 38-9).

as they spoke of memories of dispossession and loss of land. Indeed, addicts' narratives of heroin use were often related to a lost sense of place. The presence of heroin here is closely connected to multiple and changing ways that this land has been inhabited, labored on, "suffered for", and lost." (Garcia 2010: 7). Donald Moore accounts how African *"Kaerezis' suffering for territory, in contrast, does not seek to defend the local against all outside influences, but rather to shape relations that link Kaerezi to other sites"* (Moore 2005: 20). Therefore, my study will bring a contribution by showing how neoliberal transnational policies for nature protection shape further the memories of dispossession in Galicia and Vrancea.

Part II: Protecting Nature

"If nature dies because we enter it, then the only way to save nature is to kill ourselves."
William Cronon, *The Trouble with Wilderness* (1995: 83)

"2050 vision

By 2050, the European Union biodiversity and *ecosystem services* it provides – its *natural capital* – will be protected, valued and appropriately restored *for biodiversity's intrinsic value* and for their essential contribution to human wellbeing and economic prosperity, and so that catastrophic changes caused by the loss of biodiversity are avoided." (Communication from the Commission to the European Parliament, The Council, and the Social Committee and the Committee of The Regions, 3.5.2011, p.2, emphasis added).

"You should know that *intrinsic value* is in that vision, in the 2050 vision, I don't want to say because of us, but a strong part is because of us. We were lobbying very strongly to make sure that "intrinsic value" would be part of the vision. The thing is that when we were having these discussions there was this moment that, well, it looked like we are just going to focus on anything that has to do with the socio-economic benefits and services and the rest is totally useless and secondary. And that's when we thought: DANGER, DANGER, ALARM! We have to make sure that 'intrinsic value' is in this definition. And we managed to get it." (Interview Natura 2000 responsible in WWF, min. 46:18).

"We are planning to develop guidance for *agriculture in Natura 2000*, we are about to finalize *guidance in wind energy and Natura 2000*, which has been developed together with DG Transport and Energy and the wind energy sector. So there is, I think, a lot of investment we are doing into getting the perception of the actors that impact negatively on Natura 2000, to change it in a way that they will recognize that it is in their own benefit to promote Natura 2000." (DG Environment official, responsible for Natura 2000 Program, interview 01, 55:50).

"Natura 2000 has continued and reinforced a trend that had already started with CAP [Common Agriculture Policy]: European rules and regulations rather than private ownership of individual lands increasingly determine how the European countryside develops and looks." (Heijden 2010: 121)

Chapter 4 - Conceptual mapping

"What people do about their ecology depends on what they think about themselves in relation to things around them."

(Lynn White, Jr. *The Historical Roots of our ecologic crisis*, p.52)

4.1. Nature, wilderness, waste – ţiher, monte, vast

"Nature is perhaps the most complex word in the language" Raymond Williams starts his article on Nature from "Keywords: A Vocabulary of Culture and Society" (Williams 1985 [1976]: 219). And this because it "is a word which carries, over a very long period, many of the major variations of human thought" (ibid: 224)[12]. The word 'nature', in Latin *natura,* comes from the past participle form, *natum,* of the Latin verb *nascere* - to be born, bearing the same etymological root as the word *nation*. Williams distinguishes three areas of meaning for the word 'nature': 1) the intrinsic quality of something; 2) the force that drives something both human and non-human; 3) the material world itself, again including both human and non-human elements. These three areas of meaning are simultaneously used in current language and most of the time overlap. Consequently, the risk of confusion is high. For my analysis here, 1) and 3) are of great importance.

The idea of wilderness is strictly related to the relationship between man and nature. Briefly said, what appears to be not under human control or knowledge is reflected in language and practice as being wild, desert. These terms are relatively recent acquisitions for the modern vocabulary. Franzier Nash[13] notes: "In the early Teutonic and Norse languages, from which the English word is for a large part developed, the root seems to have been "will" with a descriptive meaning of self-willed, willful, or uncontrollable. […] the Old English "dēor" (animal) was prefixed with wild to denote creatures not under the control of man." (Nash [1967] 1982: 2-3) Thus, etymologically, wilderness is rooted in the old Germanic language and means the place of wild beasts. Nash makes an interesting observation later on: "Romance languages, on the other hand, have no single word to express the idea but rely on one of its attributes. Thus, in Spanish, wilderness is *immensidad* or *falta de la cultura* (lack of

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[12] Raymond Williams (1921-1988) was a preeminent British linguist, with a strong interest in sociology. His book, *Culture and Society* (1958) deals with how key words for understanding the modern Anglo-American society take on new meanings, and how these changes reflect the political turning points of a specific period. *Keywords…* was initially conceived as an appendix for *Culture and Society* ultiomately, due to its length, turned into a book itself.

[13] Nash's book, *Wilderness and the American Mind*, was first published in 1967 and developed out of his doctoral thesis at Yale and is a milestone in environmental history. In this chapter, I draw extensively on Nash's data.

cultivation). In French, the equivalent is *lieu désert* (deserted place) and *solitude inculte*." (ibid:2).

The tricky part starts when we look at the word 'waste', a word that both Nash and Oelschlaeger (1992: 25-31) ignore in their etymological analysis of wilderness. 'Waste' comes from the Latin *vasto/vastus/vastatio*, which means desolation, emptiness, but also ravaging, rudely, harsh sounding (*littera vastior*), or impetuousness, like in the saying *vastus animus immoderata*. Thus Latin has a word to designate the idea of willfulness and the uncontrollability of nature, relating to either natural surrounding or human nature. Up to the Middle Ages, waste and wilderness were used interchangeably in English, as in the expression "*lond unwend and bicam waste, and was roted oueral and swo bicam wildernesse*" (cca. 1200, Oxford English Dictionary http://www.oed.com). But something happened during the Enlightenment that accentuated the different meanings for the two English words: the establishment of 'natural' right to private property, masterfully defended by John Locke in his *Treaties*, as I will show below.

In Romanian and Galician, both Romance languages, the idea of wilderness is expressed through words that denote unknown natural surroundings or the absence of human beings in general; but also solitude, void or abandon. *Pustiu* in Romanian, the most common word, denotes uninhabited place - an uninhabited house is *pustie*; and unlabored field is *pustiu;* but also the heart can be *pustie* when lamenting the absence of someone. There are notable regional variations to express the idea of 'wild' but **known** natural surrounding, a sort of ecological transition from what used to be a labored, modified natural surrounding, to a landscape potentially returning to the uncontrolled condition. Such word is *țiher* (reading tziher), encountered in Vrancea but not mentioned in Romanian academic dictionaries[14], which denotes a recently naturally forested area, a young and dense forest, a known but uncontrolled natural surrounding.

In the current Galician language, the idea of wilderness is expressed through words such as *ermo* or *salbaxe*. In southern Galicia, the **known** but uncontrolled or unproductive natural surrounding is named *baldio*, which literally means *waste*. In the north-eastern part, where I undertook the fieldwork for this study, people refer to the known but uncontrolled natural surrounding as *monte*. *Monte* does not mean mountain, which in Galician is called *montaña*. According to the *Diccionario de Real Academia Galega*, *monte* is land covered with spontaneous vegetation which can also be populated with trees. But, as I will describe in the

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[14] The word might be a variation of *sihlă*, used in a number of other sub-Carpathian Romanian regions that have similar connotations.

Spanish empirical part, *monte* is a complex agro-sylvo-pastoral system which was, and still is, at the core of rural economic activity in Galicia.

Both Romanian and Galician have the word *vast* in their vocabulary and is used as in the common English language, designating something huge, measureless, but also rich. The 'wild' connotation of the word was transferred to the words devastate (*Eng.*), devasta (*Rom.*), devastar (*Gal.*). This denotes a smooth leveling of the initial Latin meaning in contrast with the Germanic 'wilderness'. Consequently, in the light of the brief etymological analysis presented above, I claim that the words *nature*, *wilderness* and *waste* correspond to the same pattern of linguistic change. This is to say that if words express meanings and meanings change through time, when a general pattern of meaning-change is identified this can be used, as Williams put it as, "a special kind of map by which it is possible to look again at those wider changes in life" (Williams 1958: xiii). In the following, we will look back in time with the help of environmental historians and see how nature turned into wilderness and waste.

4.2. From animism to anthropocentrism

Environmental history and environmental philosophy literature (Nash 1982, 1989; Merchant 1999, 1992, Oelschlaeger 1991, 1992, 1994; Worster 1977, 1993) point toward three main factors that fostered the conceptual separation between man and nature during the past two and a half millennia: science, Abrahamic monotheist religions and private property. The three are not unrelated or clearly distinctive elements of manifestations of human activity but key elements of what we nowadays mistakenly claim to be 'the civilized human society'.

Science deals with the discovery of laws of nature and the breaking-out of the cyclical flow of time of the 'primitive man'. The main assumption is, as Paul Shepard put it, that one cannot go back. "Von Herder, Hegel, Compte, and Adelung all strove to dissociate mankind from the laws of nature, to identify culture from History, to see conscious intellect identified with urban life, property, law, government, and the 'great art', as the final flowers in the human odyssey." (Shepard 1992: 48). Thus, from an evolutionist perspective, natural man preceded society. Horkheimer and Adorno saw in the Enlightenment period a crucial stage in the evolution of human thinking towards the rationalization of nature. "On the road to modern science, men renounce any claim to meaning. They substitute formula for concept, rule and probability for cause a motive"; while "[t]he pre-Socratic cosmologies preserve the moment of transition. The moist, the indivisible, air, and fire, which they hold to be the primal matter

for nature, are already rationalizations of the mythic mode of apprehension." (Horkheimer and Adorno 1944: 4)[15].

Anthropology discarded this mantra from the very beginning. Claude Lévi-Strauss put it very sharply in his Tristes Tropiques: "[n]atural man did not precede society, nor is he outside it." (2001: 392). *Nous, les barbares,* is not meant to say that civilized people can have uncivilized impulses, but is the alarm signal that Levi-Strauss pulls for that "the barbarian is the one who believes in barbarity" (Levi-Strauss 2011[1952]: 22). The savage mind[16] is characterized by an overwhelming attempt to understand the 'natural' surroundings, an "intransigent refusal (…) to allow anything human (or even living) to remain alien to it, that the real principle of dialectical reason is to be found." (Levi-Strauss 1972: 245)

With regard to religions, the break with the cyclical notion of time is present only in Abrahamic monotheism. White notes: "the idea of beginning was impossible in the framework of their [pagan religions] cyclical notion of time. In sharp contrast, Christianity inherited from Judaism not only a concept of time as non-representative and linear, but also a striking story of creation." (White 1967: 52). As a consequence, "the Judeo-Christian tradition constituted another powerful formative influence on the attitude towards wilderness of the Europeans …" (Nash 1982:13). This was mainly possible through the sacred call that all these; Judaism, Christianity and Islam, made to humankind: to "fill the Earth and subdue it", to "have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth." (Genesis 1:28)[17]. Or, as is stated in the Qur'an: "It is He

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[15] One of the pre-Socratics, Heraclitus (540-475 B.C.), nicknamed *The Obscure* both for his depressive appearance and for his rhetoric, argued for the linear and irreversible course of time. However, his famous statement that one cannot step twice in the waters of the same river, thus that everything is flowing, was mocked in his time. Parmenides' *Nature* is notorious for the harsh critique to Heraclitus, namely Parmenides proves how Heraclitus does not make a distinction between *existence* and *non-existence*. Heraclitus was re-discovered by the Stoics later on, about two centuries after Socrates' death.

[16] The French title of this monumental work of Levi-Strauss is *La Pensée Sauvage*. Few have noticed the word game in this title and the subtlety that Levi-Strauss introduced with it. The title is not *La Pensée des Sauvages,* which would be grammatically correct in French. This is because, throughout the book, Levi-Strauss addressed a few characteristics of the savage mind that are very difficult to capture in academic language: its fragility, modesty and beauty. The word *Pensée* in French means mind, thinking, reason, but also denotes a flower, *Viola Tricolor Hortensis*, *pansy* in English, or *Stiefmütterchen* in German, a very small and beautiful flower, with strong perfume that lasts a short time in spring. I am very thankful to my professor Gheorghiţă Geană for this precious remark. See also Geană 2009: 8-9.

[17] The full version, Genesis 1:26-31, follows like this: "**26.** And God said, Let us make man in our image, after our likeness: and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth. **27.** So God created man in his *own* image, in the image of God created he him; male and female created he them. **28.** And God blessed them, and God said unto them, Be fruitful, and multiply, and replenish the earth, and subdue it: and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth. **29.** And God said, Behold, I have given you every herb bearing seed, which *is* upon the face of all the earth, and every tree, in which *is* the fruit of a tree yielding seed; to you it shall be for meat. **30.** And to every beast of the earth, and to every fowl of the air, and to every thing that creepeth upon the earth, wherein *there is* life, *I have*

Who made the sea subservient to you…and you see the ships cleaving through it so that you may seek His Bounty, and so that hopefully you will show thanks." (Qur'an: Surat al-Nahl (16), Ayah 14)18.

The second main influence that the three Abrahamic religions have in common with regard to the man-nature relation is the limitation of the imaginative processes of their subjects to the creationist doctrine and the inhibition of mythic imagination. Shepard notes: "[t]he thinness of music and dance in temples, churches, and mosques indicates the minimalizing of what was and is basic to hundreds of different, indigenous religions marked by «mythic» imagination." (Shepard 1992: 45). Ultimately, in their attempt to legitimize the uniqueness of God, the Abrahamic dogmas invent the distinction between the sacred and the profane. This division reinforces the schism between the 'savage' and the civilized, in this case, those 'enlightened' by *the one* God. Mircea Eliade[19] states that "the polarity sacred profane is often expressed as an opposition between real and unreal, or pseudoreal." (Eliade 1987 [1959]: 12-13). The sacred manifests itself in the world through, what Eliade calls, hierophanies. "The sacred tree, the sacred stone are not adored as stone or tree; they are worshiped precisely because they are hierophanies, because they show something that is no longer stone, or tree but the sacred, the *ganz andere*." (idem). Thus, while for the archaic man the *hieropahnies* are permanent encounters of the sacred in daily life, unstructured and unregulated, in the modern monotheist religions these encounters are regulated and verified by the church's' dogma, and by the interface of clerics in the relation between the religious person and the unique God[20].

The agenda was set for civilization: the dangerous, willful natural surroundings had to serve humankind, to be turned to the advantage of the new society. Science and religion, when not seen antagonist, joined hands: science wanted to explore, religion wanted to eradicate evil. While leaving the animist meaning of the world behind, both the new monotheist religions and science damned uncontrolled nature as unpredictable, dangerous, the

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given every green herb for meat: and it was so. **31.** And God saw every thing that he had made, and, behold, *it was* very good." (The Holy Bible, King James Version, Cambridge Edition)

[18] Similar in *Surat al-Luqman (31), Ayah 20*: "Do you not see that Allah has made subject to you whatever is in the heavens and whatever is in the earth and amply bestowed upon you His favors, [both] apparent and unapparent? But of the people is he who disputes about Allah without knowledge or guidance or an enlightening Book [from Him]." See also *Surat al-Baqarah (2), Ayah 29; Surat Fatir (35), Ayah 39; Surat al-'Araf (7), Ayah 74*. I am indebted to my friend Samir H.K. Safar-Aly for his precious guidance through the Qur'an.

[19] Mircea Eliade (1907-1986) was a Romanian historian, philosopher and fiction writer. In 1964, he was appointed *Sewell Avery Distinguished Service Professor of the History of Religions* at the University of Chicago, a position that he will retain until his death.

[20] This is not to say that Jews, Christians or Muslims do not live the daily feeling of the sacred, but their *hierophanies* have to be validated by the respective church. Otherwise, they can be either intimately or collectively kept secret, or divulged openly while being considered heresies.

shelter of Satan. Of course, there are variations within Christian beliefs and between Christian, Judaic and Muslim theologies of nature. The above sweeping presentation does not elude the complexity of any of the Abrahamic traditions. My concern here is to draw attention to how religion, and in particular Christian Catholicism, interfered with the concept of nature, for it is crucial in understanding the next part of this chapter concerning property over natural resources. For now, I follow White's conclusion on the matter: "[e]specially in its Western form, Christianity is the most anthropocentric religion that world has seen. (…) Man shares, in great measure, God's transcendence of nature. Christianity, in absolute contrast to ancient paganism and Asia's religions (except, perhaps, Zoroastrianism), not only established a dualism of man and nature but also insisted that it is God's will that man exploit nature for his proper ends." (White 1967: 52).

4.3. The natural right to property

The break away from animism can be considered as one of the most revolutionary endeavors in human history. "The disenchantment of the world is the extirpation of animism", state Horkheimer and Adorno (ibid: 45). But the "extirpation of animism" alone and the empowering of one almighty God with all the attributes of the surrounding natural landscape is not enough for having an anthropocentric view on the world. Monotheism in general should not be considered as synonymous for anthropocentrism or a breaking away from animism. Zoroastrianism or the early monotheist theology of Xenophanes of Colophon stay for good counter examples in this regard. What is crucial in Abrahamic monotheism for the subject at hand is the following: there is a beginning of the world, when God made it, and He created man according to His appearance, and gave the world to humankind to subdue it. As a result nature has another value other than in itself, it has subjective value according to its valuers. Anthropocentrism brings emphasis to the instrumental value of nature.

In an anthropocentric view one does not need to pray to the spirit of the mountain before mining, does not have to get the approval of the forest before cutting it. The *Genius Loci* died! White notes: "[b]y destroying pagan animism, Christianity made it possible to exploit nature in a mood of indifference to the feelings of natural objects." (White 1967: 52). The instrumental value of nature is negotiated or imposed within the social realm. But since God gave the world to humankind equally, in common, was this not in contradiction with the ideas of exploitation and domination? Is this not contradicting the very idea of property? In other words, how exclusive access to natural resources became legitimate in this context?

The Fathers of the Christian Church considered property not as a natural gift, but as a social convention in response to the Biblical Fall of Man into sin. St. Ambrose's patristic writings are fundamental for legitimizing domination and property within the Catholic Church dogma. A. J. Carlyle comments on the Saint's texts as follows: "[i]t was the will of God, he [St. Ambrose] says, that the Earth should be the common position of all men, and should furnish its fruits to all, it was avarice which created the rights of property" (Carlyle 1913: 123). Thus, it is the original sin, the fall of man from the Garden of Eden that is responsible for the creation of inequality and property. Carlyle concludes: "[t]he institution of property represents both the fall of man from his primitive innocence, the greed and avarice which refused to recognize the common ownership of things, and also the method by which the blind greed of human nature may be controlled and regulated." (Carlyle 1913: 122)

Richard Schlatter also emphasizes in his work on the idea of property in the latter Middle Ages that "[t]he Fall of Man provided the social and political theorists of Christendom with a conservative argument more persuasive and more subtle than Aristotle's theory of natural inequality and natural slavery. It accepts the opinion that men were created equal and insists that even now their souls are of equal worth in the eyes of God. But at the same time it insists that since the Fall the nature of men, all of them depraved, make necessary instruments of social domination. The division of property which gives some men a power over the lives of others is one such instrument." (Schlatter 1951: 35).

I want to stress again at this point that all these ideas were, and still are, considered by the Christian Catholic Church, social conventions. It was John Locke who was the first who argued, departing from Catholic theological exegesis, that property is not a human convention, but a natural right.[21] This would not have been possible outside a particular theological and political context that is worth mentioning here. First, it is the schism between Vatican and the Church of England that took place in 1534, one and a half centuries before Locke's *Treatises*. Locke's point of view is that of a Puritan, and not of a traditional Catholic: one can achieve social trust by earning his living through diligent work, thus referring to exactly the same consciousness that Max Weber reiterates, I would say, in the *Protestant Ethic*. The second element of the context is the English Civil War (1642-1651) that brought into question the authority of Dutch monarchs over the throne of England, the divine right of monarchs and ideas of social inequality.

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[21] I am very thankful to Louise Fortmann for her helpful insights concerning Locke's work that we vividly discussed during her seminar on property relations in the fall semester of 2010 at University of California, Berkeley.

Thus, Locke's argumentation for the natural rights on property are based on the Christian doctrine of anthropocentrism. The following passages from *Of Property* are eloquent for this matter*:*

> "God, when he gave the World in common to all Mankind, commanded Man also to labor, and the penury of his Condition required it of him. God and his Reason commanded him to subdue the Earth, i.e. improve it from the benefit of Life, and therein lay out something upon it, that was his own, his labor. He that Obedience to this command of God, subdued, tilled and sowed any part of it, thereby annexed to it something that was his property, which another had no title to, nor could without injury take from him." […]
> "And hence subduing or cultivating the Earth, and heaving Dominion, we see are joined together. The one gave title to the other. So that God, by commanding to subdue, gave Authority so far to appropriate. And the conditions of Humane Life, which requires Labor and Materials to work on, necessarily introduces private Possessions." (Locke 1992 [1689]: 19-21).

But Locke's argumentation for the idea of natural right of private property is constructed in contrast with the idea of waste. In *Of Property* Locke uses the words *Nature, Wilderness, vast, wast, Waste* almost interchangeably. We shall take a look at the following short extracts for a better understanding:

- "in the **vast** Wilderness of the Earth" (page 21);
- "lying **wast** in common […] in the wild woods and uncultivated **wast** of America left to Nature" (page 22);
- "… this part of the Earth notwithstanding his Inclosure, was still to be looked on as **Waste** and might be in the Possession of any other." (page 22)
- "even among us, Land that is left wholly to Nature, that heath no improvement of Pasturage, Tillage, or Planting, is called, and indeed it is, **wast**;" (page 24; emphasized added).

While for *vast, wast* I can credit a loose care applied to the English spelling and editing in that epoch, the association of *vast, Waste* with *Nature* and *Wilderness* is striking. The whole rhetoric of Locke's *Of Property* turns around these words: the natural surrounding that is invested with human work becomes private property; what is not invested with work - work according to western European standards, that is, using industry (for using Adam Smith's terminology) - is waste and belongs to wilderness, to nature, which is…vast.

Locke wrote his argument from a stadial historical perspective, typical for the Enlightenment, according to which human societies evolve on the hunting, shepherd, farming scale, and culminate with the commercial economies. With the *wast* (sic!) territories of American land in mind, Locke associates the state of nature with a lack of labor, and common land with the lack of property rights. 'Nature' becomes the basis on which civilized society is

developed, and should continue to develop. On the other hand, 'Nature' in Locke's argumentation, and the whole tradition of economics that follows his ideas up to the present day, is that unquestionable thing that provides the axiomatic departure point in the analysis.[22] *Natural*, in John Lockes' argument means intrinsic value. The following quote is eloquent: "An Acre of Land that bears here Twenty Bushels of Wheat, and another in America, which with the same Husbandry, would do the like, are without doubt, of the same natural, **intrinsick Value**" (ibid : 24, my emphasis). For mastering the world that God gave to them, for improving their condition, humans ought to disembody the natural meaning of nature, this intrinsic value of things, and give to it, through work, an instrumental value, an economic value, which will grant them in turn with property status. But, why protect nature then?

Chapter 5 - From Waste to Parks

- A coffee please.
- What size?
- A small one.
- We have only medium and large, Sir.
(Dialog between the author and a waiter in September 2010, downtown Berkeley, US)

The discovery of the American continent had a strange impact on European thinking. Paradoxically, instead of inducing the reflection on the margins of the world, it sharpened the opposite, the unlimited image of it. John Locke wrote his essay *Of Property* with this image of the world in mind. The Indians, who were at the bottom of the human evolutionary scale, had to make way and to be submissive to the emancipated development policies of the British Government. They were living in the state of 'nature' and nature meant waste, or to put it in political economy's terms, unexploited opportunities for capital accumulation. The new settlers understood the opportunities of the wast (sic!) American land, and based on Locke's *Two Treatises of Government*, would go on to elaborate the *American Bill of Rights* that is at the core of today's American constitution. The American Bill of Rights is the translation of Locke's philosophic arguments for private property in legal terms. But what is of crucial importance is the institutionalization of the "first came, first served" practice of acquiring land use rights. Let's see why it is important in the American culture to be the first.

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[22] Schlatter concludes: "Before 1690 no one understood that a man had a natural right to property created by his labor; after 1690, the idea came to be an axiom of social science. That might be taken to mark the year when the middle classes rose to power: the year in which their experience, dressed up in philosophical language by John Locke, was presented to the world as the eternal truth of things." (Schlatter 1951: 156).

5.1. Vanishing the frontier

"Space: The final frontier!
These are the voyages of the Starship, Enterprise.
Its five year mission: to explore strange new worlds, to seek out new life
and new civilizations, to boldly go where no man has gone before."
(Intro to the film series Star Trek, 1966-1969)

Bernard Schwartz calls Locke "the theoretical godfather of the American Revolution" (Schwartz 2002: 42). John Locke was directly involved in the transatlantic governance of the American territories. He drafted *The Fundamental Constitutions of Carolina* in 1669, twenty years before anonymously publishing his *Treatises*. His ideas were well known on the other side of the Atlantic in the outbreak of the American Revolution as they were before the French one. "Life, liberty and property" was back then used as a slogan, in the same way, I imagine, as EUropeanization or multiculturalism is used nowadays. This slogan was carried through newspapers but also in a more organized way through institutions such as "The Economic Societies." These very fashionable intellectual circles of the mid eighteenth and nineteenth century functioned as proto-transnational communities of knowledge diffusion, as I will describe by taking the empirical example of the Spanish *"Los Amigos del País"* in the next chapter. For now, I will give credit to Richard Schlatter when he points out that "[w]herever middle-class revolutionaries rebelled against feudal privilege and royal absolutism, they inscribed on their banners the slogan 'life, liberty and property.' That 'property' should be included in the sacred trinity of natural rights was, now that Locke had thought the matter through, one of the thoughts that express so exactly what men want that they seem self-evident." (Schlatter 1951: 151).

But the American case is peculiar, because here the revolutionary thinking of John Locke was transposed in a *Terra Nova* with no feudal past. The equality of civil rights that Locke was militating for - life, liberty and property, although he had shares in a slave trade company (Glausser 1990), had a different meaning on the American continent. The sense of property for the colonizers was anchored in Locke's philosophy: natural surrounding invested with labor. The Native Americans, placed on an inferior position on the evolution scale according to Locke, had a different sense of property, or, in the colonizers understanding, lacked one. Thus, the land on the American continent was available. The American Bill of Natural Rights legitimized the acquisition and the defense of private property rights.[23] In the Amendment V of the Bill it is stated: "No person shall […] be deprived of life, liberty or

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[23] The Constitution of United States is composed of seven articles and twenty-seven amendments.   The first 10 amendments are commonly know as the Bill of Rights, and was drafted on the 4th of April 1789 and ratified by Congress on the 15th of December 1791.

property, without due process of law; nor shall private property be taken for public use without just compensation." (The Bill of Rights, www.archives.gov).

The myth of free land in America was carried on towards the West by the American Government against the organized resistance of Indian nations (a very good guide in Indian resistance is LeBeau 2009). We all know western movies: in their conquest of the 'Wild' West, the American cowboys fight against the Indians and they always win, either by the power of the superior firepower or by the help of beautiful Indian girls, like Pocahontas. The hostile, unknown natural environment together with Indian resistance were part of a fabulous frontier. Every new war with an Indian tribe or confederation of tribes was a confirmation of *the* new frontier. And the frontier had to be made to vanish so that the first cowboy who would work the land could acquire property rights. The resurgence of Native American movements in the past decades coupled with historical and archeological investigations lead to the conclusion that the term genocide is correct when looking at the passivity of the American government with regard to the atrocities during and in the aftermath of the Indian wars (Stannard 1992; Cesarani 2004)[24]. The acquisition of land by the newborn American Nation provided a perfect empirical proof for Proudhon's severe formula: "*La propriété, c'est le vol!*" Property is theft![25] While the study of western movies as a mean for legitimizing national identity in the US is an appealing topic, for the moment I need to restrain our discourse to the crucial role of the frontier for the invention of a natural protected area in this country.

Profiting from Napoleon's defeat in Europe which led to the French retreat from the Middle Eastern part of the continent, the American administration reached the shores of the Pacific by 1890. This was a moment of disillusion. Historian Frederick Jackson Turner wrote in an article published in 1893:

> "[t]his brief official statement [an official census from 1890] marks the closing of a great historic movement. Up to our own day, American history has been in large degree the history of colonization of the Great West. The existence of an area of free land, its continuous recession, and the advancement of the American settlement westwards, explain American development." And he explains further on: "American social development has been continually beginning over the frontier. This perennial rebirth, this fluidity of American life, this expansion westwards with its new opportunities, its continuous touch with the simplicity of primitive society, furnish the forces dominating American character." (Turner 1996 [1893]: 1-2).

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[24] Cesarani notes the following: "in terms of the sheer numbers killed, the Native American Genocide exceeds that of the Holocaust." (Cesarani 2004: 381).
[25] In the essay 'Qu'est-ce que la propriété ? ou Recherche sur le principe du Droit et du Gouvernement' first published in 1840, first chapter.

Turner differentiates between the frontier in Europe and the frontier in the United States. The first is a borderline running through dense populations, the second is "the meeting point between savagery and civilization", whose main characteristic is "the hither edge of free land" (idem). Turner's essays capture most effectively the identity crisis of the American nation by the mid nineteenth century.

During this time, Europe itself was suffocating in its own glory. The imperial arrogance of the British, Spanish, Dutch, German, French and Russians was sustained by the fine arts and technology. It was the moment when Romanticism rose in Europe, when intellectuals and artists rediscovered the forgotten pagan past and with it, another meaning of nature. On the other side of the Atlantic, the United States was starting to play a major role in the world market through grain exports. It was the first attempt of this new country to show that it counted in the world economy. But culturally, it did not have too much to offer: what was so particular to the United States? What was *American*? In the US, the frontier no longer existed, but its memory was still vivid - wilderness fitted very well in the context. Frederick Nash notes: "[t]he nation's short history, weak traditions, and minor literary and artistic achievements seemed negligible compared to those of Europe. But in at least one respect Americans sensed that their country was different: wilderness had no counterpart in the Old World." (Nash 1982: 67).

American artists were accompanying the explorative expeditions towards the West. Poets and painters were praising nature; its beauty was the means of communication between God and man. Charles Fenno Hoffman, a journalist and novelist from New York, wrote in 1833 in the aftermath of such an expedition:

> "What are the temples which Roman robbers have reared, - what are the towers in which feudal oppression has fortified itself, - what are the blood-stained associations of the one, or the despotic superstitions of the other, to the deep forests which the eye of God has alone pervaded, and where Nature, in her inviolated sanctuary, has for ages laid her fruits and flower on His altar!" (Hoffmann, *Winter in the West*, quoted Nash 1982: 73).

One rather lonely explorer of the 'Wild' West was John Muir. He noted with enthusiasm after a single trip to Alaska: "Every particle of rock or water or air has God by its side leading it the way it should go; The clearest way into the Universe is through a forest wilderness; In God's wildness is the hope of the world." (Muir 1979: 317). Thomas Morgan made a fortune in 1874 when he sold his painting, *Grand Canyon* for $10.000 to the Senate administration in Washington DC for the intended destiny of being exposed in the Senate's lobby. This was two years after the declaration of the first national park, Yellowstone. Wilderness became a source of national pride. William Cronon notes: "[i]t is no accident that the movement to set aside

national parks and wilderness areas began to gain momentum at precisely the time that laments about the passing frontier reached their peak. To protect wilderness was in a very real sense to protect the nation's most sacred myth of origin." (Cronon 1995: 77).

5.2. The Public Garden of Yellowstone

By the mid-nineteenth century, the US was already facing great concerns with regard to the depletion of forests (Cronon 1994: 606). Scientists, politicians and corporate leaders were sharing the same concern: the expansion towards the West was not only rewarding but also resource consuming. Moreover, they were envisaging what Turner alone predicted in 1893: vanishing the frontier would become a serious economic crisis. But how to lobby for state intervention in the magma of free market philosophy that existed in the US in the mid-nineteenth century? How to lobby for protecting natural wonders when nature should pull the plough of industrial development? The overall social and political environment was at odds with nature protection. And still this was possible.

The making of the first national parks and natural reserves in the US was a long process which spanned from approximately the early1830s, when the first painters arrived in Yosemite Valley, to the end of the ninetieth century when a series of protected areas mushroomed in the US. This episode is of great importance because it was the first time in history, when a well defined area was set aside for the sake of nature protection. Roderick Nash (1982: 97-140) offers a detailed account of how things happened and who the actors involved were. Here, I am interested in a particular detail of this process, namely the division and the balance of power between the preservationist and the utilitarian interpretations of nature conservation.

The two trends developed almost simultaneously. The first, the conservationist, originates in the transcendentalist philosophy, an 'intellectual revolt' that took place between the 1830s and 1840s at Harvard University in response to Lockean sensualism and which combines, broadly speaking, ideas of German idealism and British romanticism. The second, the utilitarian trend, is related to the rise of forestry science and of forestry management in the US. The two trends differ in their intimate philosophy with regard to nature. While the progressive conservationists believed that they could master nature, the preservationists believed that there was something hidden in nature, an intrinsic value that cannot be depicted by rigorous calculi. This initial dispute between the fraternal twinned outlooks of nature protection conceived at the moment of declaring the first national parks in the world,

compliments of the US, has stalked the worldwide nature protection movement ever since, reflecting, at the same time, the inner tensions in the Natura 2000 program. It, also, shows how, from a political decision-making point of view, switching between the two is related to political interest. The intrinsic value of nature was emphasized at the moment when the US was building up its national identity. Today, when national identity no longer counts so much, at least on the public agenda, the opposite is reinforced.

In 1854, Henry David Thoreau published *Walden; or, life in the Woods*, a book based on his experiment of living alone in the forest surrounding the Walden Pound in Massachusetts for over two years. He did this both as a spiritual experiment and as protest to utilitarian thought. Thoreau's definition of wilderness as "a reservoir of intellectual nourishment for the civilized men" (Thoreau *Maine Woods, Writings*, in Nash 1982: 102) became a mantra for the preservationist movement. He had a firm conviction that nature can help the advanced human civilization by providing a permanent point of reference, a place of perpetual return. But, in order to keep this reference alive, the civilized man would have to protect it. This is how Thoreau arrives at the fundamental question: "why should not we (…) have our national preserves (…) in which the bear and the panther, and some **even of the hunter race,** may still exist, and not be civilized off the face of the earth – our forests (…) not for the idle support of food, but for inspiration and our true recreation?" (ibid, my emphasis). Thoreau's point is still anchored in the stadial historical thinking of human race, while his ideas about protecting nature combine the concept of park with that of the zoo. But his ideas had a different impact on the public.

 Walden became a bestseller and made Thoreau famous. Writers like Hoffman or painters like Morgan all marched westwards to capture the last remaining wild animals and Indian tribes, with Thoreau's ideas of revolt against civilization in mind. *Walden* had a crucial influence on John Muir (1838-1914), the father of the conservationist movement in the United States. Muir came into contact with transcendentalist philosophy during his studies at the Wisconsin-Madison University, where he was studying chemistry and biology. He had been flirting with the idea of making long journeys across the American continent, but never fulfilled the urge. It was a nearly blinding accident in an Indiana shop that made him decide that God's call is different. "God has to nearly kill us sometimes, to teach us lessons." From that day on, Muir started a trip in the wilderness of the American continent that never ended. He adhered completely to transcendentalist philosophy, but without protecting nature for the virtues that it can enhance to humans, but rather for its own sake. Although a deeply religious

person with a strong Protestant background, Muir rediscovered animism in a way that pacifies nature with the Christian doctrine of anthropocentrism. "The very stones seem talkative, sympathetic, brotherly. No wonder when we consider that we all have the same Father and Mother." (Muir 1911: 319), writes Muir in his diary of the first summer in Yosemite. Muir's writings are full of interlinks between theology and reflections on nature's beauty. He usually refers to nature as 'home', or God's temple, "a mirror reflecting the Creator". (ibid: 210). As Nash concludes on Muir's theology, "wild nature provided the best 'conductor of divinity' because it was least associated with man's artificial constructs." (Nash 1982: 125). Muir was not only a vagrant of the wild forests and mountains, but a prolific writer and an influential intellectual as well. His articles and books recommended him as first authority in terms of lobbying for nature conservation. It was a fabulous meeting with President Theodor Roosevelt in 1903 in Yosemite that changed the destiny of millions of acres of forested areas in the United States from a perishable resource for immediate wealth into the nation's eternal identity symbol.

The conservationist movement is strongly related to the name of Gifford Pinchot. Unlike Muir, who was born into a peasant family, Pinchot came from one of the wealthiest families in the United States. The family business was mostly based on timber logging and land speculation (Miller 2001, Balogh 2002). Unlike Muir, who did mostly cherry picking studies for four years without graduating, Pinchot graduated from Yale, which was at that time the fast breeder backyard for the White House. After graduation, Pinchot went for postgraduate studies at the *École Forestière de Nancy*, in France. His year abroad meant more than the approaching of the newborn science of forestry in one of the best schools of Europe (a school where the first Romanian foresters were also trained, as I will describe in the chapter on the Romanian case). Due to the recommendation of his family name, he established close contacts with Dietrich Brandis[26], the top authority in forestry at that time. Brandis became Pinchot's mentor. From him Pinchot learned the basic statement that led his career: forest is a crop (Balogh 2002:209).

The forestry science was quasi inexistent in the US when Pinchot came back from France in 1890. But he knew what he had to do. With enthusiasm, one of his friends wrote to him on the eve of his return*:* "Go on, brave heart, and elaborate that system of forestry for the US. I expect that some day you will have reduced our forests to such a degree of subjection that not a half will rustle without the express permission of the autocratic G.P." (letter from

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[26] The academic authority of Brandis was backed-up by a huge experience in managing the exploitation of forests in India as Inspector General of Forests, a position he held for 20 years.

James B. Reynolds to Gifford Pinchot, August 5, 1890 in Miller 2001: 85). Pinchot wrote an article in the same year which legitimized him from the very beginning as the number one authority in forestry in the US. Here he transposed in a more common language, what he had learned from Brandis:

> "(…) is the cutting each year of the amount of timber equal to the total increase over the whole area, and no more. It is further desirable in any long settled community that the forests be so managed as to yield a measurably constant return in material. Otherwise, difficulties in the supply of labor and the disposal of the produce make themselves felt, and the value of the forest to its owner tends to decrease." (quoted in Balogh 2002: 209).

Soon after Pinchot was appointed the head of the forestry school at Yale, and more political power was granted to him, he started to push forward in real management measures in forestry, showing that no one should be concerned with regard to the depletion of timber resources.

Therefore, at the beginning nature protection was linked more with the idea of recreation, a function that indeed the parks have. In other words, it was not preserving nature for nature's sake, but protecting nature so that people could have a place to go in their spare time. This relates to how the concept of spare time and vicarious pleasure came into being in the US a theme that I will not address here (for this see Dulles 1965; Culver 2010). For the moment, it is important to be aware that the establishment of the first national park in US, Yellowstone, had nothing to do with the idea of wilderness.

The Yellowstone region was little explored until 1870 because of the fear of Indian attacks. Yet, the Indians were less than envisaged, and in August 1870, a group of nineteen men adventured in 'the wild'. Here they found spectacular geysers, canyons and hot springs which they termed as 'wonders' or 'curiosities' (Nash 1982: 110). It was during a campfire on a September night following the first in-depth expedition of the area when Cornelius Hedges, a lawyer from the East coast, told his fellow mates that maybe it would be better to keep the area around the geysers out of land speculations and to turn them a public park. Hedges had in mind the 'luck' of other curiosities on the American continent such as Niagara Falls or Saratoga Springs, which were in the midst of hard disputes between private speculators who were disputing their property rights[27]. For Hedges, state intervention would have saved these

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[27] The history of Niagara Falls in the last two hundred years represents a clear example of tensions between the entrepreneurial capitalist spirit and conservationist aims. Starting with the early 1820s, a great deal of land near the cataract of the fall was legally granted by the state to private speculators. Some private initiatives for hydro energetic power plants construction were frozen, one after another, due to long disputes around property rights,

wonders. Lobbying for protecting these wonders in the context of the Niagara scandals was not that difficult. Yellowstone was decreed by the president Ulysses Grant on the first of March 1872, the first National Park of the United States, it was "dedicated and set apart as a public park or pleasuring ground for the benefit and enjoyment of the people; and all persons who shall locate, or settle upon, or occupy the same or any part thereof, except as hereinafter provided, shall be considered trespassers and removed there from." (The act of Dedication, in Chittenden 1915: 77-78).

However, it was only under Theodor Roosevelt (in office 1901-1909) that the actions to set aside national parks became a matter of state policy. The problem was how to do it, and how much access should be granted to human activity. Roosevelt saw the political opportunity in both competing approaches for nature protection, and as a consequence he had an ambivalent attitude. Nash notes: "[i]n this seesaw manner Roosevelt hoped to hold the two wings of the conservation movement together on an united front." (Nash 1982: 163). Both Muir and Pinchot were in close relations with the President. In 1903, Roosevelt camped in Yosemite with Muir for several days; and with Pinchot he had close connections even before becoming president. Roosevelt turned wilderness into the strong point of his political campaign. In Roosevelt's view, the American state needed these relics of pioneering settlement as the future generations needed a model. Wilderness proved to be the perfect match for his political discourse. He saw the opportunity in that the US could take a world lead in wilderness protection and, through it, acquire a cultural legitimacy. The frontier was vanished, but its virtues needed to survive. Roosevelt called for "every believer in manliness… every lover of nature, every man who appreciates the majesty and beauty of wilderness and of wild life" to give him support (Roosevelt, *African Game Trails*, *Works*, 5, xxvii, quoted in Nash 1982: 150). This encouraged Muir, the first authority in nature preservation, to push for the creation of more preserved areas where no human activity could be carried out. And with significant effect, as Nash concludes: "The rapid growth of the preservation movement, which reached its climax after 1910 (…) suggests that a sizable number of Americans joined with their President in detecting a national malaise and shared his faith in a wilderness cure." (ibid: 151).

But the existence of wilderness was not well-matched with the idea of wise management of forests, seen as crops. The growing necessity for timber and water supplies for the new settlements had to be satisfied. For this, Roosevelt credited Pinchot and appointed

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while the degradation of the area and the increased number of tourists eventually led to the declaration of *The Niagara Reservation* (see McGreevy 1994: 108-118).

him in 1905 the head of the United State Forest Service. As head of the service, Pinchot introduced forestry management measures for the private owners. The wishes of his friend Reynolds made fifteen years earlier became true: no tree could be cut in the US without his knowledge. But neither preserved. Roosevelt succeeded in keeping the balance between the preservationist claims of John Muir and the wise management measures of Pinchot until a water basin had to be constructed for the booming city of San Francisco. There was only one way to do this – breaking into the mythical Yosemite Valley. Pinchot was the first advocate for this, since it was a new opportunity for the lumber industry in which his family was involved. Roosevelt agreed with Pinchot showing the other part of his political discourse, the progressive one, and therefore the Hetch Hetchy Damm started to be constructed with federal funds in 1913. Roosevelt saw that controlling people's access to resources actually means political capital. And this is a well known path of todays' politicians as well. As Maher put it "progressive conservation did more than merely mirror Progressive politics; it played a vital role in transforming political power in Washington, D.C. The efficient use of trees, soil, and water located primarily in rural regions helped to extend the political reach of authority emanating from the nation's capital." (Maher 2008: 4).

The story of the first protected areas in the world is an example of how, ultimately, the confrontation between big ideas resumes to disputes between key actors. But the overall context of the confrontation has to be considered as well. If wilderness was previously considered, by the Church and by the State, a desert, waste, a dammed space of dangerous beasts, the shelter of Satan it became, in the American Puritan tradition, the house of God. This spectacular twist of values would not have been possible outside the political context of the post-frontier era, the era of crystallization of the American national identity. Wilderness became the depository of the social memory for the brave ancestors that pushed the frontier further where 'no one' went before. In the American social representation of the mid nineteenth century, wilderness turned into a fictitious challenge of pure values where the robustness of both mind and spirit could be built, and to which everyone that felt American should adhere. The image of the American wilderness was turned into a national brand, and the American citizens, with an imaginary Sequoya Tree in their backyards, were the first that supported the country's brand, first, through tourism. Wilderness became the fountain of American values: America is wild and big, America is strong and down to earth, America has God on its side. Wilderness is not an enemy, but mother; the American bald eagle shields its progenies screaming: *E Pluribus Unum.*

Ironically, wilderness legitimized individualism. In the wild, in an unknown environment of high uncertainty, it was not social cohesion that was praised, but the individual action, the pioneer that will open new frontiers, and ultimately, the entrepreneur[28]. Ulysses wanted to return to Ithaca, the American hero wants to go further beyond. An odyssey is a round journey that initiates the traveler; an expedition is a linear, one way trip that sets new frontiers. We see how, paradoxically, at the heart of the greatest democracy of the world lies not the communitarian bounds that call back for a permanent remembrance of rules, but the brave lonely rider who escapes community's bounds and finds his legitimacy only in relation with a never-ending wilderness, a permanent provocation, an everlasting insecurity. If wilderness no longer exists, owning a Harley Davidson is pointless; if insecurity is pinned down by social safety nets, the American dream is throttled.

Hence, we see how, during the post frontier period that followed the last Indian resistance from the nineteenth century, wilderness became the linchpin between national identity legitimacy and the intrinsic value of nature. That inexplicable force of nature should no longer be disenchanted in instrumental value, but kept untouched. The anthropocentric view of nature gets articulated with the intrinsic value of nature through heroic individualism. Conserving nature's intrinsic value, preserving wilderness, is legitimizing the identity and vital power of the United States of America.

Visitors from around the world became acquainted with the new idea of the national park and soon became carriers of this first cultural export of the United States. The first national parks in Spain and Romania were established after the American model, not only in terms of management, but also in terms of discourse. Nature and nation not only have the same etymological roots, as I showed previously, but became part of the same discourse during the first decades of the twentieth century.

Chapter 6 - The translation of the American National Parks in Spain and Romania

I shall not address here in detail how the idea of nature, wilderness and the rise of nationalism went hand in hand. For this, another endeavor in the history of nationalism is needed with little payoff for the present study. I want to describe in the following pages how the concept of the national park was translated in the two countries under concern for my study.

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[28] It is surprising that Schumpeter does not refer to the role of the frontier in his theory of entrepreneurial action, although Turner's work was widely know and generated ample debate in the 30s. For following the debate see Slotkin 1992; Faragher 1994.

6.1. Spain – Cavadonga

In 1898, Spain lost Cuba, Puerto Rico and the Philippines following the defeat of the Spanish-American War. During this war, Theodor Roosevelt commanded a regiment in Cuba, gaining the Medal of Honor, an event which propelled him into the White House. Yet, the geopolitical crisis of the Spanish Empire was translated in the Iberian Peninsula in massive economic, political and social crisis, which eventually led to the Spanish Civil War. A response to this crisis was the coagulation of an intellectual effort for reforming various sectors of Spanish society. 'Back to Nature' became the pivotal reference point in this regeneration societal movement[29]. One of the projects was a parallel schooling system, called *Institution Libre de Ensenanza* (Free Institute of Education) in response to the politically corrupt Catholic state system. This institute was founded by Francisco Giner de los Rios and regrouped quasi all intellectuals from, what was latter called the Generation (18)98. Noel Valis notes in his analysis of the reform in the Spanish education system:

> *"He* [Giner]*, like the literary Generation of 1898, was obsessed -- and rightly so -- with the question of Spain's decadence, and the vital necessity for her regeneration. And he took the now classic position of the nineteenth-century liberal that through education lay the country's revitalization. It must be clearly understood that Don Francisco's efforts were those of a minority and directed toward a minority. It was not mass education, although the effects of the Institute certainly were to reach public education throughout Spain in the twentieth century."* (Valis 1977: 10).

Through his literary but also managerial talent, Giner had a profound influence on the new generation of writers and poets. His writings created a new esthetic with regard to nature, an esthetic with a profound religious feeling. He describes the beauty of the Spanish landscape in an ecstatic mood: "I do not remember having felt a feeling of finding myself more profound, bigger, more solemn, more indeed religious [than in the landscape of Segovia]" (Giner *Paisajes* [1886], quoted in Joaquín Fernández 1999: 28). Yet, the media was already focusing on the new nature protection policies from the US. In May 1884 *El Globo* published a dossier concerning the issue stating:

> "The importance that the forests (los montes[30]) have in the modern times is so big that all the countries that have even some small respect for themselves give them special attention. The United States, despite their big areas with secular forests (…) had finally become aware that the recent deforestations can be disastrous, both for the health as for the wealth of the nation, and has begun to get preoccupied about this issue…" (*El Globo*, 9 of May 1884, in Joaquín Fernández 2004: 219).

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[29] Santos Juliá states that the Generation of the 98 shall not be considered *a movement* as such, for, unlike the intellectuals *de lettras* from 1868, and those from mid XX century, these intellectuals were lacking an action program with political objectives, being more characterized by *"a profound aversion for the concrete"*, and considering themselves the voice of the people that were part of, rather than its consciousness (Juliá 2004: 68).
[30] See next part for the definition of the *monte* in Spanish law. Here it refers to forested communal land.

One influential journalist of that time, Ginés Alberola, published extensive articles in *El Globo* favoring nature protection. He employs a discourse very similar to Giner, Hoffmann, Thoreau or Muir: "[t]here is no doubt that the view of the mountains always stirs a religious esteem to the human being, looking at the temples of Nature all around the continents is venerating God." (quoted in Joaquín Fernández 2004: 223).

This is the bulb from where members of what we would call today the *alternative movement*, grew further new esthetics to nature that had, without their volition, strong political outcome in the decades to come. Painters, poets, and philosophers were voluntary teaching and organizing excursions into nature for pupils and students of various ages. These students created further similar institutions all across Spain: *La Sociedad Científica de Amigos del Guadarrama* (1886), *Club de los Doce* (1907), *Club Alpino Español, Sociedad Deportiva Excursionista* (1913). González Trueba and Serrano Cañadas picture the new ethos very well:

> "The ideas of [societal] regeneration, the landscape philosophy of the *Institucion Libre de Ensenanza* and hiking (excursionismo) as a cultural movement, sometimes indented with nationalistic character, and at other times more sportive, scientific or pedagogic, fostered a nature protectionism with a social hegemonic character." (González Trueba and Serrano Cañadas 2007: 346).

Therefore, the establishment of the first national parks in Spain was, as in the US, preceded by artistic and leisure activities in the 'wilderness', as well as by a significant media support. Increasingly more urban people, those who could afford to in terms of time and money, came in search of the essential energy and spirituality offered by nature. However, they were recreating nature according to their imagination and interests. This was, in very schematic lines, the social environment of the establishment of the first national parks in Spain. From now, we will turn our attention to a key actor - Pedro José Pidal y Bernaldo de Quirós.

Pidal was member of the national parliament, being elected in the district of Mondoñedo, in Galicia. The best portrait of him also comes from González Trueba and Serrano Cañadas: "a dissolute man, eccentric, excellent alpinist, grand traveler, magnificent sportive, adventurer, restless hunter, politician and friend of the king." (idem). In 1915 Pidal traveled to the US and visited Yellowstone and Yosemite. He had close contacts with US officials and became impressed by the idea of the national park. He became acquainted with John Muir's philosophy, to which he felt very much attracted, but also with the conservationists politics of Pinchot (Hetch Hetchy Damm was under construction when he visited Yosemite). He noted in an article right after his arrival in Spain the following year:

> "The trip I made in America for studying in the field, **de visu**, the organization and function of the national parks in the Far-West, I didn't undertake it following a mission given by the Spanish government, but obeying the indications and suggestions of somebody that is above us all in Spain: HM Don Alfonso XIII (…) (Pedro Pidal in *El Imperial*, quoted in Fernández Sáchez and Pradas Regel 1996: 34).

Next year, Pidal presented a seething discourse in the Spanish Senate advocating for a law of national parks in Spain. In his view, national parks had a fundamental renascent ethos for the nation. This discourse is of crucial importance for understanding the relation between nature protection, the ethos associated to it, and the inner conflict with the concept of property in the Spanish context of that time. The following extracts are telling in this regard:

> "the national parks unavoidably have the character of Reconquista; of Reconquista, yes, of the national territory, (…) if before it was the Arabs that conquered us, today it is the aridity that conquers us."

> "Where is the afforestation that we are all craving for? Where is the forestry policy that has to prevail over all the others [policies]? (…) There is a monotone and short noise which irritates and drives us to despair. And you know gentleman what this noise is? It is the ax! It is **the ax of the Spanish wilderness (*salvaje español*), which we haven't managed to civilize yet"** (quoted in Fernández 1999: 33).

> "The private owners? Are you not hearing all day long the Spanish, still one of the most conspicuous, are cutting down their forests (montes)? **And the villages? What is common is of no one, is a saying**, and there where the forestry engineer (igeniero de Montes) is negligent, or the forestry guard is not doing his job, a forest (un monte) is chopped down or destroyed."

> "The North Americans have understood very well that Progress needs two torches: the torch that illuminates the environment, the path of life, and the torch that illuminates the end, the goal in life. The environment, the path, the milieu of life, is **The Freedom**. The end, the conclusion, the aim, is the contemplation of **the Divine or the Beauty**. **Yellowstone**, dear Senators, is the first National Park of America and of the world (…)" (quoted in Fernández 2004: 227).

> Further on, Pidal speaks about how to implement the park, and who the potential enemies of this new idea are.
> "This is an effort which requires, as a first incent for accomplishing it, **a culture of the people; without this culture, it would be very difficult to get to the intelligence and rationale of the peasants,** [explaining] that devastating the forests is something that can be contrary, **not only to the interest of the nation, but also to his own interest**; that continuing to hunt, in the form that is done, is a crime for nature, in contrary also with the interests of the villages (…)" (ibid, p. 231, my emphasis).

Due to Pidal's lobbying and his very good relations with the royal family, especially the king, Alfonso III, to whom Pidal was the habitual hunting partner (see Joaquin Fernandez 1999: 31-2), the Spanish law of national parks passed in 1917.

Pidal was Asturian, Marques of Villaviciosa, so what better place for establishing the first Spanish national park than the Mountains of Cavadonga in Asturias?!... The sacred mountains of the Cavadonga, the place where Pelagius defended heroically the last Christian Stronghold of the Iberian Peninsula, putting an end to the Arab invasion and starting *Reconquista*. Alcutén notes: "the very name of Cavadonga and the invention of a protected landscape in the celebration moment of twelve centuries from the reconquest battle are not accidental." (Alcutén 2002: 127).
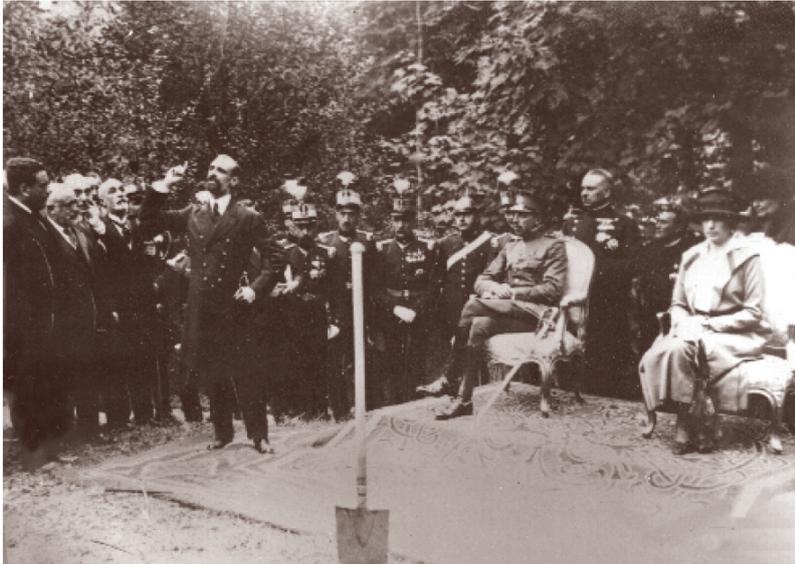
Picture 2: The inauguration of Parque Nacional de la Montaña de Covadonga on 8 September 1918.

The minister of development (Fomento), Francisco Cambó, gives a speech in front HRM Alfonso XIII and Queen Victoria Eugenia. In the second row, we can (almost) see Pidal. The pictures 1 and 2 were kindly provided by ASOCIACIÓN CULTURAL ABAMIA.

Casado de Otaola also notes: "[a] whole chain of traditional, nationalistic, conservationist, both in the politics as in the religious spheres got attached on the idea of national parks" (Casado 1997: 394).

8 – COVADONGA. Plantación del árbol por S. M. Don Alfonso XIII

Picture 3: idem

Therefore, the rhetoric used in promoting the new idea of national parks was, as in the American case, a combination of nationalism, traditionalism, renascentism, vigor, health, but also economic development, scientific advancement and emancipation.

Picture 4: Young intellectuals from Asturias in a taxi trip in the national park of Cavadonga, mid 1920's.
Picture kindly provided by ASOCIACIÓN CULTURAL ABAMIA.

One of the environmental officers that I interviewed is from the area of Cavadonga and we talked about the moment of inauguration of the national park while watching old pictures like the one above.

> "The village of Corao is at the basis of Picos de Europa, in the Güeña valley and the peasants from the village were always with the cattle around the Lakes of Cavadonga, and other pasturelands even more far away. Therefore, a visit in the wilderness was absolutely natural, and they were most of the time walking there. (…) In the above photo we see an excursion made for the inauguration of the railway in Cavadonga, an event which mobilized the intellectual youth from the region. The young girl who is standing is the girl of a famous clockmaker form Corao, and of course they could afford the trip in a taxi." (F.J.P. I)

Cavadonga was followed by the National Park of Ordesa in the same year. Yet, as Mulero Mendigorri notes (2002: 18-26), although Pidal tried to implement in Spain the idea of national parks as in the US, the Spanish reality was very different from the American one. First, the Spanish landscape was densely populated, second, the Spanish state lacked the financial resources for developing a touristic infrastructure, and third and most problematic, in 1916 a state decree which guaranteed the inviolability of private property was passed. For the Cavadonga Park, the situation got even more complicated with the economic interests of *The Asturiana Mines Limited*, a multinational British mining company with extracting interests around Lake Enol. The incoherence of the state policies backed-up by financial impotence was translated into more pressure on the peasants living in the proximity of the new parks. Yet, there were no notable conflicts at local level in the first years of establishing Cavadonga National Park and this, I believe, was due to a complicity of the local administrative authorities with the peasants' cause. Mulero Mendigorri puts it somehow lapidary: (…) "the problems caused by **different land property regimes** and the impossibility to implement [the parks] on private property plots, (…) the meager participation of the local administration" lead eventually to stagnation of the parks implementation for the next eight years and a weakening of the nature protection aims by decreasing the level of access exclusion (ibid: 25, my emphasis).

Who were the actors, besides the politicians and artists, that where carrying the protectionist rhetoric? It is very important to mention, at this point, how the national parks were administrated back then, and by whom. Each park had an administration board which consisted of: the chief forestry engineer from the district where the park was located, an academic of natural science from a university or an institute of research, and the president of an association such as **Los amigos del País,** *Los amigos del Arbol*, etc. (ibid: 20). These associations were empowered by law to take part in the administration of the parks from the very beginning. Yet, all these actors played a very important role in the designation of the areas, which were protected as well, and not only in their subsequent administration. The forestry engineer, or, more appropriately, a team of engineers, had to provide a chunky biogeographical description of the presumed area together with meticulous information about the property regime, the means of communication, and the socioeconomic state of affairs (idem).

In the Spanish case, the message was clear: like Phoenix, the Spanish nation was meant to reborn from its ashes in these remote places which stood as its shield for such a long time. For this instance, the shield would be called *national park*. The establishment of the first national parks in Spain shows clearly an imbrication of history, geopolitics, religion and local politics, translated from the US model. According to Joaquín Fernández (1999: 32, 35-6), the law for national parks remained unchanged until 1975, and only a few amendments were added until 1997 (see the Spanish section). Cavadonga preserved its name until 1995, but, as soon as its area was double, it acquired, like an aristocrat, new titles – Natura 2000 protected site, Biosphere Reserve, and a name worthy for such titles – *Picos de Europa*, The Mettles of Europe.

6.2. Romania – The Mountain Without Crest

> *Once upon a time, the White-King ruled in this land. And he had a very beautiful daughter, so beautiful that she was famous in all the shires, over nine kingdoms and nine salted seas. And the princes were wilting for desire, although they knew her only by fame. All the kings from the surrounding kingdoms wanted her, and she was rejecting them all even though they were strong like bears and beautiful like evergreens. ...And they were dying out of longing for her and were turning into shadows. But in that time, in these mountains a Zmeu came.[31] It was a Zmeu that no one at court had ever seen or heard off before in his life; nor had the folk heard anything about its existence. This beast was doing only evil in the kingdom, but the most terrible thing was that, for every meal, it was ravenously demanded a girl. And during the night it was even more terrifying for it searched out young maidens. When the White-King was told by his captains about this, he ordered a quadruple guarding for his daughter. And in order for the Zmeu not to hide over the top of the nearby mountain, and for the guards to have an extensive view over the horizon, he took the magic broadsword inherited from his father, the Red-King, spun it around his head with both arms, and with a bold and mighty strike he sliced off the top of the mountain! Since then, the mountain is called Retezat, the mountain without crest.*

I do not know what happened with the White-King's daughter, if the Zmeu got her in the end or who married her. Nor will I go so far as to interpret the story of Retezat as to how political rulers modified nature according to their needs even in mythical times when unpredictable crises came about; or if they consulted the other stakeholders and the peasants in the villages around for accessing 'natural resources'. It is only a nice fairytale that I encountered in the village of Neag during my tour of national protected areas as part of the fieldwork pursued in Romania. I heard it from C. whom I met in one of the local taverns. He was 56 and until 2005 he worked in the coal mine situated at about 30 km away from Neag. When he heard that I

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[31] Zmeu is a Romanian mythological figure associated with challenge and change. Its physical representation varies according to regions but commonly it can be associated with a dragon.

wanted to visit the park, he was keen to tell me the story of Retezat as if it was something important that I needed to know before getting in touch with the park personnel. C. is proud to live by Romania's first National Park, it is something important that his village is next to it; it is a sense of local and national pride. "We can show to Europe that our country has so many beauties, not only gypsies and handicapped people." However, as to the importance of the park, C. is suspicious: "I don't know why they made the park, I was not born back then, but the people have problems with pasturing the cows around."

The park rangers told me that Retezat has a unique "biotope" (they were speaking in the old language of nature protection, therefore not *biodiversity*, although they were not much older than I) in all South-Eastern Europe. This "natural treasure", they said, needs to be protected against tourists and the locals who pasture their cows in the area. I found out that intensive lobbying had been carried out in the surrounding villages to help the people understand the enlargement of the protected areas and the land use changes that it implied. One of the dimensions fostered was the cultural heritage and particular history of this region in nature protection. I forgot to ask C. how he knew the story of Retezat.

The park was founded by Emil Racoviţă and Alexandru Borza in 1935. Emil Racoviţă (1868-1947) was a Romanian biologist, who undertook his studies in Paris[32]. He was a member of the French Zoology Society, which in 1897 recommended him to take part in a Belgian scientific expedition to Antarctica. This historical expedition and the overall scientific environment in Paris connected Racoviţă with nature conservation concerns. Yet it also made him aware of the importance of *Nature* in nation-building identity. The return of the *Belgica* ship in Antwerp after fifteen months trapped in the Antarctic ice ocean was a triumph celebrated like a national day in Brussels. Conquering nature acquired another meaning through scientific expeditions: understanding it, studying it and ultimately protecting it. Racoviţă stated: ". . . all natural monuments, places, living creatures and ancient monuments, because of their scientific, landscape and historic importance, deserve to be protected for the public use in present and future times'' (Racoviţă 1934, quoted in Ioras 2001: 12).

A well celebrated scientific personality in western European, Racoviţă set up the scientific context for nature protection in Romania. In 1920, two years after the end of the First World War and the unification of Transylvania with the Kingdom of Romania, Racoviţă was appointed professor at Cluj University within the Faculty of Natural Science, and in the same year he set up the first bio-speleology institute in the world at the same university. Cluj,

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[32] In the Romanian part I will describe in detail the role of the Romanian intelligentsia who studied abroad during that period of time.

a fancy citadel in the heart of Transylvania, soon became a transnational focal point, albeit francophone, of nature protection initiatives. Racoviţă brought to his institute two renowned French biologists - Jules Guiart and René Jeannel, who together with the Swiss Alfred Chappuis, pursued studies on the Carpathian flora. On 21 April 1928, he organized the first congress of the Romanian naturalists (Cristea 2006: 20). However, unlike in Spain, public awareness with regard to nature conservation appeared to be quasi inexistent. Nevertheless, the academic atmosphere was fruitful enough for the young biologist, Alexandru Borza (1887-1971), who, with a PhD in natural sciences form the University of Budapest, joined the cause for nature conservation in Romania.

Borza became the most preeminent figure in Romanian nature conservation in the period between 1920 and 1947. Like Pidal, Borza traveled to the US, visited Yellowstone, and got inspired for promoting the creation of national parks in Romania. Yet, unlike Pidal, his political perspectives were less ambitious, and the scientific scope prevailed before the economic ones. In the following I will describe how the protectionist discourse of Thoreau and Muir reached the Carpathians.

Borza traveled to the US in 1926 for the *International Botanic Congress*, held in August in Ythaca, N.Y.[33] Right after the congress, together with 23 fellow botanists, he took the train from Chicago directly to Yellowstone. He was deeply impressed by the geysers, which were presented to him as "*the most important natural wonder of this park*" (Borza 1926: 746). We remember that when Cornelius Hedges first advocated for the implementation of a protection area in Yellowstone Valley, he was talking about the "curiosities" and "wonders", and not biotops or other scientific jargon, among which the geysers were the most important. This discourse was thus repeated until 1926.

Borza got stricken by the business administration of Yellowstone. A bus company took them directly from the train station and for the following six days was carrying them according to a fixed scheduled. I do not know if Borza read Weber's *Protestant Ethic* during his studies, it is unlikely if we think that he was a biologist, but not unlikely if we think that he was fluent in German (but also in Hungarian, French, English, Italian), he had a BA in

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[33] I follow here Borza's article from 1926 "Prin «Parcurile Naţionale» din Statele Unite" (Through "National Parks" in United States) published right after his return. We noticed that he puts in the title the syntagm *national parks* within quotation, as for an innovative concept. In this article Borza describes step by step, in a diary mode of writing, his experience. The article is very rich in social details about meeting the American culture, and the nature protectionist culture. For example, he specifies that instead of walking through the park "like true tourists", they got driven in buses; he is puzzled for the denomination of the traveling sack – *"Rucksackul"*, the memory of the German troops which just left Romania some eight years before he wrote these lines is still vivid; they eat in huge *"Campus"* using a complicated system of *"ticket"*- ing; and the jazz-band is playing *"such a barbarian music"* (Borza 1926: 746-7).

theology, and he was animated by a restless scientific curiosity. The following passage is striking to me:

> "Our group got a number: «8 Fuller Party» - this was our name from that point on. Within the group, everybody got a precise place, loosing completely our individuality and personality. We became a number, an object in the hands of this company, which was feeding us, carrying us, housing us, and was taking care of our regulated amusement, with the punctuality of a machine, with a very boring promptitude for a European, and especially for a Romanian, with the tenderness and gentleness which started to bore me from a point on." (idem).

Fordism reached the tourism industry sooner than we might think – this happened in 1926, and the practice was already well institutionalized. Yet, all the personnel from the park were students from all over America. There were tourists from all over America "in thousands of automobiles spread in the park", carrying their tents with them "for a vacation in the middle of nature, taking advantage of the idyllic peace that prevails in this place." (idem)
The evenings had a precise program: first eating, then a choir of eight to ten folk songs ("cântece populare") recited from "books of songs that was delivered to their hands". Borza did not say what songs these were, but from my personal experience in Yosemite, I believe that these were proto-Scouts songs. The following titles that I encountered in Yosemite as old, from generation to generation Scouts songs, are quite telling: Wilderness Ranger; Girls of the Golden; Red, White & Yellowstone; The Yellowstone Song. Finally, the *8 Fuller Party* got accommodated in wooden made huts, while those with more money could opt for luxurious hotels.

What is very interesting is that Borza found the scientific activities at Yellowstone nonexistent: no scientific research station; no scientific publications – only popular brochures; no catalog of the flora and fauna from the park; "the vegetation is not studied from an ecological and fitosociological point of view." Borza concludes as follows: "[f]rom all these results that, in America, even the most preeminent national park is considered more as a place for picnics, where the role of the state is only to guide the traffic (…)" (idem).

Yet, the American experience was enough for Borza to understand what he had to do from that point on:

> "the protection of nature and the awareness of a broad part of the population. I will seek to put in the first place the scientific study of nature from these reservations, with all the consequences of setting it apart from the human cultural influences. (…) The national parks of Romania will become focal points for knowledge, education and leisure for both Romanians and foreign visitors. They [the national parks] will

represent with dignity our cultural aims, emphasizing another part of the great cultural progress which Romania experienced after its unification." (idem).

We notice in this short passage two very important premises of Borza's thinking: the interrelation between the biological constitution of natural landscape and human activity, and the broader perspectives that nature protection addresses. These two stripes of thinking are of major importance in the academic and political actions that Borza undertook.

Picture 5*:* **Alexandru Borza (Center) in Retezat National Park.**
Photo reproduced from Cristea and Pedrotti 2005 (eds.) with the permission of the editors. First published in Borza 1933: 7. Original photo according to the text by "Borza".

Tourism in Romania had, like in Spain and the US, that emancipator touch, but unlike the two, it did not have the connotation of a spiritual revival of the nation. Romania was an agricultural country in 1930 with almost 80% of its population living in the countryside[34] and an industrial activity very little developed. Leisure was more the attribute of intellectuals.[35] However, it was associated with nature protection right from the beginning. Mihai Haret, a close collaborator of Borza, also a biologist, is the founder of the first nature protected area in Romania, The Cocora Reserve, about 300 hectares in The Bucegi Mountains[36]. But he is also the founder, in 1921, of the first tourist club. In the photo below we can see the fist logo of the first Romanian tourist association where we can read: "Ascociaţie de turism şi pentru protecţia Naturei", *Association for tourism and Nature Protection*. The slogan was: *Through Tourism to the knowing of Romania*.

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[34] The census from 1930 shows a total population of 18 025 896 inhabitants, out of which 78,9% were living in rural areas. (INS) More insights are provided in the Romanian part.
[35] Insights about the beginning of tourism and organized leisure activities in Romania are provided in Dumbravă 1924, Haret 1923, Ionescu-Dunăreanu 1976. Very interesting is that the leisure activities were mostly named in these writings according to the place where they were attended: Bucegi-ism, Sinai(a)-ism etc.
[36] Borza published in his article *Problema protecţunei Naturii în Romania* a very important list with Romanian literature previous to 1929 on the issue concerning nature protection (Borza 1929: 120-1).

Picture 6*: **The logo of the first tourism club in Romania.**
Picture reproduced from Dumbravă 1924: 93.

Hence, the concentrated effort of Borza, Racoviţă and Haret led to the adoption of the first national law for nature protection in 1930. Both Borza and Racoviţă were part of the commission which had its administrative headquarters in Bucharest and the scientific ones in Cluj. Two other national parks were set in the aftermath of Retezat: Letea – in the Danube Delta, and Piatra Craiului – in the Bucegi Mountains. But the problem of implementing national parks in Romania following the fortress-conservation American system was the same as in Spain; that the land was inhabited and in use. In his article from 1927, Borza deplores the conflicts that the law for nature protection would cause with the newly adopted agrarian law.

> "The new re-establishment of property rights over the land according to the agrarian law is made and disassembled according to political interests. Our national parks and scientific reserves must be settled forever, so that they can fulfill their important scientific, cultural, national and economic aims. They must be protected against the ephemeral interests." (Borza 1927: 10).

Borza seems to be insensitive with regard to traditional land use – "the ancient vegetation was almost completely displaced by human made cultures or deeply modified by human action (deforestation, grazing, mowing, irrigation), so that it is hard to find a natural corner with pristine vegetation, where one can explicate the natural laws of flora's life." (ibid: 3).
In the first European congress on nature protection which took place in December 1929 in Krakow, Borza stated:

> "The professional personnel form Czechoslovakia, Poland and Romania, shall prepare as soon as possible a common agreement with regard to the protection of land, where the nomad pasturing of peasants' livestock shall not be tolerated anymore; view the scientific and touristic value of the landscapes [in the Carpathians]. (Borza 1929: 60)

We see that the first attempts to transnational regulation of nature protection were aimed at changes in traditional land use. Yet, it seems that Borza was very focused on the paradisiacal image of Nature, and he was tempted to have an essentialist view with regard to the human-nature relation, same as Muir and Thoreau. Modern or archaic, the fairytale of Retezat seems to be useless in providing points for reflection to the natural scientists in their search for the 'laws of nature'. In this chapter, I presented how the American concept of the national park became transported and then translated in the social reality of the beginning of twentieth century Spain and Romania. My first purpose was to emphasize the overall ideological context in which this diffusion of ideas happened, and to trace, as eloquently as possible, the actors, channels and mechanisms involved in this first transnational dissemination of ideas for nature protection.

Chapter 7 - From Parks to Biodiversity: The institutionalization of environmentalism

A close look at the ascent of ecocentrism as a cultural and intellectual movement is needed because it is in close connection with the preservationist / conservationist debate presented above and it helps us to understand how it came about that the European Economic Community pioneered transnational nature protection[37]. In addition to this, the institutionalization of environmentalism through the emergence of NGOs, EMOs (environmental movement organizations), Green Parties and the environmental departments within state governments nevertheless eventually led to a decrease of environmental activism.

7.1. Ecocentrism vs. Ecological Modernization

Ecocentrism developed as a philosophical critique to the post-industrial western society and is at the core of green political thought. Its inspirational sphere ranges form the socialist movements and transcendentalist philosophy of the nineteenth century to the pacifist manifests of New Left in the mid 1960's. Dobson points very well to its core features : *"This ecocentric politics explicitly seeks to decente the human beings, to question the mechanistic science and its technological consequences, to refuse the belief that the world was made for human beings – and it does this because it has been led to wonder whether dominant post-industrialism's project of material affluence is either desirable or sustainable."* (Dobson 1995: 10-11, quoted in Heijden 2010: 82). To put it in Polanyian terms, ecocentrism is the

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[37] I want to call the attention of the reader at this point to the use of the terms preservation, conservation and protection, and the derivates. Henceforth I will use preservationist to indicate Muir's stance, conservationist for the harmonization between economic and nature protection, and protection as a neutral term.

resistant part of the double movement. After the impetuous economic growth from the first two decades that followed the Second World War worldwide, the post war generations seized the ecological threats and coupled them with social injustice. The discrimination based on color, sex, religion or ethnic identity were part of the same critique. For the ecological threats, the main cause was hyper-production, while for social injustice it was the dominant individualism ethos of the capitalist system. Both had the same 'evil-root' – anthropocentrism.

The critique to anthropocentrism was built around the concept of intrinsic value of nature. Van der Heijden notes: "the intrinsic value of nature, in contrast to its appropriation or its exploitation by man, takes an important place in the ecocentrist thinking" (Heijden 2010: 80, my emphasis). The effects of the Free Speech Movement and other social movements formed in the 1960's turned into recalling into question the relation between the capitalism mode of production and the natural environment. Murray Bookchin published a groundbreaking article in 1965 called *Ecology and the Revolutionary Thought* which became a milestone in left-wing ecologist movements of the following decades[38]. Here he states: "[m]odern man's despoliation of the environment is global in scope, like his imperialism. It is even extraterrestrial, as witness the disturbances of the Van Allen Belt a few years ago. Today human parasitism disrupts more than the atmosphere, climate, water resources, soil, flora, and fauna of a region; it upsets virtually all the basic cycles of nature and threatens to undermine the stability of the environment on a worldwide scale." (Bookchin 1964). Ecocentrism transcends the national boundaries.

To sum-up, the main features of ecocentrist thinking are: the recognition of the intrinsic value of nature, technological skepticism, limits to the economic growth, social equity and trans-frontierism.

Ecological modernization is the response to the radical ecology stands of ecocentrism. It was built on previous attempts to deal with the problem of finite resources. *The Limits of Growth Repor*t, published in 1972 made gloomy predictions with regard to the correlations between population growth and natural resources' finite aspect. However, there were no significant reactions in the political sphere. One exception is the adoption of the Birds Directive by the EEC in 1979, but to this I will refer separately. The rise of the neo-liberal paradigm called upon a coherent conceptual and political stand with regard to the environmental threats. The answer came in 1987 with the setting-up of the UN World

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[38] Originally published in a newsletter published by Bookchin himself in 1964 and republished afterwards in the British monthly *Anarchy* in 1965. Source *Anarchy Archives*:
http://dwardmac.pitzer.edu/anarchist_archives/bookchin/ecologyandrev.html

Commission on Environment and Development, also known as the Brundtland Commission. The main achievement was the coining of the sustainable development concept – "development that meets the needs of the present without compromising the ability of future generations to meet their own needs" (WCED: 1987: 8). A swarm of buzzwords bewitched the political horizon ever since: 'eco-efficiency'; 'environmental conservation'; 'Environmental impact assessment' (Heijden 2010: 85). Ecological modernization was broadly defined in the literature as "the discourse that recognizes the structural character of the environmental problems but nonetheless, assumes that existing political, economic and social institutions can internalize care for the environment" (idem). In other words, ecological modernization is the discourse that greens the neoliberal political agenda.

What makes a significant difference between preservationist/conservationist categories, on one side, and the ecocentric/ecological modernization on the other is that the latter category is embedded in broader social concerns and entails a transnational discourse. The direct consequence of ecological modernization and the hegemony of sustainable development concept is a political approach through which nature is protected not by enclosing particular strips of land, but by modifying the access and use of the land. Although it might sound paradoxical, this approach is not a novelty, but a variation of the anthropocentric view over nature. Natura 2000 is another manifestation of this approach.

7.2. The institutionalization of environmentalism

I will not address here what the manifestations of this 'naturalist' movement in Romania and Spain were since I will give full insights in the respective empirical parts. However, it is worth mentioning that in both cases small links can be traced between the environmentalism thinking of 1968 and the first nature protection attempts presented above. Fernández presents this situation as a *cultural fissure* in which the anarchic *naturismo* and the libertarian communitarism in Spain didn't pay significant attention, even ignored, the ecological tradition of the end of the nineteenth century and the beginning of the twentieth one (Joaquín Fernández 1999: 35-8). On the other hand, the Romanian forestry's orientation towards the Soviet Union inhibited any proliferation of both ecocentrism and ecological modernization. The nature protectionist's aims were carried forward, as I will describe later on, through *local patriotism*.

One consequence of environmental protests from the early 1970s was the institutionalization of environmentalism. This concretized in the mergence of organized NGOs, EMOs, Green Parties and the organization of environmental departments within the

national governments (Rootes 2007). The problem was the same as nowadays: how to bring the environmental issues onto the political agenda. The EMOs offered consultancy and became close collaborators with national governance. The lobbying strategies and high dependency on donors politicized important EMOs such as Friends of the Earth and Greenpeace and diminished their activist activity. But this was not the only cause. A high public awareness institutionalized the environmental activism in everyday practices of citizens in North Western Europe, and therefore the activism became less visible. Rootes' study takes into account only institutionalization in a political sense and not the latter, the sociological one. He mentions, nevertheless, the role of media in forming public consciousness with regard to environmental issues but he does not discuss the transfer and formation of environmental good behavior in everyday practices. Yet, as van der Heijden observes "[m]any environmental organizations have lost their unique movement character and therefore an important part of their strength. It is doubtful whether their stronger position at some negotiation table will compensate for this." (Heijden 1997: 46). There are two issues that I will briefly address here. First is a glimpse at the consequences of political institutionalization of environmental activism; second is its relation to pre Second World War environmental movements.

For the first, Rootes' position is that there is no clear evidence that the institutionalization of environmentalism led to a decline in protests. He concludes that the protests' salience has declined but its incidence has not. While this study takes into account the multiplication of the forms of protest, the ethnographic data that I present in the following pages is a good evidence of the loose activism that the major NGOs at Brussels pursue. This is because an ecological stamp is troublesome for environmental lobbying. NGOs need to prove that they are not "crazy environmentalists" as one of my respondents put it referring to radical ecologists. The other reason is that for pushing environmental issues on the political agenda, NGOs became aware that ethical stands are not enough and only by the help of numbers, of a concrete accounting for environmental degradation, is convincing. This is how the discourse switched from biotopes to biodiversity. For this I will provide more details in the next chapters.

The second issue is, in brief, mentioned by Rootes in the concluding chapter of his edited study. He states that "[a]lthough it has antecedents stretching back into the nineteenth century, the modern environmental movement emerged only during the late 1960s." What Rootes does not answer is why the modern environmental movement ignored the environmental tradition previous to the Second World War, and with what consequences? As

showed in the previous chapters, the legitimacy on enacting environmental problems, and especially nature protection, went hand in hand with modern nation-identity building and had positivist science as one source of legitimization. World War Two eroded the legitimacy of both of them and therefore the connection was lost. With no anchor in tradition, the environmental movements of the New Left pushed for recognition of the environmental problems caused by the post-materialist society as if these issues were a novelty. Therefore, the consequence of the rupture with the tradition of environmentalism was that NOGs and EMOs were credited as producing valuable local knowledge for the policy-makers. Wurzel in his recently published article on nature protection measures at the level of EU notes: "[l]ocal knowledge by, for example, environmental groups has played an important role mainly during the implementation phase of the EU environmental policy-making cycle." (Wurzel 2008: 275) Moreover, the scope of the protests was also perceived by the party leaders as a novelty thus bringing environmental problems on the executive agenda required more time. As time passed, the EMOs got sufficiently colored in various political nuances for melding environmental activism. Rüdiger Wurzel offers a lucid picture for this process (2008: 259-82). He points to four phases in EU environmental policy: incidental (1958-72), adolescent (1972-87), mature (1987-92) and reorientation from 1992 onwards. In the first phase, no nature protection measure was adopted; the second one debuted with timid attempts of the first Environmental Action Programme (EAP) from 1973 which contains a chapter entitled 'protection of the natural environment'. What followed I will describe in the next chapter.

My argument in this chapter is that both environmental political institutionalization and the loss of the environmental activism tradition paved the way to procedural forms of legitimacy in decision-making concerning environmental issues in Western Europe. Nature protection suffered a lack of legitimacy in the EEC, but not because sources of legitimacy were not available, but because those sources of legitimacy sustained nature protection from long before the modern environmental protests went down in general. The difficulties in setting nature protection on the political agenda in ECC countries is also a consequence of this state of art.

Chapter 8 – Natura 2000 on the paper

"Why are they doing this? Why are they doing this? They said when you got here the whole thing started. Who are you? What are you? Where did you come from? I think you are the cause of all this. I think you're evil, EVIL!" A frantic mother to Melanie, dialog from *The Birds* (1963), by Alfred Hitchcock

Natura 2000 is a territory within the European Union. It represents about 18% of the overall EU's expanse. It is not a homogenous administrative unit, but a highly fragmented space in its geography, which disdains the borders of the national states – it is a transnational territory. Its cross-border fragmentation gives it the character of a network-territory. What sets apart this territory from other territories is a particular set of rules that regulate people's access and use of it. This set of regulations is meant to protect nature from human activity. Yet, Natura 2000 is not a human-void territory; on the contrary, it includes human settlements. As a consequence, the rules are meant to protect nature by changing the social patterns of land access and use. This is the perspective that leads the description of Natura 2000 in this chapter.

Legally speaking, Natura 2000 is the combination of two EU directives – Birds and Habitats, and it provides the legal overall framework of nature conservation at the EU level. Thus, a careful description of the directive is needed, but again, not apart from their context.

8.1. The Birds and the missiles' chant

The Mid 60's were the times when the Cold War reached its climax, of strong protests for civil rights and of the ascent of ecologism. Alfred Hitchcock's film "The Birds" is a fine illustration of the ecological concerns of this period. The film is one of the harshest critiques to the bourgeoning attitude of western society following the Second World War. How it will be if birds hunt humans with the same cruelty as humans hunt birds? Throughout the film, an iron cage with a captive bird is obstinately shown. In Hitchcock's view, the bird is a metaphor for the general relation between humans and nature, while the film itself is an ecocentric form of protest.

The first nature conservation initiative at the level of EEC was the Birds Directive in 1979[39]. NGOs and EU officials regard this directive as a pioneering act in transnational governance of

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[39] At this point I want to call attention for the distinction between environmental related issues/legislation, and natural protection ones, as a part of the former.

nature conservation – "*This directive is as important for conservationists as Columbus' odyssey towards the New World*" M.A., a biologist working for the European Environmental Bureau told me while testing one of the Brussels' marvelous beers. "*It was simply amazing that the EU, well EEC back then, was getting into the natural protection competencies. It is surprising for that time. But this started because of the very strong birds lobby.*" He explains to me that the birds lobby started in the UK during the 70s, backed-up by the *Royal Society for the Protection of Birds* (RSPB) and that *Bird Life International* started to lobby for the directive by the mid 70's. But it was impossible for me to find out more about the making of this directive during my short stay in Brussels. And what was, and still is, more puzzling: why birds?

Although this directive is of crucial importance in nature protection policy-making, little attention is paid, in the literature, to the context in which this directive was shaped, as well as to details concerning the area of applicability and the terminology used. Here I would like to bring a small contribution in this respect.

The Birds Directive is a response to the ecocentrist movement developed after 1968. The strong critiques to the damage of natural environment caused by capitalist growth of the national state found their response in a modern-ecology approach pioneered by the Birds Directive. In the sixth recital of the directive it is stated: "*Whereas the conservation of the species of wild birds naturally occurring in the European territory of the Member States is necessary to attain, within the operation of the common market, of the Community's objectives regarding the improvement of living conditions, **a harmonious development of economic activities** throughout the Community and a continuous and balanced expansion (…)*" (my emphasis). Because the Birds Directive is the first transnational attempt for nature protection, its uniqueness should not be overestimated. It is rather a new attempt to deal with environmental conflicts by pacifying economic interests and those for protecting nature. It follows the conservationist tradition presented in the previous part of this chapter but not by using the legitimacy of a new born science, namely forestry, but the discourse of the diffusion of responsibility at a transnational scale. The directive stresses on the cross-border need for birds' protection, called back then not transnational, but trans-frontier – "*whereas such species constitute a common heritage and whereas effective bird protection is typically a trans-frontier environment problem entailing common responsibilities;*" (third recital).

The directive concerns the birds, their eggs, nests and habitats. When looking at the directive's motives it seems there was a common understanding for cross-border protection of

the birds within the EEC. The following extracts from the motives of the Directive are clear in this respect:

- "Whereas the species of wild birds naturally occurring in the European territory of the Member States are mainly migratory species; whereas such species constitute a common heritage and whereas effective bird protection is typically a trans-frontier environment problem entailing common responsibilities;"

- "Whereas conservation is aimed at the long-term protection and management of natural resources as an integral part of the heritage of the peoples of Europe; whereas it makes it possible to control natural resources and governs their use on the basis of the measures necessary for the maintenance and adjustment of the natural balances between species as far as is reasonably possible;"

- "Whereas, because of the importance which may be attached to certain specific situations, provision should be made for the possibility of derogations on certain conditions and subject to monitoring by the Commission;"

But, cross-border does not imply that all borders have the same degree of permissibility. UK, Sweden, Denmark and Ireland joined the founding members of the EEC in 1973. The directive contains a puzzling inner aspect, namely the exclusion of Greenland, a Danish territory. The directive specifies very clearly that Greenland is not subject to this directive (Article 2). The reason is that "the conditions of life for birds in Greenland are fundamentally different from those in the other regions of the European territory of the Member States on account of the general circumstances and in particular the climate, the low density of population and the exceptional size and geographical situation of the island;" (The motives of the directive).

However, one of the main characteristics of birds is their migratory instinct through well defined roots, as also stated in the opening motives. Thus, I see the two perspectives as being, if not antagonist, at least not coherent one with each other, therefore calling for a closer look.

The main pattern of migration for the European birds is North-South – flying north during spring for breeding, and returning likewise to their place of birth. According to *Avibase*[40], Greenland has 238 species of birds, while Romania, by comparison, has 380. We see that the population of birds in Greenland is not at all negligible. Looking further on the precious data available on *Avibase*, I found out that most of the birds in Greenland are located on the southwestern coast, and this region is actually a hot spot for migratory birds.

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[40]The world bird database http://avibase.bsc-eoc.org/checklist.jsp?lang=EN

Making further investigations in ornithology, a field that I would have never considered so fascinating otherwise, I discovered some additional data that strengthened my doubts with regard to the official statements of Greenland's exception from the Birds Directive. The pick of the ornithological studies in Greenland was in the mid 70's. According to Peter Lyngs, the monitoring of birds through the ringing method in Greenland was the most intense between 1965 and 1980. The chart below can also be considered as a good indicator for the conservation awareness in Greenland. In 1974, the first and only National Park is created, and is located in the north east, so at antipodes with the region with the biggest colonies of birds. *Kalaallit Nunaanni nuna eqqissisimatitaq,* is the biggest National Park in the world; it has 972.000 km²; about the size of France and Germany combined.
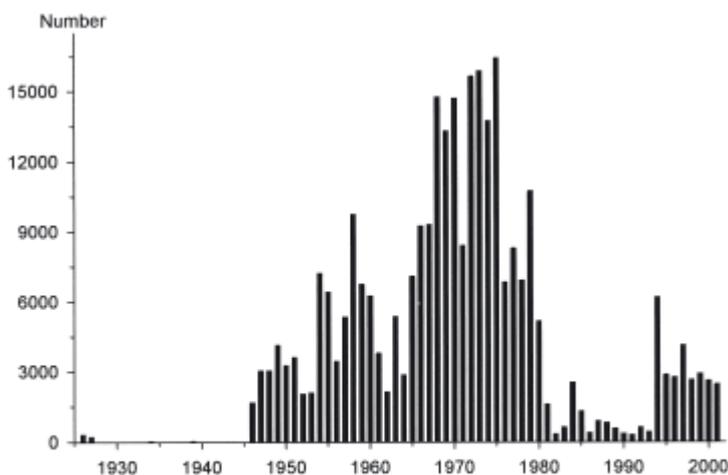
Fig. 1. Annual number of birds ringed in Greenland 1926-2001.

Figure 2: Annual number of birds ringed in Greenland 1926-2001, Source: Lyngs (2003: 5)

We also notice in this graphic a dramatic drop of bird ringing after 1980 which corresponds to the implementation of the directive in Denmark. Lyngs describes how the ringing system was implemented in Greenland with the help of local people. Researchers were helped by the local people to catch the birds and the locals were paid for each ringed bird. The funds were public money from the Danish Government and some contributions from the Carlsberg Foundation were available as well (Lyngs 2003: 5). With no interests from the EEC in Birds, the Danish government dropt all the investments in birds research in Greenland by 1984. So why was Greenland excluded from the Birds Directive, despite the important population of birds on the island and despite fervent scientific activity concerning the monitoring of wild birds? The official motives of the directive are rather cynical.

My hint is the geostrategic importance of Greenland. One year after the Germans invaded Denmark in April 1940, the Danish Ambassador to the United States signed a treaty with the American Government which granted the said government military control over Greenland (Taagholt and Hansen 2001: 23-7). The so-called 'Treaty of Greenland' granted the US Army the right to use the island for military purposes until the threats to US security were over. Greenland begins to play its role in world politics. The control of the Arctic Ocean was of crucial importance for the survival of the UK and contact between allies' submarines and the USSR during the World War II. Beginning in 1941, the US army built eight military bases on the southwestern coast of Greenland as points for refueling planes and stationary points for war ships. But before too long, the US Government took advantage of the richness of Greenland's soil as well. The military bases were also used to defend the cryolite mines, a very precious mineral for the aluminum industry (and thus for the aircraft industry). The cryolite mines in Greenland were crucial to the allied forces[41].

After the Second World War, Thule in Greenland and Havana in Cuba became the hottest spots on the geopolitics map. Taagholt and Hansen note on their review of the historical security perspectives of Greenland: "After World War II, the United States at first depended upon a strategy (the perimeter strategy) that assumes a retaliatory attack from bases along the boundary of the Soviet Union, with the bases in southern Greenland, particularly Narsarsuaq, serving as stepping stones between the United States and Great Britain. The same stepping-stone concept was also used during World War II in maintaining lines of communication across the Atlantic." (Taagholt and Hansen 2001: 14). The exact number of American troops that were stationed in Greenland is unknown, but when the construction of the Thule base began in 1951, 11.000 men were located in northwestern Greenland. Greenland's geostrategic importance as outpost for the American Army was immense. Thule was constructed as a secret project and was ready to host 12.000 men and had over 100 million gallons fuel storage capacity. In 1961 the *Ballistic Missile Early Warning System* was installed by the American Government a few kilometers away from Thule. Jørgen and Jens Claus conclude: "[w]ith the development of intercontinental aircraft, the United States later shifted to a polar strategy in which the deterrent forces are located at bases in the U.S. or at

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[41] Conn et all note: "in General Arnold's [American general] opinion there were only two reasons for establishing bases in Greenland, namely, protecting convoys and ferrying planes. (…) [T]here was in actual fact another element which was becoming increasingly decisive. This was the defense of Greenland itself. (…) It involved, first, the fact that Greenland was a major source of cryolite for the aluminum industry of the United States and Canada (…). One well-directed shot from the deck gun of a German submarine or a clever act of sabotage by one of the workmen could have seriously damaged the cryolite mine at Ivigtut, might have perhaps put it out of operation and thereby disrupted the Canadian aluminum industry, on which Allied aircraft production was heavily dependent" (Conn et all 2000: 449).

advanced Arctic locations in order to have the shortest distance between the U.S. and the Soviet Union - across the Arctic Ocean" (Taagholt and Hansen 2001: 15).

Therefore, the problem with the birds in Greenland was not that there were not an adequate number in order to benefit from the protection of an EEC Directive; neither that the climate was so different (in the end, the Swedish north does not differ significantly); the problem was that the birds were located in the wrong place. An EEC Directive on Birds protection would have produced tensions in the geostrategic plans of the US. Although Greenland joined the EU as part of the Danish Kingdom in 1973, in 1985 it ceased to be formally part of the union following a referendum, and is considered to be an overseas territory of the EU, where the citizens have EU citizenship. Still, European regulations for nature conservation do not apply in Greenland, although its biodiversity is rich enough for establishing the largest national park in the World. On the other hand, Narsarsuaq and Thule continue to play an important role in present geopolitics. In May 2003, Denmark and the autonomous government of Greenland signed an accord in principle with the United States to extend the Thule Base as part of a project for an overall extending U.S. anti-missile defense (CBS News Online[42]).

Let's imagine the following scenario: the Pentagon approves $50 billion for enlarging the Thule military base, but the Defense Department cannot proceed with the implantation of satellite monitoring systems because some ecology activists are defending the birds' protected sites. The Greenland's exclusion case is an illustrative example for how transnational governance regimes can conflict not only for economic reasons. In this case, the Birds Directive cannot stay at odds with geopolitical issues. Birds, their eggs, nests, and habitats might be important, but not where the missiles chant.

8.2. The Habitats

Disregarding the case of Greenland, the Birds Directive was a milestone in transnational nature governance in Europe and in the world. Yet, no other major European initiatives for nature protection were set up in the following 13 years. I assume that this was due to the fact that the overall political environment transgressed major changes. The EEC continued to enlargen: first there was Greece in 1981, and five years later Spain and Portugal joined. Another five years later, the Communist Bloc fell apart and West and East Germany unified. These major geopolitical changes left little room for natural protection initiatives. However,

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[42] http://www.cbc.ca/news/background/us_missiledefence/timeline.html

in 1992, a new directive for nature protection was adopted by the EEC, establishing the act of birth for Natura 2000.

The Habitats Directive was published in the official journal of the EEC on 22 July 1992. For coherence of description, I have divided it into four major parts: the first two articles concern definitions; article 3 to article 11 inclusive concerns the "Conservation of natural habitats and habitats of species"; the third part deals with "the Protection of species" which focuses mostly on issues of monitoring and reporting, ranging from article 12 to article 16 inclusive, while the final part deals with further information on monitoring and research, and provisions, articles 17 to 24. The first two parts, together of course with the motives (recitals) of the directive, are of crucial importance for the current study.

The official name of the directive is "COUNCIL DIRECTIVE 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora". We notice that it concerns the *conservation*, and not preservation. Consequently, the first definition in *Article 1* is the definition for conservation, which goes as follows: "*conservation* means a series of measures required to maintain or restore the natural habitats and the populations of species of wild fauna and flora at a favorable status as defined in (e) and (i)". Conservation does not exclude human activity. From the three pages of the motives of the law, we understand that "the preservation, protection and improvement of the quality of the environment, including the conservation of natural habitats and of wild fauna and flora, are an essential objective of general interest pursued by the Community (…)". This is the only place in the text of the directive where the word *preservation* is used, and we see that is placed at the beginning of a chain of presumed actions which ends with *conservation*, after smoothing through "protection and improvement".

Article 2 states that "the aim of this Directive shall be to contribute towards ensuring bio-diversity through the conservation of natural habitats and of wild fauna and flora in the European territory of the Member States to which the Treaty applies." We have no doubts now that the directive was designed around the conservation concept. The second article also brings a very important aspect into consideration, namely the local specificities. In the last paragraph, it states that "[m]*easures taken pursuant to this Directive shall take account of economic, social and cultural requirements and regional and local characteristics*". What this 'taking into account' means and how it shall be translated on the ground is still a matter of debate.

The second part of the directive is the most challenging for two reasons: first because it defines Natura 2000; second, because the articles in this part determine the most the rapport between conservation and land use. *Article 3* is the birth document of Natura 2000. It states: "[a] coherent European ecological network of special areas of conservation shall be set up under the title Natura 2000." The article specifies that the network should be formed from the sites hosting the protected habitats but also all the sites under the Birds Directive: "[t]he Natura 2000 network shall include the special protection areas classified by the Member States pursuant to Directive 79/409/EEC." This is how, in article 3, the two directives join together under the Natura 2000 conceptual umbrella. But the article has another crucial specification; namely it states that each member state *"shall contribute to the creation of Natura 2000 in proportion to the representation within its territory of the natural habitat types and the habitats of species"* (my emphasis). In other words, if a habitat represents, let's say, 50% of the territory of a member state, 50% of that habitat should be designated in Natura 2000. Thus, theoretically, the total area of Natura 2000 could have been approximated by the Commission, prior to the formulation of the Directive. This is a crucial detail, because, as I will show a few pages below, it will become part of intensive bargaining within and among the member states. The last paragraph of article 3 allows the member states to bring their contribution to the ecological coherence of the Natura 2000 framework. This can be done by maintaining and improving the habitats according to local particularities.

Article 4 describes how the allocation of sites shall be done on the basis of lists submitted to the Commission by the member states. After the lists are approved by the European Commission, the member states shall designate the respective territory "as soon as possible and within six years at most". An important detail which emphasis the bargaining opportunities stated already in the previous article is mentioned in the second paragraph, namely:

> *"Member States whose sites hosting one or more priority natural habitat types and priority species represent more than 5 % of their national territory may, in agreement with the Commission, request that the criteria listed in Annex III (Stage 2) be applied more flexibly in selecting all the sites of Community importance in their territory."*
> (my emphasis).

Thus, the bargaining opportunity remains opened. However, the discrepancy between the national states is flagrant and has nothing to do with the amount of biodiversity. For example, Slovenia has 31.4% from their territory designated as *Sites of Community Importance,* while the UK has 6.8%. As the empirical cases of Romania and Spain show, implementing Natura

2000 was a process where local actors' bargaining power, state interests and EU policy collided in a node of tensions which ultimately raised the question of legitimacy for accessing natural resources and repositioned the actors involved. However, I want to stress again, at this point, one of the main assumptions of this study is that these struggles are not independent from the memory of previous situations of conflict, resistance and negotiation, in the same way in which nature protection is not independent from, what I call, *derivative aims of governance regimes*.

Article 5 refers to the situations in which the states do not provide accurate lists with the habitats that shall be protected. In these cases, "a bilateral consultation procedure shall be initiated between that Member State and the Commission for the purpose of comparing the scientific data used by each." Here we see how the scientific ought to prevail in the negotiations; but this resembles more of a technocratic utopia for when it comes to effective negotiations and lobbying.

Article 6 is the most problematic article in the whole directive and in the overall conservation framework of Natura 2000. This is because it modifies the rapport between conservation aims and land use. The article needed an explanatory booklet published by the European Commission in 2000 - "Managing Natura 2000 sites. The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC"[43]. It was meant *"to facilitate the interpretation of Article 6 by competent authorities in the Member States*" (Margot Wallström, Commissioner for the Environment, in the introduction of the document). The document states that *"Article 6 can be regarded as a key framework for giving effect to the principle of integration, since it encourages Member States to manage the protected areas in a sustainable way (...) while allowing some derogations in specific circumstances"* (Managing Natura 2000 sites document: 9). Thus, nature conservation and land use are considered in this document as main features for a coherent European Integration of the member states. At a later point in this chapter, I will bring more examples by which Natura 2000 is identified as a main tool for European Integration. However, following more problems in implementation, the Commission issued in January 2007 a "Guidance document"[44] addressed particularly to *the 4th paragraph* in this article. The paragraph talks about the compensatory measures (see below). This string of documents testifies for the importance of the article and the problems in

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[43] The document can be accessed at the following link:
http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision_of_art6_en.pdf
[44] The document can be accessed here
http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/guidance_art6_4_en.pdf

implementing Natura 2000 on the ground. In the following, I will address this article by each paragraph.

The first paragraph of the article makes provisions about the "necessary conservation measures" that the member states shall pursue. These measures ought to be reflected in management plans "specifically designed" for each protected site that the member states should provide. These management plans shall correspond to the ecological necessities of the sites. The second paragraph states the necessity for the member states to avoid any deterioration in the protected sites that will contravene with the objectives of this directive. And what happens if such disturbances cannot be avoided, as is the case in the two empirical cases that I will describe in the following chapters? The third paragraph establishes the procedure through which appropriate assessments shall be effected by the competent authorities of the member states in order to measure the impact of the human activities on the protected sites. The paragraph states that the *"national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public."*

The fourth paragraph [henceforth 6(4)] deals with the situation when there are no alternative solutions to the implementation of "a plan or project" (there is no specification of what kind of plan and project) and this will produce harm to a protected site. It is only stated that "imperative reason of overriding public interest" is to be taken into account, but this concept it is not defined. The paragraph mentions human health, public safety and beneficial consequences of primary importance for the environment as examples, but also includes those of social and economic importance. The 'Guidance document' mentioned above interprets this paragraph as follows: "*it becomes clear from the wording of the paragraph that only public interests, irrespective of whether they are promoted either by public or private bodies, can be balanced against the conservation aims of the Directive. Thus, projects developed by private bodies can only be considered where such public interests are served and demonstrated*" (*Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC* 2007: 7). The document also mentions that the European Court of Justice has no clear indications concerning the interpretation of *"imperative reasons of overriding public interest"*. The 'Guidance document' for 6(4) mentions that in other fields of law this 'imperative requirement' has been applied to the free movement of goods and to the "legitimate goals of economic and social policy". Whether comparing different fields of international legislation is suitable with nature protection aims is a matter of debate that I will not address here. It becomes clear, however, that article 6(4) is of crucial importance for a

good implementation of Natura 2000 and, as the Galician case will show, a source of environmental conflict at the local level.

Article 7 makes it clear that article 4(4) of the Birds Directive which states that "Member States shall take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article. Outside these protection areas, Member States shall also strive to avoid pollution or deterioration of habitats" is replaced by the article 6(2), (3) and (4) of the habitats directive. This is another clear sign that the Habitats Directive is placed above the old Birds Directive and that it is meant to become another model in nature conservation.

Article 8 is another key item in the directive because it deals with funding and co-funding opportunities that the member states shall consider for the implementation of the directive: *"the Member States shall send, as appropriate, to the Commission their estimates relating to the Community co-financing which they consider necessary to allow them to meet their obligations pursuant to Article 6 (1)"*. In other words, whenever a member state meets difficulties in implementing the directive, it should ask for money. This specification is important for it gives opportunities for local communities that are affected by the changing in land use to benefit from compensatory measures. The key problem is that no compensation measures can be attained without the intervention of the national states. To make it clear, local actors can ask for European compensations but only via the competent authorities from the respective member state. Thus, this depends on the capacity of the member state to absorb European funds, but also on the co-financing capacity of the member state. The third paragraph is of tremendous importance in this context, and for this I will reproduce it below.

> *"The Commission, in agreement with the Member States concerned, shall assess the financing, including co-financing, required for the operation of the measures referred to in paragraph 2, taking into account, amongst other things, the concentration on the Member State's territory of priority natural habitat types and/or priority species and the relative burdens which the required measures entail."*

In other words, it encourages the designation of sites by the member states by offering money for the implementation. This was a trap that Spain and Romania fell into, and I assume other countries as well. As I will describe in the following chapters, there was a myth of European money circulating around in both cases. Yet, the reality was different.

Finally, articles 9, 10 and 11, each one of them no longer than a paragraph refer to the periodical review of the states' contribution to Natura 2000 network; to the contributions that

the member states can bring to the network; and to surveillance of the conservation status of the protected sites.

As I mentioned at the beginning of this section, the first two sections make the objective of my analysis here. As a conclusion, I would like to point to the fact that this directive is addressed to the member states (article 24), and the national authorities are fully responsible for the implementation, monitoring and further development of the directive. Complying with the requirements in the directive is an obligation. But this directive fundamentally affects the land use within the member states and consequently the local actors found at the bottom of the administrative chain. However, for these actors there are no provisions in the directive and as both the Vrancea and the Galician cases show, their interests are the first that the national authorities are ready to sacrifice in order to meet the terms of the directive and of European integration.

Chapter 9 – Natura 2000 at Brussels, and not only

In this chapter, I present the discourse of the Brussels' based actors with regard to nature protection and Natura 2000. It will be a mistake to conceive the Natura 2000 program as an isolated program for nature conservation at the level of the EU. Other initiatives for nature protection of the European Commission influence the permanent reshaping in terms of governance of this transnational network of protected areas. Therefore, I will also pay attention to *The Economics of Ecosystems and Biodiversity* (TEEB), an international driven 'study', supported by the European Commission, for the appeasing of the economic and the conservationist aims with the EU and world wide. I will follow the next themes: first, I will describe how these actors legitimize the impressive amount of the EU's territory which is to be found in the Natura 2000 network. Second, I will show how pushing nature protection on the political agenda can be done only by relying on heavy numeric evidence of dynamics in biodiversity. The conclusions point towards to consequences of these facts.

9.1. Some preliminary remarks

My staying in Brussels was focused on interviewing EU officials who work on the Natura 2000 program and related issues. Apart from DG Environment, I also interviewed officials working in DG Industries and DG Agriculture & Rural Development. On the other hand, I was actively participating in NGOs meetings, namely World Wide Fund for Nature, European Environmental Bureau and Inter-Environment Wallonie.

As I expected, 'the officials' tended to be more rigid during the interviews, and it was only with three occasions that I encountered a more open attitude and all three happened to be within the DG Environment. My feeling was that the 20 people working there were under enormous pressure. First because of the critiques endured by the Natura 2000 in the past years and second because the overall volume of workload. Another enduring cause of stress in the DG Environment is the permanent state of negotiation that the department has to pursue for the other departments. Every initiative is to be presented to the departments potentially involved. And because "nature bothers everyone", as one of the officials told me, with few exceptions, the initiatives need to be presented to all other departments.

On the other hand, the NGOs are more opened, but the technocratic perspective shared by most of the activists in these NGOs does not provide them with a broad view of the topics that served my interests. Moreover, as the above mentioned NGOs are very active in lobbying and offering consultancy to the Commission, there is a permanent suspicion when it comes to important questions. Nevertheless, because of the permanent rotation of the officials at Brussels, and of high instability of the activists from the NGOs, there are indeed very few actors that have something to say besides "the information is available on the internet". At the same time, the NGOs are not so much aware about the relation between land use changes and nature protection. They are more interested, as watchdogs, in the good management of the protected sites. The collaboration with local NGOs is quasi inexistent, the reason for this being simply the language barrier that interposes between Brussels and the member states. They see the uniqueness and the provocation of managing 18% of the European Union's territory in a coherent, integrative way. Coherence means the protection and eventual increase of biodiversity according to scientific standards. The scientific justification should be enough for the local stakeholders and is only a matter of communication in order to avoid local conflicts.

While being in the field with one of the leaders of *Inter-Environment Wallonie* I noticed that a good power point presentation was quite sufficient to convince the locals of the necessity of buying up some of their lands at a reasonable price in order to establish a natural protected area. However, the locals were not making their living out of that uncultivated land. The cases of Vrancea and Galicia will show how important it is when the same piece of land signifies also resource, not only biodiversity. As the third quote from the opening page of this part shows, the main problem is a problem of legitimacy, not of the Natura 2000 network per se, to which the bottom stakeholders, such as farmers and peasants can agree, but the legitimacy in changing the land use which is legitimized using broader attempts.

9.2. 18% of EU's territory

With no exception, all the interviews I made in Brussels speak about the complexity and uniqueness of Natura 2000. Both officials and NGOs bring these aspects to the forefront as an unified discourse. The reasons differ, however. For the officials, the most complex aspect is the protection of biodiversity through land use regulation. In the DG Environment there is sound recognition of the fact that legal pluralism with regard to land use within European Union and EU's aim for nature protection represents one of the most ambitious programs of European Integration. As one of the officials put it:

> *"The situation in Europe is so different as far as the traditional obligations that are linked with land ownership are for example. Take the example of forest in Sweden, you are not allowed to build a fence around your forest or to restrict hunting only to yourself. Whereas in Southern European countries, owning the land means that you can do more or less whatever you want. So there is a very different cultural long standing development in the way that the ownership is linked to what you can do with the land and that of course has repercussions to the way that you have to regulate or to compensate the restriction of this in Europe."* (Official 2, min. 16)

The problem is that this new governance regime affects 18% of the EU territory. Therefore, the first question I was interested in while doing the interviews was whether it had been intended by the policy makers in 1991 to protect such a large amount of territory. The answer was, no. *"Nobody expected in 1992 when habitats directive was passed, that this will create such a monster. This was, somehow, the natural evolution of the whole situation."*, a P.A., an NGO representative from European Environmental Bureau tells me. *"It happened"* one official from DG Environment answered, due to the amount of biodiversity that each state contributed with. But the natural evolution of the situation is not satisfactory at all. How did things happen, how come Natura 2000 became a giant ready to fall apart under its own weight?

We need to go back to rough data. The Natura 2000 barometer provides information about the progress made in establishing the protected sites at national level. It is compiled twice a year from the data provided by the national states to the *European Topic Center on Biological Diversity* in Paris. The last data available on the European Commission internet site is from May 2010. I reproduce the data in the two tables below. But, instead of arranging the countries in alphabetic order how they are presented officially, I have organized them according to the percentage of the protected area compared to the member state terrestrial area. I also added the year of admission of the member state into the European Union.

Figure 3: Special Protection Areas (SPA's) – Birds Directive

Member states	% from national territory	Nr. of sites	Year of admission in EU
1. Cyprus	25.9	29	2004
2. Slovakia	25.1	38	2004
3. Slovenia	23.0	27	2004
4. Greece	20.9	202	1981
5. Spain	20.6	599	1986
6. Bulgaria	20.4	114	2007
7. Poland	15.6	141	2004
8. Hungary	14.5	55	2004
9. Italy	13.6	597	1957
10. Estonia	13.5	66	2004
11. Czech Republic	12.3	39	2004
12. Germany	12.2	738	1957/1991
13. The Nederlands	12.6	77	1957
14. Austria	11.8	96	1995
15. Portugal	10.7	59	1986
16. Latvia	10.0	95	2004
17. Belgium	9.7	234	1957
18. Lithuania	9.6	88	2004
19. France	7.9	382	1957
20. Finland	7.5	468	1995
21. Sweden	6.2	531	1995
22. United Kingdom	6.2	260	1973
23. Denmark	5.9	113	1973
24. Luxemburg	5.6	13	1957
25. Malta	5.1	13	2004
26. Ireland	3.0	132	1973
27. Romania	NO INFORMATION PROVIDED		2007

Figure 4: Sites of Community Importance (SCI's) – Habitats Directive

Member states	% from national territory	Nr. of sites	Year of admission in EU
1. Slovenia	31.4	273	2004
2. Bulgaria	29.6	228	2007
3. Spain	24.5	1448	1986
4. Portugal	17.4	96	1986
5. Estonia	16.7	531	2004
6. Greece	16.3	241	1981
7. Luxemburg	15.4	48	1957
8. Hungary	15.0	467	2004
9. Italy	14.3	2288	1957
10. Lithuania	13.9	382	2004
11. Sweden	13.7	3983	1995
12. Malta	13.3	28	2004
13. Romania	13.2	273	2007
14. Cyprus	13.1	40	2004
15. Finland	12.7	1715	2004
16. Slovakia	11.7	382	2004
17. Latvia	11.3	324	2004
18. Poland	11.0	823	2004
19. Austria	10.7	168	1995
20. Ireland	10.7	424	1973
21. Belgium	10.1	280	1957
22. Czech Republic	10.0	1082	2004
23. Germany	9.7	4622	1957/1991

24. France	8.5	1367	1957
25. The Nederlands	8.4	146	1957
26. Denmark	7.4	261	1973
27. United Kingdom	6.8	623	1973

We notice that for the SPA section Romania has not provided any data. Moreover, in Galicia, the Serra do Xistral, the region where I pursued the fieldwork for this study is only SCI. For these reasons I decided to focus only on the SCI table.

Since I first looked at the official data on the protected sites, I was puzzled by the huge difference between the percentages of protected areas among the member states. Organizing the data in downward progression makes this difference even more visible. Why does Slovenia have 31,4 % of its territory designated as SCI protected area and UK 6,8%? When I posed the question to one of the officials of Natura 2000 in the DG Environment in Brussels the answer was very clear: because of the difference in biodiversity richness.

> *"But this is a very simple question. This is about where the natural values are in Europe; they are in Slovenia and not in the UK. It means that Slovenia has much better nature than the UK. Natura 2000 it is a scientifically designated network of protected areas. So, it is not about the typical protected area, not about discussing with the major: well let's leave this area out because my cousin wants to make a house there. First the habitat and then let's talk with the cousin."* (S.L. 01: 12:09).

The same answer came from the NGO's part. Same representative from the European Environmental Bureau informed me that being set on scientific principles, the fact that Slovenia has 31.4% and UK, 6.8% from their national territory means that Slovenia has more valuable biodiversity at European level than the UK has.

The EU follows the United Nations' definition coined at the Earth Summit in 1992, namely *"the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems"* (UN Conversion on Biological Diversity, article 2). With such a broad definition at hand and with the paradisiacal landscapes from Gower or Scotland that anyone could see if accessing a British tourism internet site, it is hard to buy the Brussels' official argument.

So, how come that Natura 2000 became so big if this was not intended? And how come that it expanded mostly in the new member states. The answers for these questions are very much interrelated. There are two main factors at work that I briefly address here, since the following two empirical chapters are meant to bring everything into more detail: the first is the power of bargaining of the local stakeholders, and second, is the obsessive will of European integration of the new candidate states, especially those from Eastern Europe. For

the first factor, the case of France became notorious. In March 1996, the French Ministry proposed to the Commission areas consisting in 13% of the national territory to become part of the Natura 2000 network. However, after strong protests of actors from the agricultural, forestry and hunting sectors, in the summer of 1997 the list was reduced to 2.5%. At antipodes with this civil mobilization against nature protection is Eastern Europe: everything that is western has only good connotations in former socialist countries. The Romanian case will show how Natura 2000 did not even need too much propaganda: first because the authorities proceeded to its implementation in the good old way of the centralized decision- making, and secondly because nobody would dare to criticize a pro-European orientation.

One of the WWF activists told me how the Spanish were fascinated by the opportunity of EU funds for implementing nature protection sites since the Spanish government was the one who pushed for this provision in the habitats directives (see the Spanish part).

> *"When Spain designated 24% of its territory, they were originally thinking in money: a future when Spain would be a donor country and they will receive less money from the CAP (Common Agricultural Policy). So this was a way for getting more money for the rural areas because whatever happens biodiversity will continue to be there. Back then, I was still a happy student, but everybody says that this article is there because of Spain, because the Spanish government kept on saying: well, if you want to have these fantastic protected sites, we need money for it. So something like, as much Natura 2000 we'll have, as much money we will have for the rural areas. And if in the immediate future there will be no funds available for nature protection in the EU, we will have to re-think how to watch Natura 2000."* (A.A. 1:II, 10:54)

But the money didn't come, and the Spanish state discarded the responsibility of managing these new declared protected sites at the level of autonomous regions. The case of Galicia will show the disastrous consequences, both environmental and social, of following this chimera. On the other hand, the same informant underlined that the old member states felt that they fulfilled their duty with regard to nature protection and they keep away from the debates. The high degree of industrialization, especially in the agricultural industry, renders impossible any renegotiation with the original EEC states for enriching the protecting territories. P.A. explains very accurately from the perspective of everyday lobbying struggles.

> *"WWF and other NGOs are pushing the Commission to come up with the kind of guidelines or recommendations on how to do management. The main reason behind this is that countries like Romania, but Spain also, are doing a lot of waiting: well, what do we have to do now, we don't know, tell us! We will see if it is possible or not, but first let's understand what do you want. At the same time, countries like Germany, France, UK, are blocking totally any attempt of the Commission to come up with any kind of recommendations or guidelines, because they say: hey, we have already started, and we are doing well. You have nothing to say to us! Subsidiary?! This is our business, don't tell us what to do! Just monitor us every six years according to article 17, but DON'T TOUCH US!*
> *I had many discussions, me particularly, with state representatives from Germany and these guys, saying: well, we understand your position, and we don't think that there will be very strict recommendations from the Commission, we need something flexible. But if we don't tell other countries what to do, they will simply understand that Oau! this is Hollywood, we*

can do whatever with Natura 2000, the Commission is not going to tell us anything! So this is the consequence of very different points of view on what Natura 2000 is."
 (P.A. 1, II-22:20).

Therefore, the increasing of the Natura 2000 was made at the expense of the new member states, namely those adhering after 1986. The power of bargaining at local level, but also at Brussels was bigger in the consolidated democracies than in post authoritarian states, Spain included. However this happened, the important aspect is that by supra-dimensioning the Natura 2000 network the *intrinsic value of nature* concept became substantially revised - nature has to provide something else than intrinsic value when such a big amount of territory is protected. And this 'something else' shall be adequately measured. Only after having these measurements at hand can a political decision be made. What actually happens in the process of measurement and how the distribution of 'ecosystem services' is made I will discuss in the following two empirical parts where I offer concrete empirical examples from Spain and Romania.

9.3. The need for numbers

Officially, the European Commission pursues a pacifying policy of the economic and environmental objectives, nature protection in particular. I was interested in how this pacificator discourse is presented and what its points of articulation are. I became aware during my stay in Brussels that this is a matter of conceptual bridging between economic aims and nature protection ones, a process of which both the officials from various DGs concerned as well as NGO activists are well aware.

First, nature is conceptualized as an equilibrium system, whose transformation under the impact of human activity is measurable and predictable, the same conceptual basis which stays for economics and for the other natural sciences. The only obstruction for mainstreaming the economics of nature is what some environmentalists claim to be nature's intrinsic value. As I posted in the opening page of this section, for having 'intrinsic value', spelled out in the 2050 official vision of the Commission, an intense lobbying was carried out by the NGOs at Brussels. Yet, the fact that the concept is mentioned is more a matter of a symbolic success, because, as stated in the above, for having 18% of the EUropean territory under Natura 2000, this nature protection network shall provided something else than intrinsic value. We witness therefore a constant corrosion of the nature protection aims legitimized around the concept of the intrinsic value of nature by a permanent search for scientific legitimacy based on numeric evidence of biodiversity decline or improvement; on numeric confirmation of environmental services that a protected area can provide or can lose if it is not

protected; a numeric support for environmental measures impacting economic activities, and so on.

The second fundamental aspect which bridges economics and nature protection is the conceptualization of nature, as a whole, as a scarce resource. Not only are the natural elements that take part in the process of production considered by the policy makers at Brussels as being scarce, but all natural elements. As I will present in the analytical part, this is an important difference from the conceptualization of *certain* natural elements as being scarce as it was the case in the rise of merchant and industrial capitalism. Back then, nature had to pull the plough of societal development and the humans, well… some more than others, had the legitimate right to dominate it. In the present understanding of nature protection, albeit no less anthropocentric, nature as a whole is scarce and protecting it is a matter of correct allocation of access to nature as a resource. Therefore, the question is who gets what from nature protection, and in what amount? The empirical examples from Galicia and Vrancea that follow show that the people living in the proximity of protected areas benefit the list. For the moment, let us look at the following official statements of the European Commission.

> *"The main reason* [for using economics in the environmental policy] *is that in our society the environment has become a scarce resource. Since economics is about how to deal with scarce resources, it can often be useful when tackling environmental problems."* And further:
> *"One way of using economics is to ensure that the costs and the benefits of environmental measures are well balanced. Although it is difficult to estimate costs and benefits, there is an increasing demand that this is done before environmental policy is decided on an European level. With the use of market-based instruments, environmental goals can sometimes be reached more efficiently than with traditional command and control regulations."*
> (http://ec.europa.eu/environment/enveco/index.htm)

While making interviews with representatives from the DG Environment I understood that although in the public discourse the two approaches look very coherent and peaceful, every day within the European Commission there is a new struggle for achieving the protectionist aims for nature. In order to legitimize their claims, the environmental department increasingly relies on the expertise offered by the NGOs. And this because in the battles with the other departments, the DG Environment needs numbers! *"There is no way to lobby for an environmental issue if you don't have the accuracy of numbers at hand"*, one of the activists in the *European Environmental Bureau* told me. What does this hunger for numbers actually mean? It represents nothing but the economization process of natural protection. The current discourse is framed around the assumption that protecting nature avoids high economic costs

in the future. A double process is thus taking place: the economics get greened and the environment gets economized.

The ecosystem services mean what is the monetary reward for protecting a particular site. This conflicts with other costs, such as agricultural ones. There is a never-ending debate between CAP (The Common Agricultural Policy) and the environmental protection strategy – who is funding what? For example, 46% of the funds allocated in 2009 for the rural development sector are related to the environment (official DG Agriculture and Rural Development interview). On the other hand, the habitats directive offers the possibility of financing the implementation of the directive as showed above. This money is designated for ameliorating the impacts of the changes in land use at the local level.

As will become clearer in the following pages, nature protection is not only about nature protection, and Natura 2000 is not only a network of protected areas. The Economics of Ecosystems and Biodiversity (TEEB) is the flanking initiative of The European Commission in its search for the introduction of economic parameters in nature conservation programs[45]. The program is officially declared "a study" uphold from an international initiative (http://www.teebweb.org/Home/tabid/924/Default.aspx). Among the partners of this program, besides the European Commission as one of the main initiators, we find: United Nations Environment Programme; Department for Environment, Food and Rural Affairs of the British Government; The German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety, Helmholtz Center for Environmental Research. Pavan Sukhdev, a senior banker from Deutsche Bank, was appointed the study leader, and its port voice. It is only by looking at TEEB as a shadow case that we will understand the need for numbers in the lobbying process for nature protection at Brussels, and how changes in land use on 18% of the territory of EU get legitimized.

There are two basic assumptions which fundaments TEEB. The first is the need for numbers: "what cannot be measured cannot be managed" (Sukhdev on his website http://pavansukhdev.com/, the entry from June 19, 2011). The second is 'making nature more visible' in economic terms: "[t]he economic invisibility of nature must end". Policymakers, administrators, and businesses must recognize the economic value of a clean environment and take that into account in their decision-making. Otherwise, we can forget about improving our "quality of life." (idem). The two assumptions are intimately interlinked, but also tautological. In April 2011, Sukhdev presented the TEEB at the London School of Economics[46]. I think this presentation is the quintessence of the ongoing nature protectionist trend in the world.

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[45] http://ec.europa.eu/environment/nature/biodiversity/economics/index_en.htm
[46] The video recording of this presentation is available at http://pavansukhdev.com/

Describing the discourse can be a slippery slope for it is a careful constructed discourse which takes into account previous attempts for nature protection, the same that I describe in the previous chapters. Therefore, I will reproduce in the following key fragments of it.

> *"Biodiversity, which is basically the living fabric of this planet, (...) at all levels, at the ecosystem level, at the specie level or at the genetic level, does provide valuable services to humanity, and most of these services do not tend to be priced by any markets and are in fact not private goods or services at all, they are public goods and services. They are provided largely free, they are provided largely in a way that doesn't prevent other people from using them: clean air, fresh water, nutrients that flow from the forest to the field of the poor farmers, these are all things that come free from nature.* (13:17-13:48)

We find here a clear reference to "the tragedy of the commons". The following quote is more stanch with regard to the liberal panacea of individual private property rights.

> *"(…) many values come to us from nature and they do provide resource inputs, as well as service inputs and regulation of the supplies into the global economy, but most of them are just not priced. And as the tendency of not valuing what you don't price is a deep human tendency, and that in fact begins a whole set of problems. It is these problems and the solutions to them that TEEB is about."* (14:42 - 15:11)

> *"So here is the challenge: given that natural capital is an asset class, given that it does provide public benefits, given that so many of these public benefits do make such a huge difference to the poor, why can't we recognize that there is an economic activity out here, and that it is possible to employ people to rebuild natural capital and pay them to generate wealth for the society? It's part of an economic model!"* (52:10 - 52:30)

> *"Finally, I look at measuring because we keep talking about economic invisibility* [of nature]*, what we need to do to start to make it visible, is to start measuring it. And that gain is fundamentally what TEEB's approach is about, to provide the tool kit for measurement."* (53:30 - 53:43).

The Economics of Ecosystems and Biodiversity wants to bring the invisibility of nature to an end and this can be done by measuring it. From this regard we understand that the invisibility of nature is nothing but the intrinsic value of nature. Therefore, going back the roots of the liberal thinking of Locke and Smith, TEEB comes back in arguing for the disenchantment of nature, for the transformation of intrinsic value into instrumental value. By measuring the natural capital and its contribution to the economic fluxes nature protection and economic activity will mutually and peacefully support each other. But there is another dimension of TEEB - property rights. Since nature capital can be measured, therefore employed by TEEB, these 'new' natural venues can be used, and it is legitimated to do so, in private accumulation

of capital, which in turn will lead to more responsibility, more care for nature, and more wealth for the society.

Let's recapitulate: Natura 2000 is a transnational network for nature protection which represents 18% of EU's territory. Moreover, it is a legal thing, the superposition of two EU directives. Natura 2000 is a territory, a physical thing, and a mode of governing nature protection. This mode of governance is primarily characterized by change in land use. The main consequence of its large expanse within EUropean territory is that Natura 2000 has to provide something else than nature protection. However, nature protection through changes in land use questions the paradigm that stood at the basis of nature protection up to now – that of the intrinsic value of nature. However, the new approach challenges at the same time the meaning of property. Natura 2000 is not a solitary initiative for nature protection. TEEB is one of the flanking programs supported by the European Commission for integrating economic objectives and the nature protectionist ones.

I claimed at the beginning of this subpart that having the term 'intrinsic value of nature' in the 2050 vision of the European Commission with regard to nature protection is a matter of symbolic value for the NGOs that advocated for it. It is a matter of recognizing the importance of nature conservation in the political agenda of the moment. And for achieving this goal, the NGOs were opened to compromises.

> *"But, we didn't manage to get it in the headline target* [for 2020]. *It was challenging, but in a way, it would have made things more difficult. Because it would have meant that the message that we will be sending is well… we are still thinking in the same way, we have the truth this is important and I don't care if you tell me that there is a need for energy, for a motorway, for whatever you want, but nature is the real and the only important thing. So it will be that we still consider ourselves like the nowadays' prophets."* (WWF responsible, min. 48:00).

The NGOs are favorable with regard to TEEB. The representatives that I interviewed believe that TEEB is how the paradigm in nature protection 'naturally' evolves and a good opportunity to bring their object of activity to the forefront of the policy agenda. But do they envisage the long term consequences of disenchantment of nature?

> *"The TEEB is a kind of ad hoc response to the problem of not heaving biodiversity in the agenda following the climate change discussions. It is also a natural reaction to make sure that* [natural] *protection is not anymore simply something that belongs to a sector that is called "Conservation" and is full with crazy green people that believe that they have the truth and that the rest are totally wrong. It's a way of saying that: hey, we are part of the society. (…) I don't know if this is the future, I don't know, for me this is simply how the paradigm is evolving."* (P.A., int. II, 25:15).

While the rationale of lobbying activity implies compromise per se, I don't think that the NGOs understood what TEEB is about, what the tendencies in nature protection are, and what the consequences for losing, de facto, the notion of intrinsic value are for the transnational nature protection designs. "The economic always wins!", as one of the officials told me in a frugal departure from the standard PR discourse, is a general fear in DG Environment and in the lobbying circles favorable to nature protection. However, having nature protection on the neoliberal agenda by any means might turn in the long term into a greater disadvantage than not having it at all.

Yet, another aspect worth mentioning is that for the European Commission, the free movements of goods is synonymous with the free movement of natural resources, such as water, air, or biodiversity, and thus with a need for conjoint care for nature as a resource. *"The key factor when it comes to integrating environmental concerns into the EU's internal market policy is the need to find a balanced approach between the free movement of goods and environmental protection."*

(http://ec.europa.eu/environment/integration/internal_market_en.htm

Natura 2000 is not only a matter of nature protection; it is also a matter of political integration of the member or potential member states.

9.4. An important remark

While doing interviews I provoke my respondents. Sometimes it can turn nasty like in the case when I was almost beaten up by some corrupt forest guards in Vrancea, but most of the time this strategy has fruitful outcomes. This is how I had one of the most provoking answers from my stay in Brussels, one which made me aware of how important the context is when analyzing environmental conflicts. It was the second meeting with A.A. and I was somehow in a bad mood that day. With the conflicts from Galicia and Vrancea in mind, I could no longer stand the slow motion of Brussels bureaucrats and the infinite lobbying strategies of the NGOs' activists. Therefore, during my entire discussion with A.A. I had a very pessimist tone with regard to Natura 2000 and the overall nature protection attempts at the level of the EU. What follows is a spontaneous reaction to my arguments that Natura 2000 is not working, while the dictaphone was still running.

> *"I do not believe it, I simply do not believe it! This is what the industry wants to hear. Do you really think that Natura 2000 is a sick baby? Do you really think this? Would you prefer not having any Natura 2000 in Europe, nothing? Do you really believe this?*
> *Let's look around at the policy situation: economic crisis, jobs are on the top of the agenda, everything that has to do with economy is important, everything else*

that has not to do with economy is unimportant! And now, you come and say – 'from a scientific perspective,' from a person who loves nature – even worse, that Natura 2000 is not good. Do you know who will be extremely happy to hear this? The whole economic lobby! Saying: look even they say it, we need to get rid of this! Or no, they will be very clever, they work in policy like we do, they will say: we will need to improve it and modify it, and update it. This would be the perfect order to send nature protection to the garbage bin. This is what you want?
- But the peat reserve in Galicia?
If that peat is important, why is Galicia not protecting it, why is Spain not protecting it, why is the local major not protecting it? Why do they expect everything to come from Europe? And at the same time, they say what comes from Europe is bad! I mean, is a strange discourse in everything from the start. Because it is the same in Romania: we don't like Natura 2000, it is not good, I don't know what, whatever, but after, when something happens everybody looks to the EU and says: hey, solve this problem for me! I have the feeling, you know, that the EU is like the UN: everybody has the view that they should solve everything, they are the perfect punching sack. The EU shall learn to say NO! Liviu, at this moment we have to defend Natura 2000! There are enough attacks on it to have one even from the green perspective attacking it. With the weakness, with everything that is bad, I know, I know, I know! But if we don't do this, I'm telling you, we will lose nature protection in Europe, and this is the perfect moment."

Why does not the Galician government protect the peat reserve in Xistral? How is the implementation of Natura 2000 going on in post socialist Romania? What are the overall conflicts in the two cases? – All this I will describe in the succeeding parts. For the moment, we need to look at how the directives get modified in the domestic realm.

9.5. Natura 2000 on its way to Xistral

With the exception of the national parks, the administration of all natural protected sites in Spain falls within the competences of the regional governments. Spain has seventeen autonomous regions. This means that in Spain we find seventeen different ways to deal with Natura 2000 (chapter 14 provides more details on the matter). Here I want to show the procedure through which the Birds and the Habitats directives are implemented in Galicia and which factors contribute to their manifold warping.

Although the nature protection falls within the competences of the autonomous regions, the international policy is made by Madrid. Madrid gets the bills for any unfulfilled task within the EU legislation and for failing in complying with the Birds and the Habitats directives as well. Therefore, the political decisions within the autonomous regions are under Madrid's direct pressure when it comes to implementing the directives. As the Romanian case also shows, in Spain there functioned, and still functions, a distinction between *high politics* such as security, industry and *low politics,* such as environmentally related issues. Nature

protection was traditionally considered as being part of the second rank of politics and as a consequence it is relegated to a place at the end of the policy-making priority list. This explains the permanent urgency, the permanent shortage of time in implementing nature protection measures, urgency which ultimately is translated in what Aguilar Fernández (2010: 85) called an "ecological dictatorship". Aguilar Fernández points to the lack of local legitimacy of Natura 2000 in Spain due the powerful top-down implementation driven by a permanent lack of time in nature protection policy-making.

X.B. is a forestry engineer in the *Consellería de Medio Ambiente, Territorio e Infrastucturas*, the ministry within the *Xunta de Galicia* which is in charge with the implementation of the *Rede Natura* (Natura 2000). While having our discussion his main concern was exactly the division between the high and low politics mentioned above. He explained to me that since in nature protection, and in environmental issues, there is little amount of money involved as compared with industry or other more profitable sectors, the lobbying capacity for positioning nature protection on a higher position on the political agenda is very low. We encountered a quite similar discourse in Brussels and there is still room for investigation to see how much the agenda of the DG Environment is guided by, what one would be tempted to call, the old fashion distinction between high and low politics. Anyway, X.B. called to my attention the fact that this distinction is still valid in Spain's policy-making. "Nature protection requires time, for you work not with nature, as such, but with data. (…) The people are always out of the equation; nature protection is done above their heads, in very big hurry for it is considered not bearing such importance as industry, for example." (X.B. II, notes).

This 'dictatorship in nature protection' is translated into conflicts on the ground. As we will see in the Romanian case, as well, no consultation took place before the implementation of the protected sites in Galicia. "Nobody knows what Natura 2000 means", P.R. told me openly. P.R. is a biologist at the University of Santiago de Compostela and is one of the main coordinators of the Management Plan (*Plan Director*) of the Natura 2000 for Galicia. I asked P.R. to tell me if this is the case for the people in the villages, or for policy-makers. He answered frankly that this is the case for both. On the one hand, people were not informed because there was no time for local campaigns but also because there was a general fear that eventual local conflicts would slow-down the process of establishing the sites and thus getting Madrid into an infringement procedure. On the other, the policy-makers (*politicos*) do not understand because there is a big room for interpretation.

P.R. explained me that the *Management Plan* for Natura 2000 sites in Galicia changes tremendously with every new elected government in Galicia. And this is indeed the case. While writing these lines, I encountered on the internet a new version of the management plan compared to the one I had when I was in the field and which was made in 2008. The new plan was approved in December 2011. I was quite surprised so I called X.B. to ask him what the reason was behind this change. The reason behind the change this time was not a change of local government, but an additional plan to re-potentiate the wind-farms that are located in the protected sites. He concluded by saying that the only thing they do (he and his colleagues) in the *Consellería de Medio Ambiente* is to periodically re-issue management plans that will fit the political agenda. Therefore, he concluded, I should not worry because this plan will change again.

Both X.B. and P.R. pointed to the unbalanced lobbying capacity in changing the *Management Plan* of the protected sites that different actors pursuing economic interests have in the protected areas. "What do you think, who makes more pressures: a wind-mill company (*una eolica*) or a herdsman (*ganadero*) from Xistral?" said X.B.. He continued by saying: "I work in the *Consellería* who approves land use in the protected sites and I can tell that *una eolica* has less paper work than a *ganadero*." According to the *Management Plan*, Natura 2000 sites can be divided into three zones, where the *Zona 1*, is the more restrictive one. As the map below indicates, the pastures in Labrada are located in *Zona 1* as are also the wind-farms. In the empirical part I will show how the lobbying of the wind-mill companies is more effective in planting wind-power generators in the top-restrictive zone, and how the *ganaderos,* the farmers, are not allowed to make the pastures for their cattle.

Picture 7*:* **The internal zoning of the Natura 2000 sites in Serra do Xistral.**
Source: Xunta de Galicia, Conselleía do Medio Rural e do Mar
http://www.medioruralemar.xunta.es/fileadmin/arquivos/conservacion_natureza/plan_director_rn2000/Mapa_4_Zonificacion.pdf, last accessed on 14 March 2012.
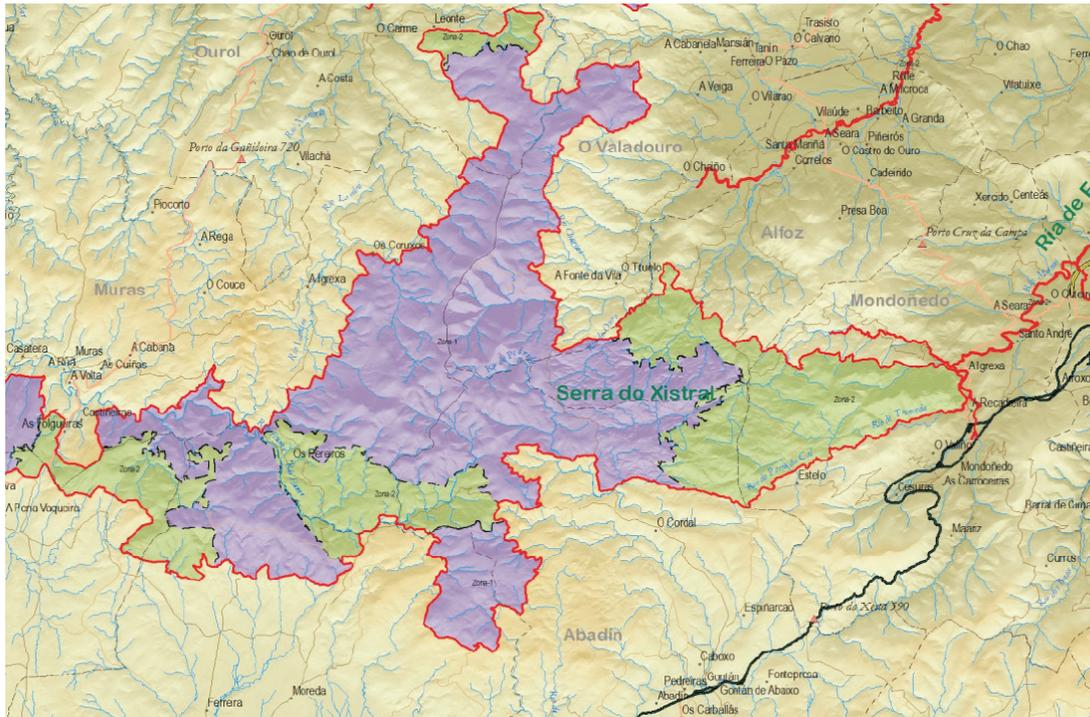
The scientific studies that lay at the basis of the designation of the sites are undertaken in Galicia by *The Institute for Agricultural Biodiversity and Rural Development* (*Instituto de Biodiversidade Agraria e Desenvolvemento Rural* - IBADER). IBADER is a joint organization set up in 1999 by the Galician government. It has an academic status of interdisciplinary character. IBADER is a conglomerate of academics and policy-makers from the University of Santiago de Compostela (USC), The Ministry of Rural Affairs (*Consellería de Medio Rural)*, The Ministry of Environment and Sustainable Development *(Consellería de Medio Ambiente e Desenvolvemento Sostible)* and The Lugo Institute for Economic and Social Development (*Instituto Lucense de Desrrollo Económico y Social* - INLUDES). Its main task is the designation and adjustment of the Natura 2000 sites, but also issues related to domestic animal care and consultancy. IBADER collaborates with public administration but also with enterprises, among which are powerful transnational cartels for energy production and distribution such as *Unión Fenosa*.

IBADER needs to be very effective and always on time. "It's hell working in there," P.R. confessed. As he continues describing the cruel deadlines, he emphasizes one very interesting aspect, namely the impossibility of counteraction in due time since the orders do not come from the local government, but from "higher ranks, very high ones" (*de arriba, muy arriba*). He points on how DG Environment asks for new protected sites in accordance with the numbers that the Brussels' technocrats have at hand concerning the balance between the biodiversity loss and the biodiversity potential of the member states. In Spain, the shares in

biodiversity are redistributed top-down from Madrid, and Madrid expects in turn prompt implementation. Contesting Madrid's requirements is a risky strategy that the Xunta is not willing to undertake due to broader political implications. The only ones who can oppose are those who own the lands. But they are informed post-factum.

9.6. Natura 2000 on its way to Vrancea

"Actually, this is the confusion, that nobody knows what restrictions Natura 2000 demands. Because if there are restrictions, there should be compensations." (I.M. 03, Putna Vrancea Natural Park and *Munţii Vrancei Natura 2000 SCI* and *SPA* administrator; notes)

17.84% of Romania's territory is in the Natura 2000 network. There are a number of 381 sites all over the country. A recent 'sociological'[47] study made by the *Natura 2000 NGO Coalition* in the communities partially or totally located in the sites reveals that 68% of the people questioned had never heard about Natura 2000 and 22% heard something but are unaware of what it means (*Natura 2000 NGO Coalition* 2012: 9). What contorts the Birds and Habitats directives on their way from Brussels to Vrancea?

In Romania, the implementation of the two directives is the task of the National Ministry of Environment and Forests *(Ministerul Mediului şi Pădurilor)*, through its Department (*Direcţia*) of Biodiversity. The reconfiguration of the ministry's tasks and its internal organization chart is very frequent. Since I started the fieldwork for this study, the configuration of the internal organization of the ministry changed three times. In October 2011, it was hard to find the respondents that I had interviewed in September 2009. Due to internal and external political pressures that I will not address here, the ministry is a very fluid political entity.

The department of biodiversity consists of four people: a director, an assistant director, and two employees. Yet, it does not depend on their will and capacities how the Bids and Habitats directives are translated into Romanian policy. Policy-making at this level is very much top-down, and inflected with political favorism, a typical post-socialist pattern that I will describe more in detail in the Romanian empirical part. Not only must the minister be convinced by the directors of the departments about the utility of a political initiative, but these initiatives should not contravene broader political interests of the parties involved. We encounter therefore the same division between high and low politics as in the Spanish case. As one of my responders told me, "a good director in the *Department of Biodiversity* should

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[47] The study has a very poor methodological back-up, is poorly written and has a poor line of argumentation.

be a good diplomat and not a good expert in biodiversity. It is hard to convince the minister, and he to convince in his turn, that an X project cannot take place because we protect some frogs." (M.T. 01, notes). Being an expert is not necessarily an advantage but it may turn into a disadvantage. This was the case for M.T. who left the department shortly after I interviewed him. Understanding and dealing with the political games within the ministry is not an easy job.

The ministry gives the orders, but the money for administrating the protected areas, most of the personnel and logistics comes from another place, namely, The National Department of Forestry (*Regia Naţională a Pădurilor*, RNP). RNP is an autonomous state institution outside the ministry. After 1990, RNP was one of the richest institutions of the Romanian state for it owned and administered all the forests in Romania. After 2000, when the property restitution process started, the RNP lost about half of the forests in favor of the former (pre-1945) owners. The re-establishment of private property rights caused huge conflicts within RNP and an substantial loss of personnel. Most of the dismissed personnel migrated to the newly created protected areas. Here, they lacked the support of their former institution, RNP, for the institution was already financially ruined due to lack of activity. The dismissed personnel searched for help at the ministry. The ministry urged RNP to financially sustain the protected areas, despite the fact that it did not endorse *de jure* authority over RNP. Thus, since year 2000, the decision-making *ping-pong* between RNP and the Ministry of Environment became proverbial in Romanian nature protection.

Most of the personnel from the Ministry of Environment, the protected areas and, of course, RNP have a background in forestry science. While the forestry endorsed great respect during the communist regime, so did the forestry personnel. In less than two years, these people turned from VIPs in the world of experts, to obstacles in the way of everybody: from local people who wanted their properties back, to ministries, and to reform in general. All of them were old school, and had taken care of 'Romania's forests' for a long time. Some were forestry engineers already in the second generation. They had a personal attachment with forestry and with environmental protection in general. The 'great privatization' left them poor mostly in terms of prestige. On the other hand, the restitution of forests to former owners caused massive deforestations in Romania, Vrancea included. The economic short-comings coupled with the economic soar of the *nouveau riche* led in some areas to major environmental degradation. The environmental degradation coupled with the entrance of Natura 2000 created the perfect fermentation smudge for the RNP personnel's 'revenge'.

In 2005, Romania received clear signals that EU admission would happen in 2007. Yet, the state of affairs in the country was quite messy, nature protection included. In two years, the percentage of protected areas rose from about 4% to 13%. Another common expression within the experts in protecting areas is that the designation process was "made on the knees". There was a fever of creating natural protected areas, in order to beautify Romania before her marriage with the European Union. No consultation took place with the new property-title holders of the areas that are now to be found in the sites. Most of the scientific criteria were ad-hoc formulated to fit the criteria delivered from Brussels. As M.T. remembers, "nobody knew if the Natura 2000 sites were protected areas, or not. It was important that they could bring some money, nobody imagined back then that they will create such problems." (M.T., notes). He goes on and explains: "It was hard to explain what these sites are, because a protected area implies restrictions, and there are no clear restrictions in these directives. (…) It is not clearly specified: hey, you are not allowed to do this. No! They say, protect. How? It is your business." With regard to the language used in the directives, M.T. is mostly disturbed: "The vocabulary used in these directives is unreachable (*inabordabil*). For a lawyer maybe, but for us… It is not technical writing, it is juridical! There is no model to say, look, this is how it should look like. No! And then the personnel interpreted in two extremes: either they say that is something completely idiotic and it does not count, so they should not bother, or they say that it is very important and implement extreme measures when actually it is not the case." (ibid).

My own interpretation is that both these extremes are coupled with the decline of popularity among the forestry personnel and to what I called above, with an obvious exaggeration, their 'revenge'. Natura 2000 is a good opportunity to reinforce the authority of the dismissed RNP personnel and to make an image-lifting either as *nouveau riche*, by increasingly ignoring illegal logging or poaching, or by adapting the directives in a complicated manner.

Picture 8*:* **Putna Vrancea Natural Park is superposed on the two Natura 2000 sites.**
Source: Natura 2000 Viewer.
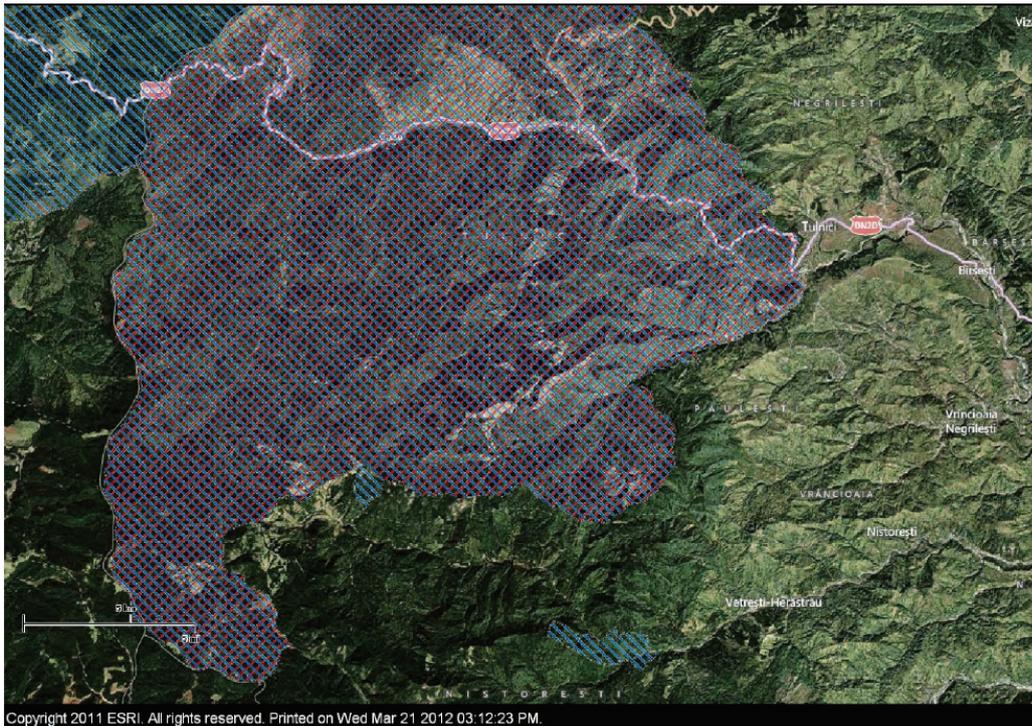
The NGOs also contribute to the extreme implementation of the directives. As the empirical part will show, people involved in environmental NGOs undertake their activism with a dedicated passion for nature. Without realizing it, they reproduce the same green liberal thinking of the division between human needs and environmental equilibrium. Those who act locally do see the local people as the first enemies of 'nature'. This confirms Harvey's conclusion (2006: 52), following Crowan's et al. anthropological insights into culture and rights (2001): "The universality proposed in "rights talk" and the dedication of NGOs and advocacy groups to universal principles sits uneasily with the local particularities and daily practices of political economic life."

This brief description of the context that contorts the Birds and Habitats directives on their way from Brussels to Vrancea and Galicia cannot lead to clear conclusions in showing whose fault it is in the misinterpretation of the directives, or for the deficit they encounter in implementation, monitoring, accountability and legitimacy. Also, pointing to culpabilities is not the task of this study. The taking home message is that Natura 2000 is part of low politics in the domestic political realm. This results, intentionally or otherwise, in delays in policy-planning, which in turn leads to top-down measures, scientific studies 'made on the knees', no consultation at the local level and, as the empirical parts will show, further social conflicts and ecological degradation on the ground. These patterns contradict the Nederlands' and Belgium's Flanders (van Zadelhoff) story about implementing Natura 2000, and partially the,

already well know, French one (Pinton 2008); but are similar with those from Finland (Björkell 2008) and Poland (van der Windt 2008).

The contextualization of Natura 2000 starts therefore at national level, but undergoes perpetual change until the every site is under concern. Since the domestic actors involved in policy-making complain about the lack of clear rules of implementation from Brussels, we might be tempted to make out a paradox, namely, while the top political decision-making designs lose regulations for implementation, the domestic actors ask for stricter rules. But actually there is no paradox. This *progressive contextualization*[48] by which governance frameworks advance towards the bottom level of implementation becomes more nested in broader political and economic issues as it advances. The bigger the chain is, the more contextualization is happening, the more unclear the top level is. The next two empirical parts will illustrate how this nesting is happening, while the final part will try to explicate why is this the case.

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[48] I distance myself from the sense that Vayda (1983) gives to the term, but I find it inspiring nevertheless.

Chapter 10 - Conclusions

This empirical part started, literally, from Adam and Eve. I invited the reader to a challenging journey in what was the meaning of protecting nature in the past, and how this past influenced what we witness today. The basic assumption is that today's cross-border legislation for nature protection at the European level did not appear *ex-nihilo,* but is the product of a thinking tradition on the problem of the value of nature. This thinking tradition evolved in the overall societal context during distinct periods of time. The take home message is that nature protection served other different interests than it was initially designed for. These 'other interests' cannot be simply put under the umbrella of *unintended consequences*, but I would rather call them *derivative aims of governance regimes*.

Humankind was called to master nature that God gave them in common by the three Abrahamic religions: Judaism, Christianity and Islam. Faced with the problem of original equality, the fathers of the Church legitimized the inequality in access to 'nature' by the original sin, and thus, some had the right to master more than others. John Locke, in the context of English Reformation, produced a quake in the political thinking by stating that this was not a conventional right, but a natural right, thus everyone had the right to protect that part of nature that s/he is working on, and make it *property*. There was no need for protecting nature outside one's own property, one's own source of living and wealth, because nature was infinite. Protecting nature was protecting a resource; protecting the resource meant protecting individual property. Defending private property turned into a derivative aim from the original demise of the Church's power.

The migration to the American continent fueled this philosophy but also provided its limits. Locke's philosophy was translated in legal terms in the American Bill of rights on the basis of which the Americans legitimized their colonization of the 'wild west'. The problem of vanishing the frontier called into question the protection of natural resources. Certain natural resources were protected before as well as under the state's or different guilds' monopoly, as was the case for salt and forests. But the protection of a particular territory as a whole, with everything that was in, on, and above it, was a new idea which conflicted with the inner philosophy that lies at the core of the American state, liberalism. How to allow state intervention in nature protection in the most liberal society? At the same time, another spectacular twist of values took place: from the shelter of Satan, nature became the house of God in the American puritan tradition. It was, therefore, another derivative aim of the

governing process when Theodor Roosevelt transformed wild nature into the state's identity mark. However, economic pressures remained high, and the scientific legitimization of forestry offered a good support for continuing the exploitation of nature by claiming to protecting it at the same time. This dual discourse over nature protection persists until nowadays. Natura 2000 appears in this context as an attempt to unify this double discourse in an even more coherent manner. Yet, as the above data showed, the two main characteristics of the Natura program – its colossal dimensions and the heavy reliance on scientific legitimacy in nature protection, produce another derivative aim: nature protection should provide something more than 'nature'. The invention of the national parks conjoined with national identity-building in the XIX and early XX century, nowadays, it is the transnational and the cross-border dimensions that are emphasized in nature protection. Like in the past, nature protection is not only about protecting nature, is about broader political and economic concerns.

Part III: Access to Natural Valuables and Environmental Conflicts in Galicia

> *"The colony of a civilized nation which takes possession, either of a waste country, or of one so tightly inhabited, that the natives easily give place to the new settlers, advance more rapidly to wealth and greatness than any other human society."* Adam Smith, *The Wealth of Nations* (1998 [1776]:344)

Avó gets on the small John Deer mower. He is 78 and likes driving this small machine to the *Monte* at every occasion.

> "After the war there was famine. I worked only for food in various households in the village. They were the rich! Rich meant that they had bread. There was no payment: at the end of the day you were happy if they would tell you to come back the next day – you had something to eat the next day, too. *O patrimonio ne ruino!* ['The public department for agriculture' ruined us]. Everything was planted with pines and people had no pastures. It was *fame negra* (black famine)*,* believe me! There, were we go now, where the *eolicos* [windmill power generators] are we had pastures. They can build *eolicos* of 20 meters high but we still cannot plow for 10 centimeters for making pastures." (Avó, fieldwork notes[49])

When we arrive Avó explains further: "See, the problem is this: *o toxo*! When it is little, the horses eat it, because it is small and the thorns are little. But when it gets bigger, you have to cut it because it's growing everywhere." Then he starts the engine of the mower: "What I do now, you must not tell, because *they* protect it, I am not allowed to cut it without permission." After noting this conversation in my field notebook I wrote: Avo's expression while cutting *toxo* is blissful. I was at the beginning of my fieldwork in Galicia and I did not know that his sparkling eyes meant something else.

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[49] The quotes from the informants might be from written or recorded interviews. I note the exact interview and the time when the interview was recorded; when this note is missing, than the quote is reproduced from my fieldwork notes.

Chapter 11 - *O Monte*

O Monte is the key concept for understanding the past and present environmental conflicts in Galicia. Yet, it is not easy to grasp its meaning, both in the official documents as in the day to day life. *Monte* is a polysemantic word. Both in Spanish and in Galician it has multiple and in the same time different meanings from one language to another. First, in both languages *Monte **does not*** mean mountain. This denomination has nothing to do with the geographic configuration of the earth. In Spanish, *Monte* is mostly related to forests. If we look at the most recent state law, law 43/2003, which is called *Ley de Montes*, we see that it was conceived precisely as an attempt to clarify this concept. Yet, it makes it even more complicated. Article five *"Concepto de Monte"* stipulates: "*monte* means all areas in which trees, shrubs, brushwoods or herbaceous are growing, spontaneously or from seeding or planting, and that meet or <u>might meet environmental, protective, productive, cultural, scenic or recreational functions</u>"[50] (my emphasis). So, what is **not** *monte*? The law stipulates that "the land assigned to agriculture is not *monte*" as well as the urban areas (*terrenos urbanos*) (ibid: art.5/3). But when it comes to Galicia, things are very different.

In south of Galicia, like in north of Portugal, these landscapes are called *baldios*, which literally means 'waste lands'. As I mentioned in the first chapter of the empirical part dedicated to the idea of nature protection, the word *Monte* in Galician designates a complex *agro-silvo-pastoral system*. Xesús Balboa defines *Monte* in the Galician context as those landscapes that are part of a local agricultural system but are not allocated to permanent cultivation; it can be a geographical elevation of the soil, or not, it can be covered by forests or forestall vegetation, or not (Balboa 2000: 385-6). Thus, *Monte* in Galicia represents a landscape primary defined by its use and its property regime.

O Monte is not a patchy setting in the overall Galician geographic, agricultural and juridical panorama: in the mid ninetieth century the *Monte* was approximated at 70% of Galician territory, while the first rigorous inquiries of the Spanish state for this setting showed in the 1920's about 65.9% (Balboa 1990: 24). Lately, the local Government - Xunta de Galicia, counted 62.5% of the Galician territory as being *Monte* (idem). To answer why such a big territory is used differently and forms a particular type of property regime it is important to understand what was the traditional use of the *Monte*. Accordingly, the aim of this first

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[50] All translations from Spanish, Galician, Portuguese and French that follow are mine. I will provide the original text in the respective idiom when the importance of the text it requires. This is the case here. The original is the following: *"se entiende por Monte todo terreno en el que vegetan especies forestales arbóreas, arbustivas, de matorral o herbáceas, sea espontáneamente o procedan de siembra o plantación, que cumplan o puedan cumplir funciones ambientales, protectoras, productoras, culturales, paisajísticas o recreativas."* (Ley Estatal de *Monte*s 43/2003, art. 5).

chapter of the Galician part is to introduce the concept of *Monte* from a juridical stand as well as to picture the traditional uses from the mid-eighteenth to the mid-twentieth century as they are described in the literature. How these uses changed during the last two and a half centuries, and what consequences at the local level it caused, I will present in the second and third chapters. How do they look today and what is their nowadays dynamic, I will present in the final chapters by taking the example of the village of Labrada situated in the Lugo Province, northeastern Galicia.

11.1. The uses

During the last two and a half centuries the traditional uses of *Monte* can be divided in three main categories: crop growing, animal farming and wood cutting for fire and construction. These three uses were, and partially in some places like Labrada, still are deeply interlinked. I say partially because the crop growing in *Monte* disappeared in Galicia in the past thirty years.

O Toxo and A Xesta

As estivadas refers to a crop growing rotation system. According to Bouhier (1979), this agricultural system ceased by the mid 1970's. People from Labrada could still record how *as rozas,* the local name for *estivadas*, were done, last *rozas* in the village being made around 1980. First, cutting-off the bushy vegetation, mostly including *o toxo* (*Ulex europaeus*) a thorny bush, and *a xesta* (*Sarotamnus scoparius*), both very invasive plants. This 'cleaning' procedure took place during the early summer and the vegetation was let to dry for about a month. After these pails of vegetation were well dried, they were burned. The ashes were well distributed on the soil. This preparation was supposed to be finished by early October the latest, so that the plowing and seeding could place before the rainy days of autumn. The cops consisted mostly of wheat and rye, and sometimes corn or potatoes. The important part is that through this process usually ***one, and no more than three,*** harvests could be obtained, this because in the following year the production was diminishing considerably. For that piece of land to naturally recover its fertility and be ready for cultivation again at least ten years had to pass.

     As estivadas were meant to compensate the harvest from individual plots or simply as a precaution measure for food security. Yet, where and how much land would be allocated to one family was determined by the working force available in each family and by the location of the household. In the system of *montes de varas* (see next section) the plots for *estivadas* were proportional with the individual plots of land. For the system of *montes veciñais* the

plots were allocated randomly. I will describe in chapter five how this was done in the case of Labrada.

Yet, once the harvest was done, the land was not abandoned. It was dedicated to *pastisal*. *O pastisal* means pasture, but the word refers only to the human made ones, and not to 'natural' meadows. Pasturing pigs in *pastisales* was rare in Labrada according to what people remember, but the literature (Balboa 2000: 402) mentions that back in the nineteenth century the practice was quite common in lower lands of Galicia. Cows, horses, sheep and goats were the most frequent animal flocks pasturing in *o Monte*. During my stay in Labrada I witnessed the seling of last herd of goats from the *Monte*. However, these animals do not pasture together, require different type of care and have different impact on the *monte*. The cows were pasturing mostly in the proximity of the households as they were kept in stables during the year. The semi-wild cows that pasture during the whole year in *monte* is a recent phenomenon which is related to the division between milk cows and meet cows that took place after intensive farming was introduced in the past decades. The same happened with horses. Yet, horses have a tremendous importance for *monte's* ecology. They are the only animals that eat *o toxo* and *a xesta*, and this only when the plans are still young, of about ten centimeters above the ground. *"Horses keep the monte clean"* people say today. The extreme invasive character of these plans makes it impossible for any human attempt to keep the pastures clean, or back in the times, the land designated to *estivadas*.
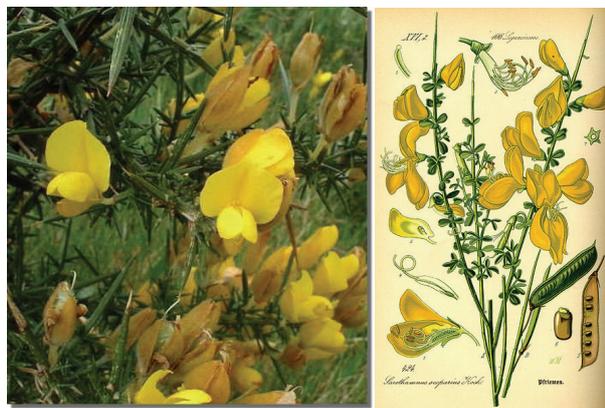
Picture 9*: O Toxo* and *A Xesta*.
Source: Wikipedia.

Thus, the horses and the survival of pastures in the *monte* are fundamentally interlinked. Today, herds of wild horses pasture free in the *monte* of Labrada in a 'strange' property arrangement. But considering the role of *o toxo* and *a xesta* in the local ecology as negative would be an error.

In times of lack of fodder, the peasants were crushing the *toxo* and *xesta* and were mixing it with hey or other vegetal mass for feeding their animals. But, as a rule, *o toxo* and *a*

xesta were used as bedding for cattle. Before being five years old, these plants were cut and used in the stalls. Together with the dung it fermented and constituted an indispensable fertilizer for the poor soils of Galicia. As Balboa put it, these plants were key elements in the peasant economy of Galicia (ibid: 399). Today its role is still stringent, but not in the local economy but rather in local politics.

The permanent harvest of *o toxo* and *a xesta* had a very important ecological impact. First, for assuring a permanent regeneration of the soil. The controlled arsons regulated the acidity of the soil and facilitated the infiltration of essential minerals such as potassium, which further on made possible the growing of valuable trees (Sigaut 1975: 112-121)[51]. Sigaut documents even practices of cultivation of *toxo* in Galicia during the last round of seeding crops (ibid: 113). The chestnuts trees and oaks, among other species that one can find in the *Monte*, were essential for impeding the soul erosion, while acorns and chesnuts were used in the household for both animal and humans. We arrive at another important use of the *Monte*, namely, the wood.

As Fragas

Galicia is not covered by dense, deep forests as we see in the Carpathians for example, and in the last five thousand years it never was. While the Atlantic climate has some influence, it is not a decisive factor. Following pollen analysis from soil samples from 3000 BC onwards, Luis Guitián Rivera concludes that the agricultural techniques of *estivadas,* or *rozas,* had a major impact on limiting and selecting the forestall landscape in Galicia (2001: 106, 124). The extensive agricultural practices in *monte* in the system of *estivadas* gave birth to a particular type of forests, or forested lands, named *fragas*, or in Spanish, *dehasas*. These compact or scattered woods of various dimensions were of crucial importance for the local, 'national' (depending on the time we are referring to) and international scale. As I will explain in the following two chapters, wood had a crucial importance for the local economy and consequently, for the environmental conflicts that shaped the history of this region. At the local level *as fragas* were an essential shelter for both domestic and wild animals, and constituted the wood resource for construction. But, in the same time, they were big enough for assuring a reliable resource for the naval industry and, later on, industrial ateliers. "In the last years of the Middle Ages, the Kingdom of Galicia disposed of forests able to produce

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[51] Sigaut's study brings well documented examples of how certain species, especially oak, are favored in their germination process by arsons.

enough timber for the local population and to maintain an intense extortive activity in the same time (…)[52]" (ibid: 129).

The legal possession of the *montes* for the veciños was only recognized in 1968 (see chapter 4), but permanent state attempts for pinning down an universal juridical status for accessing these lands took place since the late Middle Ages onwards. In the following we will take a glimpse on what the juridical status of *monte* was like.

11.2. The juridical status

During the past three centuries, the *montes* were dispatched in the historical documents in three main categories: *de varas*, *veciñais*, and *de proprios*. While all three of them are a form of collective private property, the differences between them mark, to my understanding, the passages form one historical period to another.

The access to the *Monte* in the system of *veciñais* is egalitarian and is based on the attribute of vicinity that one has to have in order to access it. Vicinity means that one has to live in a community and be recognized by a certain social group as *veciño*. The social community can be a parish or not, a village or not; essentially, it can be any human community that is recognized as such. In the documents that the above mentioned historians and geographers studied, a community could be composed even of five households. Customary, *the vicinity* is defined as *casa aberta con fume-lume*, the opened house with smoke and fire. This implies that one has to have an economic activity in the village. As I asked in Labrada, for a painter that comes and buys a house in the village and wants to be a veciño, s/he would not be allowed since he has no economic activity in the village. Moreover, if one leaves the community, one loses the vicinity and the rights to access the *monte*.

Os montes de varas means that the access to the *monte* is divided unequally between the households according to the individual farming land that each family has. It means that a family can temporary enclose plots in the *monte* for making crop cultivation – *as estivadas/rozas*, proportionally with the individual plots that the family has. Accordingly, people introduce a system of quotas in the *monte*, as well as a very instable system of inheritance and sale (Balboa 1990: 57, Saavedra 1985: 196). The origin of this property regime is unclear and still a matter of debate in the Galician and Spanish historiography (Balboa 1990, Nieto 1964, Saavedra 1989, Bouhier 1979, Lopez 1979). While Bouhier and in some respect Balboa tend to consider the origin of this unequal type of access in ancient tribal

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[52] Here the author compels the data from the soil analysis with historical data from mid fourteenth and mid fifteenth century.

societal organization of Galicia (Bouhier 1979: 850:1, Balboa 1990: 60-61), I give more credit to the idea that this unequal type of access is the result of the medieval institution of *foro*.

De Jure, in Galicia, the *montes* were the property of the church or of the crown[53], but in the direct and continuous use of the peasants[54]. The *foro* was a contract between *forista*, the Church or the Crown, and *forero*, the individual peasant, usually the head of the household. The contract was intermediated by the local priest and followed the territorial administrative division of the Catholic Church which had the parish as its basic unit. The priest knew how many people lived in the parish and how much the parish had to pay to *forista* in the end. The contract was made on a very long period of time and consequently the *forista* assured its incomes and services for a long period of time, and the *forero* had the security of access to the resources. The *forero* had different obligations towards the *forista*: the payment of rent, mainly in products, to provide certain services and works, and the obligation of being "*a good and obedient vassal*" (Balboa López 2005: 443). These contractual characteristics turned *foro* into an institution which regulated social, political and economic relation between peasantry and nobility during the middle ages and up to modern times[55]. Now, the *montes de varas* coexisted with the *montes veciñais* in very proximity, both were considered waste - *terras incultas*, but the difference is that the first were subject to *foro*, while the latter were not[56]. While Bouhier considers that the northern half of Galicia consisted mainly of *montes de varas*, by the mid-nineteenth and twentieth century they started to be assimilated as *montes veciñais*. This period of time corresponds to the expropriation and the privatization of the monastic properties in Spain – *La Desamortización*, which started with a set of decrees between 1835 and 1837, initiated by the Minister of Treasury, the economist Juan Álvarez Mendizábal.

After Mendizábal's reforms the Spanish state tried to become the owner of this land by transforming them in *montes de proprios*, which basically means *montes* that belong to

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[53] At the end of the eighteenth century 52% of the Galician territory belonged to the monasteries (López 1979: 29).

[54] I distinguish between *peasant* and *farmer* not historically but economically. Peasants are people producing their living in self-sufficient, autarchic economies, with no direct incentive for selling their products on the market. I see farmers as economic entrepreneurs.

[55] The institution of *foro* was not static. Balboa (2005: 444) founds three major changes that happened during the Galician enlightenment: 1) looseness of the vassality character; 2) the rise in power of an intermediary social group, i.d. *la hidalguía*; 3) the rent of the land to third party actors, "powerful beneficiary" that were allowed to redistribute the land according to their will.

[56] This is still an understudied topic in the literature. My impression is that Xesus Balboa is not always consistent with the data he is presenting. While quoting official administrative documents from 1767 that state clearly that only the m*ontes of varas* are subject to rent (Balboa 1990: 70), he concludes that there was no fixed rent for them *monte*. I admit that I did not have direct access to the documents and that the topic of *foro* is only tangent to the present study, but, if we consider *foro* as a contract made on long term, than it might be that the *Montes de varas* were subject to a more occasional rent. However, in the literature I have not found any reference for rent from *the montes veciñais*.

municipalities. The first *Ley de Montes* from 1863 that I will describe in the next chapter, which in the Spanish juridical literature has the meaning of forestry law, empowered the first generations of forestry engineers to abolish the customary uses of *monte*, namely *estivadas*, in the name of nature conservation. As I described in the fist part, nature conservation was conceptually the appendage of the market mechanisms of, what we call after *World Commission on Environment and Development's* report (WCED) from 1987, "sustainable use of natural resources". This is why I tend to believe that the artificial division that we find in the documents concerning *os montes de varas, veciñais and de proprios*, corresponds more to external attempts to regulate the access to these lands and not to the social reality on the ground. Therefore, I consider in line with Saavedra (1992) and Balboa (1990) that the system of *montes veciñais* is the 'organic' juridical system of regulating the access to the *montes* at the local level, characteristic for the whole Galicia. Another confirmation for this stand is that nowadays the *montes de varas* constitute a rarity, while the *montes de proprios* do not exist anymore.

The agro-sylvo-pastoral system of *monte* and the autarchic economy of the Galician household were intimately linked. The two, formed the traditional agrarian system in Galicia (Bouhier 1979). *O toxo* and *a xesta* were indispensable for the economy of the household, while by controlled arsons a certain environmental stability was created. Due to the poor quality of the soil in the *Monte*, an individual ownership would have been impossible. In order to be able to take economic advantages form these lands, the only form of access feasible was collective. *As estivadas/as rozas* could not be performed on individual owned plots but only through a permanent rotation on big areas of land. As I mentioned before, for one plot of land to recover its fertility capacity at least ten years had to pass. This is why, constantly two thirds of the Galician territory remained throughout history *monte*.

The attempts for individual and institutional enclosure of the *monte* intensified from the mid nineteenth century onwards. Yet, these attempts produced considerable environmental degradation and local social conflicts as I will describe in the next chapters.

Chapter 12 - The Roots of State Forest Regulations

In this chapter I will show how the wood crisis came about in Europe and especially in Spain. Then, I will point to the first forest protection measures of the Spanish state and its consequences for northern Galicia. The presentation that follows about wood-made ships is important because building ships meant dispossession of the local peasants – and the memory of this disposition is used, as I will describe later on, by the local elites at the village level in their struggles to defend the rights to access the *monte* by the community of Labrada. Second, it shows the overall context of the first forest protection regulations and its consequences for Galicia.

12.1. The Floating Forests

It is hard to imagine nowadays the importance of wood for the creation of the world economy in the days of merchant capitalism. Wood was vital for the emerging shipbuilding industry. Yet, the bigger the importance of the fleets the scarcer the wood became. Starting with the sixteenth century, fleets became the major sign of imperial power and started to play a major role in international diplomacy (Harding 1999: 50-1). This period coincides with a devastating wood crisis throughout Western Europe. Naval history and forest protection are deeply intertwined from the sixteenth until the end of the nineteenth century especially in Spain which, due to its fleets, by the mid-sixteenth century became the first global empire in world history[57]. Before the fourteenth century the distinction between war ships and cargo ships was small in terms of design and utilities. "There was in thirteenth century, and for many hundred years afterwards, no essential difference between the trading ship and the warship." (F.W. Brooks in: Unger 1981: 245). While before the thirteenth century the monarchs were not interested in having their own fleets and preferred to rent them from merchants (Unger 1981), the distinction between the two happened more rapidly than Brooks thought. Richard Harding notes that: "[s]ome of the earliest established navies were created to defend trade. Venice, Genoa and Lübeck created navies to protect their trading vessels. Unlike the feudal monarchs, the city oligarchs depended upon trade for their wealth and power" (Harding 1999: 51). The use of gun powder for cannons in sea battles[58] caused the division between the two types of ships in the fourteenth century and contributed to the rapid advancement of sailing techniques and the ship industry in Europe.

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[57] Having colonies on all continents of the globe.
[58] The first ship sunk by the use of gunfire in Europe was in 1513 (Unger 1981: 248).

Yet, by the end of the sixteenth century, Spain reached its pinnacle as trade and military power. It was during Philip II (1527-1598), nicknamed *El Prudente* (The Cautious), that Spain became the first global empire, *i.e.* having possessions on all the continents (Altamira 1949). Phillip's merchant ships had a capacity of 175.000 tones, on which were added the fishing boats – about 50.000 tones (Manderscheid 1980: 170). These ships were moving between what nowadays is Brazil, Argentina, Mexico, California, South-East India, South-East and West Africa, the Philippines, South of Italy, North of Holland and the main islands in between[59].

However, his main weapon for expansion, used in wars as well as in diplomacy, was his navy - *Grande y Felicísima Armada*, the most powerful and the largest navy in the world, that the poet Lope de Vega (1562-1635) named "*selva del mar*" (the forest of the sea) and "*árboles de la Fe*" (trees of the Faith)[60]. In 1573 the Spanish armada disposed of the following vessels: 152 galleys (*galeras*), 44 ships of big capacity, 52 frigates, 36 *barcones* (heavy ships for munitions and other transports), 22 *falines*. The carrying capacity of the armada was of 75.000 tones (idem). Thus, the total carrying capacity on the sea of the Spanish Empire in the mid-sixteenth century was of about 300.000 tones.

According to Manderscheid's research, this can be translated to 3 million cubic meters of timber or 6 million cubic meters of raw material which in turn can be roughly calculated as 6 million mature trees. Manderscheid goes further with his calculi and estimates that 120 000 hectares of the best forest was needed for this grandiose merchant and war fleet. But the problem, in environmental terms, was not that for a fleet like this a forest of the size of Los Angeles of the best quality was cut, but that under normal conditions of useage a ship very rarely lasted for more then twenty years (ibid: 171). Yet, Phillip's fleet had a shorter life, most

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[59] The way these transcontinental realms were governed and how the Spaniards legitimized their access and possession to these new territories is an understudied topic that can bring important contribution to the studies of transnational governance and political ecology. For example, *Ecomienda* and *Mita* are the state institutions through which the Spanish empire legitimized its claims to the natural resources in the colonies. The Thomistic philosophy of "common good" was at the conceptual basis of them (Vives 1969:319-21; for the Thomistic definition of "common good" see for example Smith 1995: 58-83). Yet, here I limit only to the example of Spain.

[60] I will quote here a fragment of this poem for a better understanding of the importance of this navy in that specific geopolitical equation.

"Famous navy full of banners,
they all left from the red stole, (in original "*estola*", a Christian liturgical garment)
trees of faith, where is vibrating
the very white banner, on every mast.

Forest of the sea, this is what we witness,
that from Ulysses the Christian onwards the faith alone
takes you out from the Spanish margins
against the falsity of a siren." (Lope de Vega, Sonnet 46 "*A la jornada de Ingalterra*", in Manderscheid 1980: 174, own translation).

of them were sunk in the Anglo-Spanish war (1585-1604) together with the supremacy of the Spanish world empire.

At the time when the Spanish built their *Grande y Felicísima Armada* Spain was already in great difficulty concerning wood resources. For building his navy Phillip II had to buy wood from Poland and bring it floating to the shipbuilding harbors of Ferrol (in Galicia), Burgos and Santander (in the Basque country), the Spanish timber being by far insufficient (Ponting 1991:278). Besides building the biggest war and cargo fleet in the world, Phillip had another very ambitious project. In reaction to the protestant reformation that was haunting Europe, Phillip saw the geopolitical opportunity that opened up to Spain: to become the stronghold of Catholicism and ultimately of Christianity, while Madrid to be the Third Rome[61]. Therefore, he proceeded with the building of *El Escorial*, the royal palace of the kings of Spain and the ecclesiastic center of the Spanish Empire, a masterful but very costly architectural project. Yet, the shortage of wood was very pressing in the entire Europe by the mid sixteenth century. Ponting makes a quite illustrative tableau of the situation: "The first signs of shortage of timber in western Europe can be identified in the shipbuilding industry in the fifteenth century. Venice, one of the great medieval maritime powers, exhausted local timber supplies and came to rely on imports form its colonies along the Dalmatian coast, while imposing draconian laws in an unsuccessful attempt to protect the last of its domestic oak forests on the Italian mainland. By 1590 the Venetians had to import complete hulls for their ships. (…) In the rival Genoa, the price of oak for shipbuilding rose eleven-fold in the hundred years after 1460" (Ponting 1991: 278). Additional information comes from Richard Harding who explains that in sixteenth-century Venice not only wood was of crucial importance, but also those who were crafting it. "The role of shipping and trade was so important to Venice that its Arsenal, the shipbuilding complex, became one of the greatest building, manufacturing and repair centers of the pre-industrial world, and its workers, the *arsenalotti*, an important force in Venetian political life." (Harding 1999: 51).

The rise of merchant capitalism, the division between cargo and war ships due mainly to the use of gun powder in naval warfare caused massive deforestations. The regeneration of the deforested areas was very slow and impeded mostly by the raising number of cattle, especially sheep (Manderscheid 1980: 170). The first who took action against deforestation were the Venetians by the beginning of the seventeenth century. The Spanish followed after more then a century, subsequent to their defeat in the Anglo-Spanish war. The reason was

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[61] The myth of The Third Rome is a very old political obsession of various leaders of the European continent, which combines the holly heritage of Christianity, with the resurgence of military domination. As I will show in the third part, Moscow's pan-Slavic project after the fall of the Ottoman Empire was rooted in the same rhetoric.

their strategic resources in Central America, especially Cuba. It was Philip II who moved the first shipbuilding harbor from continental Spain to the colonies in the 1570's. Havana became the major center in shipbuilding of Spain[62]. While deforestation cause by the rise of the shipbuilding industry made place to sugar plantations in Cuba (Funes Monzote 2008) and in the Caribbean Islands (Mintz 1985), the forests in Spain recovered, so it that it was the time for new Iberian-made ships.

This was the social, political, economic and environmental context, or what I will call in few words from now on, *the momentum of the law* when in 1748, Fernando VI gave two royal decrees concerning forest protection. The first was in January - "for the conservation and extension of *Montes*" and the second in December "for the extension and conservation of *Montes* and *Plantios*" (areas with planted trees). Both were actually a translation (not in the literal sense of the word) of the *"Ordonance sur le fait des eaux et Foret"* from 1669 of the French minister Colbert, and both aimed at strengthening the naval force of Spain as it was the case for their French counterparts (Groome 1990: 29, 31).

According to these laws, all *Montes* that were situated within 25 *leguas* (138 km) from the coast or any navigable rivers passed under the armada's administration[63]. Due to its geography, all *Montes* in Galicia came under the administration of the royal Spanish navy and the use and extraction of wood without special permits from the intendants of the navy was strictly forbidden. But the church kept its right, and so did the crown. This means that another layer of governance was added to the existing feudal one. Yet, shortly after the promulgation of royal decrees, visits of navy officials were organized in all Spanish Iberic territories for a census of the most valuable trees. And this census was in the most accurate sense of the word. The state officials were counting tree by tree in order to establish the renewed resources for rebuilding the Spanish naval supremacy. In Galicia they reckoned 94.541 trees with good potential for shipbuilding: 88.996 oaks, 1.237 chesnuts and 4.308 pines (Manderscheid 1980: 149). No one was allowed to touch these trees, but *The Armada*. For the first time in Spanish history, a forestry administration was established through the military apparatus of the royal navy and in the benefit of the naval military forces.

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[62] Ralph Davis notes in his history of *The rise of the Atlantic Economies* that " the needs of Atlantic shipping had grown so fast during the sixteen century that the Basque shipbuilding industry was unable to keep pace with them, and colonial shipbuilding was begun, first in Havana in the 1570's" (Davis 1973:153).

[63] This was the case for the colonies as well, not only in the Iberic peninsula, only that in Cuba for example the amplitude of the controlled territory was not 25 *leguas*, but 40 (Funes Monzote 2008).

The recovering of the Iberic shipbuilding industry in the second half of the eighteenth century had devastating ecological consequences. This was because the Armada targeted especially the trees from *as fragas* that I described in the first chapter. Guitián Rivera notes: "Actually, *las fragas* and *dehasas* from the provinces of Santiago, Mondoñedo [my research area, n.a.] and La Coruña were very much affected by the rebuilding of the arsenal from Ferrol. The later [La Coruña], for example, was providing a quantity of 50 carts of oak and chestnut timber per day (…) which represent between 7000 and 8000 metric tons per year." (Guitián Rivera 2001: 128).

From these measures coal merchants and industry man took advantage through their formal and informal relations with the navy officials so that the later would allocate supplementary quantities of wood to their businesses. Peasants in Galicia saw their rights of access more and more restricted. What started as protection of most important trees for building ships, *de facto* ended up in a stronger restriction for most of the fuel-wood. The restriction for peasants turned in favor of the newly built Galician steel ateliers and small factories (Sayar et al. 1997, Prado Gómez 1993, Carmona Badía 1993). As a result, in 1798 a revolt took place in the northern part of Galicia. Four thousand peasants assaulted and destroyed the steel factory in Sargadelos[64] owned by Antonio Raimundo Ibañez (Marques of Sargadelos), himself an *armador* (ship-owner). This event is the most striking collective mobilization of Galician peasantry to defend their access to *Montes* in the eighteenth century (Sayer at al. 1997). But this event is also illustrative for the clash between different layers of governance around the *Montes* back then. Let's take a closer look at this episode.

All started in 1788 when a committee of 35 veciños from the parish of Santa Maria da Rúa allowed Ibañez to construct "one or more factories of steel" (Pardo 1979: 83, quoted in Prado Gómez 1993: 35) on their land. Having this first agreement at hand, Ibañez asked for the permission of the Crown to build his steel factory. But the Bishop of Mondoñedo, who *de jure* was the jurisdictional *señor* of the land, opposed. The bishop feared that the factory would weaken the influence of the Church in that area. The easiness with which the peasants from Santa Maria da Rúa gave concession rights to Ibañez is quite bizarre, first because there were other actors around which were against the factory. Gómez (ibid: 35-6) notes that there was a group of opposing owners (*proprietarios*) and peasants (*aldeanos*) that saw in the steel installations an important contestant of their access rights and a competitor for the wood resources. Second because the power of the armada was still there and *"the Commissar from*

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[64] 60 km north of Labrada.

Veveiro Harbor considered [the factory] *a menace to the navy's timber reserves and that it will multiply the wood ravages in Sargadelos' forests."* (idem: 36) As a result, on October 27, 1788 the Government denied Ibañez request. But, the chance turned towards the *entrepreneur:* Carlos III died in December the same year and one of Ibañez' trustees in Escorial, Godoy, got appointed *superministro*. In the next two years Ibañez made multiple voyages to Madrid and established close contacts with certain influential Asturian groups. In January 1791 both the Bishop and the Commissar gave their concent and on the 5th of February the new king Carlos IV signed the royal act through which Ibañez was allowed to build *"one or more steel factories in the water perimeter of the Rio Cervo"*[65] (idem). The first steel bars were delivered in September 1774 to the Armada for the shipbuilding arsenal in Ferrol. The factory was able to process about 2 to 2.7 raw material per day, about 11.682 quintals per year (Badia 1993: 19). In 1788, '92 and '95 different small peasant revolts took place in the villages around, following the more restricted access to the fuel-wood that peasants had to face. Yet, the revolt from 1798 was lighted-up by a rumor. Gómez explains: *"In that year there was a rumor in the canton* (comarca) *that the steel factory will not pay the rights for wood, but it will ask for more services in the forests. The rumor was reinforced by the small land-owners* (hacendados) *and the priests, who had very little interest in the industrial development of the area…"* (ibid: 36) and the revolt burst on April 30 and 4000 *braceros* (workers) and peasants burned the factory and destroying the remains.

It is hard to tell at this point how much this was peasant revolt, and how much political manipulation coordinated by the more powerful actors, mainly the Bishop of Mondoñedo. But this is not my aim here. What I want to stress at this point is that clear environmental conflicts existed before the institutionalization of the modern national state, and that these conflicts were characterized by sectorial tensions (the industry and the navy) and also by institutional tensions (between the Crown and the Church).

All the same, these first forest conservation measures were related to the very character of the capitalist economic system: the faster it goes, to more stable it is, the more need for natural resources it has. And Galicia, through its shipbuilding harbors, especially Ferrol, was in the mist of it all along the eighteenth century. In the eve of industrial revolution the deep-water transatlantic wooded-made ships reached gigantesque dimensions. When a warship of 70 cannons was built in 1795 in Ferrol, a total of 19.330 *codos cubicos*, approximately 2.800 cubic meters of timber were used (Manderscheid 1980: 167-8). Out of

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[65] In original "*en las Aguas de rio Cervo*". We notice that *Aguas*, the water perimeter, refers to the *29 leguas* mentioned above.

this quantity, 630 *codos* were from northern Europe, while the rest was local (idem). Yet, this was a medium-sized warship. The Spanish were the avant-garde in ship building. They built the biggest war ships of the 18th century "testing the practical size of wooden warships" (Harding 1999: 25). In 1769 they built one of the most powerful and the biggest battleship of that time - *Nuestra Señora de la Santísima Trinidad*[66], the first four-deck war galleon, nicknamed, *El Escorial del Mar*. 136 canons and about 1000 men were on this ship that was ready to carry 2.879 tones burden (idem). For such a ship ten different wood essences were used: oak, cedar, elm, teak, and various species of pines (Manderscheid 1980: 167). I imagine this war machine as a master piece of the wood technology, but in the same time - a floating forest. The more floating forests the Spanish empire had, the more it needed on the ground to keep them floating.

The above data shows how the first measures in Spain for forest protection were rooted in the permanent imperial needs for territorial expansion. Since the first and most powerful weapon in acquiring "new" land was the navy, forest administration became a military affair. In Galicia forest protection went hand in hand with the economic interest of local economic barons as it was the case for Sargadelos. Deforestation in Galicia during the seventeenth and eighteenth centuries represented a process of *Landnahme* - land grabbing (Luxemburg 1963), which further fueled the capitalist expansion process. The land grabbing was enacted by the Spanish state. The first forest protection laws were not made to protect the environment, but to protect a resource, in order to protect the empire[67]. The environmental conflicts were in the same time sectorial conflicts of the Galician and Spanish societies.

12.2. The Political Forests

If during the ancient regime royal decrees were translated from one European court to another as exemplified above, this embryonic transnational governance regime bloomed after the Napoleonic wars. By the mid-nineteenth century world odysseys were a matter of history. Everybody acknowledged that, unfortunately, the world has margins and natural resources are finite. Thus, the resources discovered had to be managed by the rational laws of science. It is not the case anymore to reiterate that the technocratic era in forestry, which actually is not over yet, represented the means by which the state wood production and reforestation was

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[66] *Santisima Trinidad* was build in Havana and finished in March 1779.
[67] Similar conclusions were reached by Agrawal for India (Agrawal 2005: 124-5), Davis for China (Davis 2002: 362) and Peluso for Indonesia (Peluso 2009: 74).

effected (Davis 2002, Li 2007, Scott, 1985, 1998). But was there a link between forestry polices, environmental concerns and wood industry? Garcia Pérez and Helen Groome (2000: 486) came to the following conclusion in their study of Spanish forestry in the nineteenth century: there was "a collusion of interests between the state and the wood pulp industries for the production of cheep wood, rather than land protection. The rhetoric of protection was used to mask the reality of production". How was this possible, through which mechanisms of legitimization did state technocrats administrated natural resources in nineteenth century Galicia? The answer lies in the role of cultural brokers.

Although essentially an agricultural region[68] and at the margin of the continental Spanish empire, Galicia benefited of an intensive intellectual and economic life in the mid-eighteenth and nineteenth century. One of the first economic societies[69] in Spain, *Los amigos del País,* a very fashionable intellectual institution in Europe back then, was founded in A Coruña in February 1765[70]. These institutions had the aim to promote agriculture, natural sciences, economy, statistics and arts in the very spirit of the enlightenment. They were formal groups of intellectuals acting like corporate actors in paving the way to liberalism in continental Spain (Shafer 1958), as well as in the Spanish colonies (Popescu 1997: 153-74). Individuals forming these groups[71] were multilingual, able to translate main intellectual works of the time, and more important, in close contact with similar societies across Europe. *The Friends of the Nation*[72] were a veritable transnational community (Djelic and Quack 2010) previous to the factual existence of national states. It was a manifestation of what Philip Curtin called "a cross-cultural trade" where individuals were "cross-cultural brokers" (Curtin 1984: 222, 234). This form of cultural brokerage was well institutionalized: with clear rules, rituals (passwords, dates of celebration of events etc.), in which the ideas were exchanged not

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[68] In the eighteenth century in Galicia there were 12 to 18 steel ateliers and factories while in the Basque country there were around 200 (Badía 1993).

[69] The topic of "Economic Societies" in late eighteenth and nineteenth century Europe, especially Eastern Europe, was little addressed in economic history. Only recently we find an increasing attention in the work of Aguello and Guidi "*The Spread of Political Economy and the Professionalisation of Economists: Economic Societies in Europe, America and Japan in the Nineteenth Century*", which stands for a sound study of this phenomenon. Yet, in economic sociology this topic is understudied up to now.

[70] The first one was founded in Madrid in January 1745. The first Spanish bank was founded in 1777 also in A Coruña with French capital due to the relations of *Los amigos* with their French counterparts.

[71] Bauer Manderscheid makes a nice portrait of these main intellectual elites involved in this movement (Manderscheid 1980: 221-38). Popescu states that there were more then 50 groups of *Los amigos* in Spain at the beginning of the eighteenth century (Popescu 1997: 142).

[72] Popescu's book was first written in Spanish and later on translated into English. Here the translation of *Los amigos del País* is "The Friends of the Nation", and this is the translation I will follow. If *País* can or cannot be translated as *Nation* is still a matter of debate between the *primordialist* and *modernist* theories of nation and nationalism that I will not address here. However, a very important detail is that according to Shafer *patriótica* sometimes substituted for *económica* in the denomination *Sociedades Económicas de Amigos del País* (Shafer 1958: vii, note 1).

randomly but following specific canals and guidelines of exchange.[73] The societies were exchanging information at greater speed than we would think today, and with a substantial impact on national policies and their implementation.

I will provide here a few examples for a better understanding. Pedro Rodrígues, Count of Campomanes (1723-1802) was the founder of the first Spanish economic society. He strongly believed in the rational method applied to political economy and in the necessity of a free economy in Spain.[74] He urged that "societies should translate foreign writings, supplementing them with notes. (…) European discoveries should be followed through periodicals, and attention given to the memorials of the societies of Bern and Dublin, 'the latter making the study of English language of great importance'." (Shafer 1958: 49). As for the membership "'the best educated nobility', was targeted since "they possessed the richest land and would benefit most from the industry of common folk." (ibid: 50). Rodrígues could not understand how "in the mist of such huge territories many Spaniards and Indians lacked land". Thus, since "[n]o government could survey the needs of so vast a territory, so Economic Societies in the province should study their condition and prospects." (ibid: 49).

Almost fifty years after Shafer's masterful study (according to his notes on bibliographical resources, he consulted more than 10.000 pages of manuscripts and literature), Almenar and Llombart bring new light on the issue. *"We do know, however, that the Madrid Society had frequent exchanges of information and publications with parallel societies in other European countries, especially the societies of political economy located **in Paris, Brussels, Sankt Petersburg and Turin, and the Greek** society for freedom of trade."* (Almenar and Llombart 2001: 118, emphasis added).

But let's see how these transnational communities functioned in the case of forestry and what impact they had on Galicia. Forestry science was born in Germany in the eighteenth century[75]. *Los amigos del País* were the ones who encouraged the implementation of forestry principles in Spain and Galicia. Agustin Pascual Gonzáles (1818-1884) and Bernanrdo de la Torre Rojas (1792-1875) were supported by *Los amigos* from Madrid to study forestry in the school of Heinrich Cotta (1763-1844) in Tharandt, Saxony, between 1843 and 1845. When they returned, the two founded the *Escuela Especial de Ingenieros de Montes de Villaviciosa*

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[73] I will come back with empirical examples of *cultural brokerage* later on while describing how the actual resistance towards Natura 2000 is happening.

[74] Shafer notes: "It would seem to be a perversion of the fact to deny that most of the activities of the Societies revolved in one way or another around economic factors;" and a few lines below: "[i]t is especially misleading to assert that the main interest was in education, without adding that it was education to improve industry and agriculture" (Shafer 1958: 114).

[75] Hans Carl von Carlowitz published his *"Sylvicultura oeconomica"* in 1713 in Leipzig. But forest scientists consider Gottfried von Moser's *"Grundsätze der Forest-Ökonomie"*, published in 1757, as the first sound scientific approach to forests (Manderscheid 1980: 239).

de Odón (Special School for Forest Engineers, *Villaviciosa de Odón*)*,* near Madrid, in 1847. They started publishing reviews dedicated to forestry[76] among which the first was *Revista de Montes y Plantíos* (Review of Forests and Reforestation). Moreover, the first generations of engineers played a major role in establishing the first *Ley de Montes*[77] (Forestry Law) in 1863, after the ecological disaster that followed the reconstruction of the Spanish naval arsenal in the peninsula. For understanding how this was accomplished and why there was a need for a forestry code I first describe in short the momentum of the law.

Historically speaking, *El Antiguo Regimen* lasted in Spain until the end of Napolian domination and the promulgation of the first constitution in 1812. The transition was by far not as bloody as in France. Liberal reforms concerning administration of resources (taxation, the administrative division of the territory, military service etc.) were established step-by-step after the approval of the constitution. One of the most important reforms was the *Desamortización Eclesiástica*, in 1837, through which the ecclesiastical properties first became the property of the state and afterwards were privatized (the same law I referred to in the previous chapter). Those who benefited from the privatization was the new bourgeoisie (Sayar et al.1997) while the number of *braceros* (day laborers) increased tremendously together with the social tensions in rural areas (Manderscheid 1980: 69). *Los braceros* were employed mainly as coal-men for producing charcoal for the uprising steal factories like those in Sargadelos. As I mentioned earlier, what was not used by the navy, was used for charcoal production. In the mid-nineteenth century both Galicia and the whole of Spain were facing a huge environmental conflict.

As a consequence the first forest engineers from *Escuela Forestal* were called to exercise their knowledge on how to cut trees without extincting them. But, the making and the implementation of the first forestry code in Spain faced a tension that later on the United States faced as well when Pinchot came from France with the ideas of Brandis in mind. Namely, in order to implement a forestry plan, the forestry engineers needed a big compact surface area. This was at odds with the new trend of privatization set up by the liberal movement of *Desamortización*. On the other hand Spain lacked a personality like John Muir to counterbalance the conservative trend. In the following I will in more detail how things happened.

The first Spanish forestry engineers were fascinated by the new science and nourished deep admiration for their German masters. German language was mandatory in the *Escuela*

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[76] *Los amigos* were already publishing and distributing reviews such as *"El seminario de Agricultura y Artes"*, *"Revista de Agricultura Práctica" and"El amigo del País"*.
[77] The technical basis of the Law was the French *Code Forestière* from 1827.

from the beginning until 1958. This was because Bernardo de la Torre Rojas stated, as foresight, that every forestry engineer should study German because it is the language *"in which the forestry science was born and in which it is cultivated."* (quoted in Balboa Lopez 1990: chapter 4, note 4). Most of the forestry engineers were going to finish their apprenticeship in Germany. But when coming home, they faced the problem that what they learned in Germany did not fit the Spanish reality. One of Heinrich Cotta's basic principles was that only the state has the bread and the butter, the interest and the means to bring forth, conserve and use the forests. Thus, the engineers, in order to exercise their business had to face the liberal ideas that were very much flourishing in Spain following, as I mentioned, the expropriation of the Church properties.

The engineers were not interested in who owned what - they were interested in the administration of as much forested or potentially forested land as possible, in order to legitimize their practice and the new science. As a consequence in the making of the law they pushed for having as much administrative power as possible. Agustin Pascual Gonzáles was the only forestry specialist in the commission that set –up the basic principles (*comisión redactora*) of the first Spanish forestry law (Balboa Lopez 1990: 162). While he supported the liberal ideas of free market, he also tried to convince his partners, in the same way that Pinchot did, on the advantages for having as much uniformized forest administration as possible. And he succeeded. Disregarding the ownership, *Montes de proprios*, private or state owned forests, the forests were in the administration of the *Ministry of Development* (*Ministerio de Fomento*) and the extraction of wood had to follow the limits of the natural growth.

But, one of the major functions of the new *Servicio* that the law recognized was that of afforestation and reforestation. The forestry engineers saw *as fragas* as signs of permanent deforestation by the peasants and, consequently these surface areas had to be re-forested. The forestry law enforced forest guards with unlimited power over the local uses in the *Monte*, the protection of tree plantations and forest conservation. The fifth *Titulo* from the set of rules (*Regulamento*) that accompanied the law for its implementation consents to "*the elimination (suprimation) of peasants' usufructs when these are not compatible with the forest conservation principles*" (in: Balboa Lopez 1990: 163-64).

'The good conservation of the *Montes*' was translated in having a forestry plan. This plan was made annually for each province by the forestry engineers based on the data provided by the new state local administration, the local *ayuntamientos*. The *ayuntamientos* had to provide information for the annual timber extraction form the *Monte*s **as well as for the**

uses that were not related to timber. Thus, the lawmakers knew that there were other uses besides the extraction of timber, but why to have a record on them? Well, the lawmakers also knew in 1863 that the Spanish state had little financial capacity for implementing such a gigantic project of reforestation. And, fourteen years later, in 1877 a new law was decided[78] especially aiming at increasing the state funds for re-afforestation. In the sixth article of this law it is stipulated that for *"acquiring the reforestation and the amelioration of forests, the present law disposes that, every village shall contribute with 10% of the value of the total uses from the Montes, while having the right to using them for free."* (quoted in Balboa 1990: 168). We remember that at this moment the *Monte*s were *Montes de proprios*, thus belonging to the municipalities, reading - the state. The law established very clear that in order for **the villages** to have access to the *Monte* they would have to present "la carta de pago" - the payment card, otherwise the "Garda Civil" (national police) shall prevent the peasants from getting into the *Monte*.

What were the forms of resistance of the peasants to this situation? Very simple: going into the *Monte* without paying the ten percent. The law was only a source of tension at the local level. The local administration in Galicia constantly avoided complying with the law, while the forestry engineers faced real difficulties in accomplishing their afforestation plans. These difficulties were reported in the documents as *"indole especial"* meaning that the plans for afforestation were not completed due to *special reasons*. These reasons were actually the essential requirements for having the afforestation plan implemented: correct identification of the uses, the rigorous demarcation of the limits of the properties, and the payment of the *carta de pago*. Well, none of them could be achieved. In the Lugo region, the engineer permanently reported that the soil is not optimal for afforestation. In the provinces of A Coruña and Pontevedra, from 1877 to 1894 the number of hectares planted was *zero*. (ibid: 216-7).

I described above how reforestation policy in nineteenth century Spain in accordance with the liberal economic principles of the eighteenth century did not work on the ground. I also illustrated how the existence of cultural-brokerage practices is intimately linked with a transposition of a specific *rhetoric*, or discourse into a new space. We took note of Pedro Rodrígues' ideas and many other examples can be brought here. Thus, the role of the cultural-brokers as linkages between *an inside* and *an outside* is first related to ideas and later on to practices.

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[78] State law from 11 of July 1877.

Chapter 13 - Franco's forests

The first forestry code from 1863 remained basically unchanged until 1938, while the access to the resources was "*anecdotic*", as Soto Fernandez and Prieto put it (2004: 228), meaning a permanent creative compliance with regard to the state law both by peasants as by the state officials that were in charge of law enforcement. The *indole especial*, was not a metaphor, but the state of the art in applying-complying with a law that did not fit the local social context. The political tumultuous from the beginning of the twentieth century made *indole especial* to last for few more decades. The anecdotes ended when all *monte*s were declared state property by the state decree from November 7th, 1938. The same state law establishes the *Servicio Obligatoria de Trabajo Forestal* (The Department for Obligatory Forestry Work) and *Militia Forestal de España* (State Forestry Police). Again, the idea of this 'new mode of governance' came from abroad. It originated in fascist Italy, where General Agostini had previously created a similar militia (Rico 2000: 119, footnote 6). The idea passed to Portugal very quickly and was adopted by Salazar's ministry of agriculture (ibid: 138). The aim was the following: *"obtaining first the national autarchy in this regard and later on become exporters"* (The Director of the Forestry department in a discourse in 1951 in: Rico 2000: 120). Pines and eucalypts were, according to the forestry engineers, the most efficient, i.e. producing the biggest quantity of timber in the shortest period of time. In twenty years they are ready for cellulose and paper production, alights for mines and so forth. In this chapter I will present how Franco's policy of afforestation constituted a practice of land grabbing. The first part presents the forced attempts of imposing the afforestation policy and the peasant resistance. The second part presents what were the consequences of this resistance.

13.1. "La orden es de Franco – Basta!"

The rhetoric used by state officials in the afforestation campagnes was one of improving the quality of life for people, health, and the bright future of the nation, the same as in communist Romania, as I will describe later. Here is one example from 1938 by the Ministry of Agriculture: *"The works already began (…) thousands of man during the present month, in a joyful young mobilization, join their efforts for a transformation of nation's soil (el suelo de la Patria)"* (idem). But, the decree prohibited the exploitation and use of wood and timber by any "unofficial personnel". It was also prohibited the cutting the *toxo*. In few words the state used any means to keep the peasants out from *Montes*. The reactions were multiple and vehement.

In 1941 there were 313 *ayuntamintos* in Galicia. *Ayuntamiento* is the smallest administrative unit in Spain, and following the Napolian administrative model, it is the state representative at the local level. Under the Franco regime all *Montes veciñais* were owned *de jure* by the *ayuntamintos*. Between 1941 and 1971, 226 *ayuntamientos* in Galicia were subject to reforestation interventions, in total 425.000 ha of forested land. The program was declared of *Public Utility* and the state "negotiated" its implementation only with the *ayuntamientos* (Soto Fernandez and Prieto 2004: 231, Grupo dos Comúns 2006: 68-69). In other words, the state negotiated with itself. This top-down approach is best captured in the words of Rafael Cabestany, the Spanish minister for agriculture from 1951 to 1957: *"The Ministry of Agriculture has received a sharp order, inexorable and bone-dry: to force the reforestation on maxim. The order comes from Franco, that's it!"* (Rico Boquete 1999: 146 in: Soto Fernandez and Prieto, 2004: 230). The program had no ecological basis and was only meant to provide the raw material for the cellulose industry in which Galicia was supposed to become the European leader (Soto Fernandez and Prieto 2004: 230).

Yet, the reforestation program was a typical form of enclosure because of the impossibility of local people to use the resource as they had in the past, it endangered their living by taking away their means of production and it allocated the resource, by force, to other purposes from which the local people did not benefit. Peasants' form of resistance ranged from official complains to violent local revolts, but most often, took the form of sabotage.

The official complaints were more the strategy of the local elite: priests, doctors, veterinary doctors, mayors, or simply an influent *veciño* (ibid: 239). As I was told, in the region of Xistral the bishop of Monodñedo allied with the peasant resistance but with little results. It is very interesting that the number of these complaints were found in the archives, together with the names of those who signed. Out of 4.015 people who signed, 2003 are form Lugo province, the one were Sagradelos and Labrada are located. While the number of *Montes* is distributed quite uniformly, I assume that this is mainly because of the differences in population density and the importance of the resource for the local population. Violent resistance took place more or less spontaneously in the villages. However, few of these records remained uncensored by Franco's regime. Because of the very tensional atmosphere, the actual planting process was, as a general rule, supervised by *Guarda Civil* (state police) (Grupo dos Comúns: 2006). Few victims are officially recognized, but little is know about the real number.

Provinces/ Galicia	Complaints	Number of villages (not *ajuntamentos*!)	Number of signatures
A Coruña	95	129	1248
Lugo	106	158	2003
Ourense	47	66	419
Pontevedra	24	29	345
Total Galicia	272	382	4015

Figure 5: Written complaints against the abusive forestation between 1941-1971 (Source: Soto Fernandez and Prieto 2004: 239).

Sometimes, local political leaders supported the peasants, as it was the case in Guntin, also located in the Lugo Province. Here, the secretary of *ayuntamiento* opposed afforestation openly, and together with the village assembly blocked the state officials to start the plantations. The secretary got arrested, and the villagers were forced to do voluntary work for helping with the plantation. In only a few days they planted 15.000 pines on the common property of the village. But, as soon as the engineers and *Guarda Civil* left, the peasants released the cows in the plantation during the night. *Guarda Civil* could not find out who exactly released the animals into the plantation, the official version being that the animals escaped from the stables. Thus, only the forest guards could be punished (idem).

Yet, the stories in Labrada are a bit different. Avó, was part of the teams that planted the pines in the *Monte* of Labrada in the 60's. *"We went there first not because it was obligatory, but because we wanted. They were paying miserable, but we needed money, it was famine. We planted 600 hectares."* He goes further in explaining that these hectares were located at the best spots in *Monte*, where there are no stones, lowlands were the wind is not strong and the pines can grow. As I will describe later, the wind acted as an important factor for the economic history of the community, Xistral being the second most windy region in Spain. The areas where the plantations were made were enclosed by *baladous,* the traditional fences in Galicia: a sort of long wall, about one meter high and one meter wide, made of stones or soil, or both. Avo explaines: **"But they didn't make *baladous* for keeping the cows out", Avó explains. "It was more [for the state] to become owner of Fragabella, of this land"**[79]. He goes on saying that in Labrada the strategy to release the cows in the *Monte* was not a peasant strategy, but the strategy of the authorities in order to increase the penalties. And since the peasants were poor and had nothing to pay, they were obliged to work on the plantations for maintenance-works.

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[79] In original: "*Pero, además de proteger los pinos y eso, también era para hacer un cierre y hacerse dueño de Fragabella, de este terreno.*" (Avó, int. 4, min.12.31).

Andar agachado[80] was the everyday form of resistance (Scott 1985) in Labrada, a mode of creative compliance with the rules of the new regime. But one had to *andar agachando* not only towards the authorities, but also towards people in the village. There was a continuous state of fear back then. People in Labrada remember that any form of association was suspicious to the authorities, especially during the 50s[81]. Planting and harvesting potatoes and cereals, mowing, pasturing the cows in *Monte*, or slaughtering the pigs in the second half of December were essential collective economic and social activities. All these became socially banned both from outside, by the authorities that were questioning them, and from inside, by the members of the community that were suspicious vis-à-vis one each other. These harsh measures were related to the *maquis* guerrillas, the anti-Franco left wing resistance that was active in Galicia until 1960[82].

"...this gold that covers the villages like a benediction" (Franco 1958 in: Rico 2000: 119), this was Franco's representation of forests. Protecting the forests was a matter of state priority and meant protecting the state itself, a guarantee for its economic autarchy in the beginning and a favorable place on the world market, later on. Yet, in Labrada and in whole Galicia planted forests were means of dispossession, enclosure and poverty.

13.2. The law of *Montes Veciñais en Man Común*

The repressive regime lost its intensity by the beginning of the 60s. Several reasons can be mentioned here: the annihilation of communist resistance, the Pact of Madrid from 1953 with the US (Spain received 1billion US dollars for allowing US forces to maintain a military base on its territory) and the making of European Economic Community (EEC) in 1957. Franco was not insensitive to the economic isolation of Spain, and the creation of the EEC including the neighboring Italy in vanguard was a decisive sign for *El Generalisimo* that things were changing around. Between 1957 and 1959 Franco was open to dialog concerning Spanish never-ending recession. He leaned for market opening and established an economic advisory

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[80] Galician people are known for having "strange humor". *Falar con retranca*, or simply *retranca* means to talk in multiple meanings, but also to make fun of somebody. *Andar agachado* is one example of *retranca*. I think that the best translation into English would be *to duck* (according to the online version of the Oxford English Dictionary, see http://www.oed.com/view/Entry/58182?rskey=JHM23f&result=5&isAdvanced=false#eid), in the sense of avoiding, but also in the sense that ducks do not get wet when they go through water, so of not being too much affected by something or somebody.

[81] This confirmed by a very good study of Lourenzo Prieto (Prieto 1993).

[82] The last anti-franquismo fighter from the entire national resistance movement is considered Xosé Castro Veiga who got shot by the local police some 15 km away from Labrada, on March 10th, 1965.

board composed of bankers, economists and academics (Juana and Rodríguez 2005). In 1959 Spain joined the IMF and the World Bank. Further economic investment followed, the most notable one for Galicia was the opening of the Citroën factory in Vigo in 1958. Year by year thousands of peasants left their villages, ruined by famine, or in Avó's words, by *fame negra*, and looked for jobs in the restructured urban job industry.

This was the *momentum of the law* from July 27th, 1968, when this peculiar form of property was legally recognized by the Spanish state. But there is one issue I want to address here, besides the brief description of the law itself. Since I first heard that the law came in July 1968, I tried to understand why Spanish authorities chose to recognize this form of property when it contravened the state ideology by all means? Also puzzling to me was that this was a law for a property system that was characteristic for Galicia and partially for the Sierra Cantábrica, the northwestern part of Spain, and not in all its territory. And nevertheless, where from this name: *montes veciñales en man común* (in Spanish *montes vecinales en mano comun*).

The magnificent work Aljandro Nieto Garcia, one of the best Spanish law theoreticians, helped me tremendously in his regard. To start with the latter, he notes that this denomination is nothing but a translation of the more popular German term *Gemeinschaft zur Gesamten Hand* (Nieto Garcia 1964: 444), although he arguments very clearly that the German origin of this property regime is a myth (idem: 409-471). With regard to the state regulation of this customary form of property, Nieto points that during different economic crises in history, it was *"not a concern for government, but an obsession!"* (Nieto Garcia 1968: 351). Let's see how the things happened in the later attempts.

The "water started to boil" in 1959 when state officials sent a note to *ajuntamentos* asking for the potential surfaces that *veciños* would claim. Two years later the project was ready without having any accurate data from the field (ibid: 352). Nieto describes the situation in the following terms: "the Administration opted once again for the easy road of creating the impression of new initiatives in the pages of *Boletin Oficial*[83], and further to create new organisms, that will come back with new questionnaires, and ask for data and dictate for resolutions, that further on will take the path of courts, … until the next change of criteria." (ibid: 352). And he continues very much puzzled: "[i]t is really surprising if comparing with the importance of the role of commons in the moments of crises from Spanish history. **It seems, in fact, that these goods have a mythic value which attracts the reformists from a particular epoch of crisis: towards them rushed the economists (…) from sixteenth and**

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[83] The national version of what is for a German Land an *Amtsblatt*.

eighteenth century in order to improve, through taxation, the famine of peasants; and towards them also rushed the state officials and lawmakers (*legisladores*) from the Illustration period[84] **and from the first years of the nineteenth century in order to satisfy, through its implementation, the hunger for land of the peasants and of the profiteers of liberalism.**" (ibid: 153-54). Following this logic he concludes that it should not be surprising that once again, in a moment of crisis, the politicians turn their attention towards this property regime.

Nieto's description of *the momentum of the law* is very important for understanding the fallacy in the Spanish and Galician environmental laws before and after the accession to EEC. Yet, his conclusion is intuitive but not satisfactory. How was it possible that a state law which recognized the common property regime came about in a fascist political regime? The following empirical evidence will contribute to a more precise answer.

One of my key informants leads a law office in Vigo. He and his eleven colleagues deal with trials that involve only villages that have common properties. The trials are either between communities, between communities and the state or the regional government, or between communities and wind farm companies. The issues at stake are mainly the boundaries of communal land and rights concerning land use (an issue that I will describe in the last chapter). I went to visit C.E. in his office to explain me what were the inner mechanisms through which the *Ley de montes* got adopted. He started by underpinning the historical context: dictatorship, the importance of timber for the Spanish economy, the key role of Galicia in this matter and the arsons as the main resistance practice of the peasants. The problem was that the Minister of Agriculture and Forestry was not able to achieve the plans for afforestation due to the arsons. Yet, the retaliation practices against the peasants could not be backed up by rhetoric on fight against the communist residence since the victory against the last communist strongholds was for the years trumpeted. The endorsement of the law is ultimately related to a debate between two ministers of that time.

> *"In 1967 there was a Ministry Council (Consello de Ministros) where two ministers were in opposition mainly: the minister of presidency (Ministro de la Presidencia) – which was a very powerful minister, the right hand of Franco back then - he was very much against recognizing any collective ownership rights of the peasants; and the minister of agriculture and forestry (Ministro de Agricultura y Patrimonio Forestal) - which was pleading for recognizing certain rights of the peasants for the montes so that they [the peasants] will get legally involved in the management of the montes instead of setting fire all the time and opposeto the plantations. Surprisingly, the minister of agriculture succeeded with his proposal. But there was no democratic recognition of the rights of the vecinos, this was only a practical issue of governance;*

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[84] He refers here to the law of *Desamortización Eclesiástica* from 1837.

it was to show a little consideration for the vecinos so that they will oppose less to the aforestation. (...) Basically, they came with this candy (caramelo): ok, look, we recognize them as presumed owners and it doesn't matter that they are owners and they can take the small share of the forestry production under certain rules, but at least we turn them into allies and not enemies. But recognizing the ownership of the peasants over the montes didn't solve the problem at all, because the main problem was not the ownership rights, but the change that the afforestation produced in land use." (C.E. II, 2:30-5:00)

The law of *Montes veciñales en man común* recognized the indivisible character of the property, the equalitarian right of access of the "owners" and the impossibility of selling it. In other words, it recognized in juridical terms that this type of property regime is *outside the market realm*. More important, it specified that the "owners" are any social group that accesses it, with the condition to be recognized as formal or informal administrative unit of a *ayuntamiento*. It also gives the opportunity to the village communities to modify the status according tot heir needs. Therefore, the law of *Monte*s Vecinales addresses mainly the rights of access but does not guarantee the preservation of the use of the land according to local needs.

The village of Labrada was entitled on the surface it was using, 2.200 hectares in 1982 but the overall process of legal appropriation of the *Montes* by the people was quite a slow one. For the agrarian census from1982 there were registered 560.000 hectares as *Montes veciñales* while 250.000 were registered as *Montes publicos,* being administrated by the *ayuntamintos*. In 2006, there were 670.000 hectares *veciñales* and 140.000 public ones.[85]

El Generalisimo died in 1975 at the age of 82 covered with glory. He was the one who saved the Catholic Church from the infamous communists, keep it neutral in the bloodiest war in the history of mankind, and brought back the dignity of the Spaniards. Although Galician (Franco was born in Ferrol) the Galician people were not relieved. The new forestry department ICONA, was not akin to the implementation of the "new" property regime, but continued to push for the afforestation. This brought new tensions in rural Galicia, but also the *cultural brokers* back on the stage.

Violent protests took place during the 70s both in the villages and in the cities. The organized arsons remained a common form of protest right after Franco's death. Only in 1978, 100.000 ha of forest burnt in different fires across Galicia, and all the reports of the fireman noted the same conclusion – deliberate arson (C.I.E.S. 1979: 18). There were multiple reasons behind this: first, it was a peasants' revolt against the change in land use that the

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[85] The two summed are 810.000 hectares, which represents approximately one third of the Galician territory.

afforestation policy brought in. But to this common chagrin a new one added this time related to property rights. The auctions organized by the state agency ICONA for the exploitation of forest parcels were organized without consulting the 'new' owners, the village communities, and moreover, were a fake. In most of the situations there was only one company auctioning for each parcel, thus the price was established according to its will, most of the time being ridiculous low. The peasants were not taking part in the auctions, neither were they entitled to send a representative, thus the whole process was not transparent.

The protests were supported by the local left wing intelligentsia who saw in this particular form of property regime, the *monte*, besides a confirmation of Marxists theory of capitalist development, an identity symbol for the Galician culture. One of such association, *"Círculo de Información y Estudios Sociales"* (The Circle of Information and Social Studies), was established by a number of Galician intellectuals and students in 1977 in the south of Galicia after the enclosure of the *Montes* for the construction of the *Autopista del Atlantico*, the highway that links Ferrol with Portugal. The aim of the association was clearly defined: to help local people to resist reforestation, to promote Galician culture and local identity[86]. Most of the people involved were the first generation of intellectuals in their families and had their kinship roots in rural areas. They were organizing public debates in the local media, national and international seminars and conferences and they were acting locally by informing local people with regard to their civil rights and helping them to organize their protests. On the other hand, the associations defended the peasants in the arson scandals. They were arguing that the arsons were organized by the companies themselves for getting access to low cost raw material afterwards (C.I.E.S. 1979: 19-22). However, view the fact that the forests plantations were exclusively formed from pines and eucalypts little was left after the arson and the peasants' next move was to introduce cattle in the "naturally" deforested areas.

Associations, such as the *Círculo* acted as *cultural brokers*, but this time in the opposite direction, bottom-up, compared with how *The Friends of the Nation* had acted, in the mid-eighteenth and during the whole nineteenth century. They had good connections with similar organizations in Europe (especially France) and Latin America. Once again, we see that the institutionalization of cultural brokerage takes the form of a transnational community. These associations were the embryonic form of the later environmental movements in Galicia and of the environmental NGOs nowadays.

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[86] Numerous ethnographic works were done by this association, including a documentary film about the resistance against *franquismo* in rural Galicia. See a trailer here (in Galician): http://www.youtube.com/watch?v=gsyrvaL6h_0

Chapter 14 - The EUropean environmental coordination

14.1. Seventeen ways to deal with Natura 2000

The European Community's attempts to bridge between environmental and economic aims were quite hesitant before 1990. Most notable is its action-program from 1985 with regard to forest exploitation which stipulates that the final aim is to raise the volume and the quality of the production of timber at minimum costs and to reduce to minimum the costs of exploitation without disregarding environmental concerns. But, in the same time, the action-program urges the member states **"to convert the unproductive forests into plantations"** (*Comision de las Comunidades Europeas. 1985: Programe de acción de investigatión sobre las materiales 1986-1989. III. La madera, incluido el corcho, como materia prima renovable:10,* in: Groome 1990: 269).

On March 16, 1978 Galicia was recognized as an Autonomous Region. According to the Spanish constitution enacted the same year, the power to ratify environmental legislation corresponds to the national institutions (National Government, Ministries etc.) as well as to the Autonomous Regions (regional parliaments). In few words, the fundamental legislation corresponds to the state, while the regions, in this case *Xunta de Galicia*, may pass laws with more rigorous environmental standards. Besides the fact that any notice of Spanish environmental legislation has to state both the national and the regional norms, the administrative decentralization increased social and environmental conflicts at the local level. *"In reality, the history of the legislation for nature conservation in Spain is a consequence of the imposition of the EU legislation after 86. This is to say, that in fact Spain was the beetroot of Europe in this regard."* (D.S. interview 2, notes). As a historian, D.S. is one of the Galician academics that actively took part in criticism of the hazy legal initiatives concerning environmental issues in Spain.

Until March 2001, when the Spanish national parliament adopted *The Environmental Impact Assessment* (EIA), there was no parliamentary adopted environmental law in Spain. Up to this date, environmental regulations at state level were by *Decreto-Ley*, which means 'urgent laws' approved by the government. Soon after its admission into the EEC, Spain was considered the European Community's worst polluter. Only in 1989 Spain had fifty seven instances of non-compliance with European Community environmental standards, while West Germany, for example, had twenty nine from 1957 to 1989 (Silvers 1991: 285). EIA was adopted in Galicia few months later and was immediately followed by a more restrictive act concerning nature protection, Act of August 21st, 2001. The decentralization process did not

solve environmental issues, but passed them in the hands of the autonomous regions. Here, the problems concerning coordination intensified.

In Spain, environmental protection, regional autonomy and Natura 2000 are deeply intertwined. The superposition of these multiple layers of governance for nature conservation, doubled with the autonomous ambitions of the regions, creates a cacophony in the implementation process at the local level. First, nature conservation in Spain is entirely a competence of the regions. This means 17 laws of nature protection, 17 networks of protected areas and 17 ways of protecting endangered species. After the proclamation of the autonomy, the historic regions, among them Galicia, were more eager to get all types of competencies as soon as possible. Environmental issues were among them. Yet, each of the regions had different approaches to the economic and environmental aims, and therefore to the conservationist aims pushed forward by the two directives that form EU's Natura 2000 program and to which Spain had to comply after they were adopted. A.A., the coordinator of the Natura 2000 program in one of the main lobbying NGOs at Brussels for the DG Environment, considers that the Spanish decentralization harms the conservationist objectives of Natura 2000.

> *"(…) from my point of view, the fact that nature conservation is in the hands of Comunidades Autonomas, is a disaster! And I would say that most of the people working in nature conservation will tell you the same. (…)If you take the example of Natura 2000 in Spain, you will see that in a lot of cases it is following administrative borders of regions (Comunidades Autonomas) which honestly, is not very ecological. I mean, there was no coordination when designating Natura 2000, at the state level!*
> - And they are following the regional borders with Natura 2000?
> *- In a lot of cases, yes! And in the case of Natura 2000, I tell you, it is not an ecological decision! It is about that one Comunidad Autonoma thinks that this can be Natura 2000, and the other one not. When I was working in Rioja, there is a big, big Natura 2000 area, bordering with Soria, with Castilla-Leon. In Rioja we made a study and it was a political decision that no wind farming can be within Natura 2000. Well,* **on the other side, 20 meters away, there is a wind farm, because is already Castilla-Leon, and they don't care at all what is happening on the other side. So... that's the coordination!"** (A.A. interview 1, min 18-20)

Therefore, the responsibility for implementing environmental directives is the competence of the national states that have to comply with the EU directives within two years after their promulgation. In Spain, environmental policies are entirely in the responsibility of the regions, with the exception of the national parks, a concept wich otherwise would have lost its sense. When the Natura 2000 site *Serra do Xistral*[87] was established in 2004 on the property of the *Comunidad de Labra* (see Annex 1) the entire region of *Serra do Xistral* was

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[87] See Annex 2 for the technical details about the site.

part of the Biosphere Reserve[88] *Terras do Miño* which was established in 1996. The reserve was established mainly because of the active peat reserve located in the Xistral (see also *Mano Dura*, interview with P.R. 29:20 – 31:30) which is the biggest and the oldest of its kind in Europe. Because of the large surface of this reserve (it includes 26 communities) the conservation regime was carefully designed to respect the local economic activities. Mowing the *toxo* and building pastures was not harming the peat reserve by any means and were allowed. Yet, when the *Serra do Xistral* site was established it was not due to the peat reserve, but it was under the Habitat Directive, thus for protecting certain species habitat: among them two plants: *Sphagnum pylaisii* and *Woodwardia radicans*. The first wind farm park was built in 1999 and extended after the Natura 2000 site was created. The whole program of wind energy was declared of *public utility* by the Xunta de Galicia, thus, all the conservationist regimes were subordinated to it. Yet, according to the law, the wind farm companies had to provide a study of environmental impact. But these were not made for the entire region of Xistral, but fragmented for every wind farm park, or even more than one in the same park if the machineries belong to different companies.

Because of fragmenting the surface, the environmental impact of planting the windmills was diminished: the smaller the area, the poorer the biodiversity, the less visible the connections between different bio-systems are and as a consequence, the less visible the environmental damage is. There is no general study of environmental impact for the whole region of Xistral, and with this, the companies achieved the scientific legitimacy of not harming the environment.

This is how the companies are allowed to plant their windmills in a Biosphere Reserve and Natura 2000 site and the farmers cannot make pastures. This paradox is considered a taboo among the Galician environmental officials. Questioning the legitimacy of wind farming in Xistral equals with loosing jobs. I was interested in how environmental guards legitimize the restrictions in front of the people. They say that they just follow orders and that it is not in their competence to question the wind farms' activity. When it happens to know people in the villages personally, either they play the blind, or they use informal social networks in order to convince people. R. is an environmental guard and he is from Os Ancares, a region south from Xistral. He explains: "*I cannot get into conflict with the people, you understand me? They know me, some of them since I was a kid. I cannot come and say I will give you a fee if you cut the tree without permission. I try to explain them. But they are all old, so, anyway, soon there will be nobody here anymore.*" (R. GMA interview 1, min. 26).

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[88] Biosphere Reserve is the highest degree in nature conservation, most of the sites, such as the Danube Delta and my case Terras do Miño, were even declared UNESO patrimonies for nature.

14.2. The burden of new land-use

Picture 10 & Picture 11*: Banners used by A Asociación para a Defensa Ecolóxica de Galiza (ADEGA) to protest against the wind farming in Xitral and other parts of Galicia.
Source: ADEGA www.adega.info.

Serra do Xistral has its maximum high point at 1032 meters. This low mountainous geographic form is the first obstacle in the way of the Atlantic currents coming from the west. Here wind is always blowing. As a consequence, it has the biggest concentration of wind farms in Galicia (see Annex 3). The problem is that the same spot, as I showed above, has the oldest and biggest peat reserve in Europe. And not only, because of particular habitats this territory is a SCI site in the Natura 2000 program. This is how nature makes the difference in this multilayer conflict, or how nature's agency matters.

The problem is not only ecological, but it is a major social problem with very important economic impact. According to the latest data available, which is from 2006, the public profits coming from the invoicing (*facturation*) of the wind farm companies represents 57,4% of the total income in the agrarian sector (*Renda Agraria*) in Galicia[89]. **This means that this new economic activity developed in rural Galicia produces more than half of all other rural economic activities together**. In the same time, between 1996 and 2008 the number of agricultural workers in Galicia diminished by 130.000. Moreover, the abandon of households in the remote areas of Galicia is high. The number of "*entidades singulares de población*"[90] abandoned went up in the Lugo district (where Labrada is located) from 443 to 506 between 1999 and 2008. In the light of this data, it is easy to understand now why there is so little interest in the agricultural problems of the farmers from the part of Xunta de Galicia.

D.V. is member of the NGO *A Asociación para a Defensa Ecolóxica de Galiza* (henceforward ADEGA)**.** This association has a long tradition in militating against wind farming in Xistral. He told me that he wrote two letters to the European Commission

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[89] I want to thank Prof. Xavier Simon and Damian Copena from the Faculty of Economics, University of Vigo for the data.
[90] According to the Spanish National Institute of Statistics (www.ine.es), this represents "any area inhabited by an administrative entity of the state". It basically refers to *aldeas*, hamlets.

complaining for the disaster in Xistral and the bad implementation and management of Natura 2000 in Galicia in general. When I asked the responsible of Natura 2000 in GD Envrironment in Brussels he answered that no such letters have arrived. *"We are only 20 people working in this department for the whole Natura 2000 program. But we have to answer to every letter that arrives, and if the letter arrived, we should have answered to it."* (S.L. interview 1., min23). As for monitoring capacity, this is impossible - not only because of the lack of personnel, but also because the DG Environment changed its approach. *"We don't want an environmental police."* And he continues: *"There were mistakes in the past, it was a top-down implementation that didn't work. But, we learned from this."* He explains me how France played an important role in this repositioning. At the beginning, local officials and the public were reticent to the implementation of the directives. But, the department saw the necessity of bringing all stakeholders at the table for discussion, and a more down to earth approach was used by the commission more recently.

14.3. A case of cultural brokerage and institutional hypocrisy

As I mentioned previously, according to Curtain cultural brokerage does not work in situations of firm imposition when one party *can call the tune*. In this section I give an example of a particular type of cultural brokerage when official national and supra-national authorities are involved. I will describe the attempts of building cultural brokerage and forming a transnational community of local actors under the EU institutional supervision.

Twinning is one example of EUropean projects designed to build transnational cooperation between local actors from EU member states and potential member states. It started in 1998 at the initiative of the European Commission (EC) in order to help potential member states, to increase "efficient administrations, with the structures, human resources and management skills needed to implement the EU *acquis*"[91], on their way from pre-accession to accession. It is by design a three sided program, composed of one coordinator, a project leader and a beneficiary.

One twinning program was set-up between *La Sociedade Galega do Medio Ambiente* S.A. (SOGAMA) as project leader, the Regional Environmental Protection Agency of North-East Romania as a beneficiary and SenterNovem, an advocacy agency part of the Dutch Ministry of Housing, Spatial Planning and Environment as partner coordinator. SOGAMA is an enterprise with 51% public shares, and 49% private. It was created 1992 by the decree-law 111 of the Xunta de Galicia, and it is subordinated to *Consellería de Medio Ambiente, Territorio e Infraestruturas* (Ministry of Environment, Territory and Infrastructure). The 49%

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[91] Source: http://ec.europa.eu/enlargement/how-does-it-work/technical-assistance/twinning_en.htm

of shares are owned by the *Grupo Gas Natural Fenosa*. This is a multinational corporation whose main share-holders are *Criteria Caixacorp*, S.A. with 37, 46% and *Repsol YPF*, S.A., 30,34%. One of the main economic activities of the two is wind farming. The most recent example: on March 15, 2011, Grupo Gas Natural signed an agreement with the Madrid Region (*La Comunidad de Madrid*) for "new models of energetic networks" with an investment of 20 million euro for the next two years (Internet portal of *Grupo Gas Natural Fenosa*, http://portal.gasnatural.com).

The program took place between March 2008 and August 2009. A series of seminars were organized by the Dutch and Galician officials. Three of these seminars were organized by the Spanish specialists of SOGAMA on biodiversity and nature protection. Among the subjects we find:

- *"Natura 2000 Management in Galicia. Examples of good practices and promotion of integral and sustainable development within these areas"*;
- *"Ways to improve the socioeconomical status of population living inside Natura 2000 sites, and increasing their participation in sustainable development initiatives"*;
- *"Financing of different kinds of projects and programs in Natura 2000 sites"* (Twinning Project Report[92], p. 30-1).

When compared with the data from Galicia, the statements above become an example of hypocrite institutional behavior. I interviewed Iulian Movilă, the Romanian main responsible in the project, about what he found most impressive in the twinning project. He answered: "*I hope that one day we, as an environmental agency, will reach the level of SOGAMA. They have another organization, they are a public-private partnership for environmental agency, with a great financial power, and with this I said everything, I think…*" (Iulian Movilă, interview 1, 7:50-8:00). I asked Mr. Movila if he stayed in contact with the Galicians or the Dutch. He answered that he did not, that they were state officials and they now work in other projects. He mentioned that one of the SOGAMA employees now works in Turkey. I think it is perfectly legitimate to ask what is the true objective of these twinning training programs? But, I do not want to go further to this issue. Of course that Mr. Movilă was not aware of the political incoherencies of the Xunta and the social and the environmental injustice that SOGAMA caused in Galicia. But, 'the West is the best', and institutional mimetism is one of the main characteristics in Romanian politics, as I will describe in the next part.

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[92] The report can be accessed online here: http://www.twinning-waste-bacau.ro/overview-of-twinning-project-ro-06-ib-en-06

Chapter 15 - The dynamic of bundle of rights

Local, national and supranational actors use the same natural resources. Yet, they use these resources in different ways, justify their claims to the resources through different discourses, and legitimize their actions in the name of different authorities. The actors that claim rights to use the *monte* in Labrada nowadays are: the Xoxa family, the village of Labrada, the village of Romariz, the local government of Galicia, the Spanish state, the wind enterprise 01, the wind enterprise 02, the wind enterprise 03, the mining company and the EU; thus, a total of ten actors. Among these actors some claim rights to regulate the use of the *monte*, namely, the Xoxa family, the village of Labrada, the village of Castromayor, the local government of Galicia, the Spanish state and the EU. The wind farm companies and the mining company claim no rights to regulate the use of the *monte*, but use different techniques to acquire a more unrestricted access to it. In the following I will focus on what are the valuables that are claimed in the *monte*, the discourses used in making these claims, the rights and obligations that are institutionalized by law, and those that are actually happening among the social actors. Therefore, instead of opossing exclusion to inclusion in access rights, in this chapter I want to portrait who claims what and who gets what in the *Monte do Xistral*, by which means and with what consequences.

15.1. A community

There are not a few the social scientists who romantize the homogeneity and peacefulness of rural communities. The successive fieldwork trips that I undertook in Vrancea between 2004 and 2007, together with my personal experience from my own village, gave me a sense of how heterogeneous rural communities are. Further historical readings (Blum 1971 a, b; Saavedra 1992; Sava 1929) made me aware that a homogenous rural community is a myth. However, the term *community* implies a sense of social cohesiveness; yet, specking about degrees of homogeneity is hiding behind an even fuzzier concept, unless a detailed description of how and around which issues people agree and disagree is made. In the next pages I will describe how social cohesion comes about in Labrada. This is important for it helps us to understand the collective decision-making at the local level, an issue that pups-up along this chapter. I start from the assumption that a community is a living body of human individuals that are bounded to a territory, undertake collective activities and achieve collective goals.

As stated in the introduction, Labrada has 91 vecinos, which means 91 houses; there are 263 people in the village, out of which 128 are males; the average age is 56, thus a quite aged population. Labrada is part of the *ayuntamiento* of Abadin. Although the primary administrative unit is the *ayuntamiento*, the villages, as parishes, continue to preserve their administrative limits established by the Catholic Church; these limits are recognized by the *ayuntamiento*. However, the common properties of the villages do not match neither the administrative limits of ayuntamiento, nor those of the parish. Therefore, when it comes to the territory that eventually would define the community of Labrada, one shall not picture strict well defined boundaries, but rather multiple and loose ones as I will describe later on.

With regard to the common activities that people in Labrada undertake, they can be roughly clustered in three: religious practices, labor and festive activities. The common property of the village of Labrada is one of the main elements around which collective labor activities or collective uses of the land take place. The *monte* as agro-sylvo-pastoral system is essentially a collective arrangement of land use. Yet, it would be misleading to picture that, first, the village as a whole takes part in the collective labor activities, and second, that the labor activities remained the same over the time and thus the sense of community got articulated in the same manner.

15.2. Peasants and farmers

Similar with other parts of rural Galicia, before the *declaraciones* there were no village assemblies in the form that were institutionalized by the law of *montes veciñales en man común*. People were gathering in more informal way to decide where to make plots for the crops in the *monte*, where to make the *rozas*. By the end of April - beginning of May ten to fifteen people, sometimes less, were gathering *por barrio* (by hamlets) in the house of a *veciño*. Therefore, a *barrio* could have two or more groups of *veciños* organizing themselves for making rozas. There were men and women, mainly the head of the households, to decide which part of the *monte* shall be ploughed. We need to keep in mind that any form of association at the local level was prohibited during Franco. In Labrada, people remember that these meetings had a secret character back then. However illegal it was, due to the great amount of work, people needed to gather for working the land: cutting the *toxo*, piling it up, burning it, and spreading the ash. The sowing was also done in common. Only after all this work was accomplished the veciños were dividing the whole plot among them. Of course, each one of them had an idea of how much s/he needed. The fencing of the *roza* was done with a *balado*, a practice that I describe in detail few pages above. The limits within the *roza*, that were delimiting how much each family shall take, were done by tracing a deeper furrow

in the soil. Any *veciño* was allowed to take as much as the family need. People do not remember individuals going and working alone in the *monte*, and this mainly because of the amount of work these procedures require. Despina, one of the oldest women in Labrada remembers how during the harsh times of famine and civil war people were more united. *"People were more together in the former times, we liked to be together. Now, it is as if we are afraid one of each other."* She remembers how important the *rozas* were: *"if we were not sowing in time, and not taking care of rozas together, we would have died of hunger, or left to Argentina."*

I mentioned earlier that not few social scientists tend to romanticize the good old times of rural societies, and here is the case of the most local studies in both Galcia and Romania. Yet, it is striking how people perceive that this sense of being together got altered in Labrada in the last decades (and in Păuleşti, Romania, as well as I will describe in the next empirical part). With no exception, people I interviewed or simply had conversations with, praise the old time more than the present ones. The freedom of the post-dictatorship era also brought a deep feeling of insecurity. While in theoretical respect the association between freedom and insecurity is an old mantra in social science, in the everyday life of a rural community in Galicia people try to pacify the two, as if, at a meta-sensorial level, they feel that saying what you want does not necessary mean to milk the cows like everybody else does in European Union.

The practice of rozas disappeared some twenty years ago in Labrada. This affects both the sense of community, the environment and the economic activity as it will become more clear in the following pages. The common working activities in the *monte* nowadays are restricted to cattle herding, the making of pastures and game (see below). As mentioned above, the right to pasture in the *monte* was customary regulated so that each family could have as many animals in the *monte* as it was able to take care of during the winter. This changed dramatically with the introduction of new cow breeding and the transformation of the local people from peasants to farmers. The transition from peasants to farmers can be a study in itself, here I will only mention some aspects of this process.

During the 60s and 70s the afforestation policy was accompanied by a policy of modernization of rural population in Galicia (traditionally seen as the most backward province of Spain) mainly through changes in the agricultural practices. New breeds of cows were introduced in Labrada as well as new techniques for feeding the animals and for milk preparation. There were courses organized in Abadin for describing in what respect the new breed of animals, the new type of nutrition the new technologies for preparing cheese are

better. But, together with the introduction of new cows, a great transformation took place in the village: the division between milk cows and cows for meat. Both were new species and required special attention. But, the new breeds were not as resistant as the local ones. By the nineties, almost all livestock in Labrada changed: the number of goats and sheep diminished drastically (during my stay in Labrada I witnessed the selling of the last flock of goats in the village, Modesto's 30 goats) and the local *Rubia Galega* got 'improved' by artificial insemination. The European subventions fueled this transformation further. However, due to high costs of technology in milk preparation, only three families in the village set their farms for milk production, the rest of them went on with cows for meat. Nevertheless, both categories of farmers have the same problem: the new breeds of cows are… new. People witnessed how the local knowledge for cow breeding does not fit the new context anymore. And this does not necessary mean the technical aspects, or the local knowledge of healing an illness of a cow, for example, was not adequate to the new breed, but more in abstract ones. The medical care for animals is a strict requirement for having permanent access to EU subventions - each cow became a veterinary port-file. But, as I witnessed several times during my stay, only for the veterinary doctor to come for a consultation, the owner of the sick animal needs to pay 50 euro. However, the main problem in the village became the *Brussels-osis*.

Brucellosis is a contagious disease frequent to cattle. People in the village say that the new breed is not as resistant as the local cows were. It manifests it self by premature farrowing to cattle and fever to the contaminated humans. If the vernacular cows were more resistant or not is of less importance. What is important is that the identification of a single case of brucellosis at the seasonal veterinary control requires the extermination of the entire livestock and the quarantine of the farm for at least three months. Xavier explains: *"Before, cows had brucellosis and they were healing by themselves. When people had fever, we stayed in bed for a week and basta, but this was very rare. Now, with Brussels- osis they ruined us!"* Xavier admits that maybe the people back in the days were not aware of so many brucellosis cases. Yet, although the farmers receive compensations for exterminating the animals the problem is that by buying a new flock of animals one needs, in Xavier's words, *to educate them*. Xavier is not an isolated case in Labrada, six other families experienced veterinary quarantine in the past five years. The time of accommodation between the animals and the new owner is something that escapes the rigorous calculi of European Common Agriculture Policy.

Another direct consequence of the sanitary requirements instituted by the Spanish state and enforced by the EU's subventions for the collective use of the *monte* was the enclosure of pastures. People became cautious with regard to the free movement of cattle within the common properties of the neighboring villages more to avoid *Brussels- osis* consequences than *Brucellosis* contamination. The cows ended up fenced in large pastures in the *monte*.

So, how people experience the insecurity of freedom in Labrada and how do they overcome it? Both questions are related to the sense of community that people have nowadays. The first is related to the entrepreneurial spirit at the local level. In the process of transition form peasants to farmers people in Labrada understood that everybody is on its own, and that the economic interests count more than anything else. The efforts of Henar in having more profit for the community from the windmill companies, or for getting compensations for not being able to make pastures in the *monte* are understood by some in the village as pure selfish economic interests. The ethnographic film that I made in the village (Stronghold 2000) shows how people during the village assembly accuse the board of administration as representing only the interests of those in the community who have more cows and not the poor, the sick, the old or the lonely people. Henar presents what would be the advantages for the community in asking for compensations, and she has a discourse in which she praises the ancestors that defended the *monte* along the time. Although she might have brought this discourse due to my presence in the room and for the camera, people agreed with her arguments. Yet, something happens: one revolted woman accuses Henar of selfish interests and asked why one should put an effort in something from which only those in the village that have a considerable number of cows will benefit. The attitude of the audience switched 180° and people started clamoring in favor of the revolted woman.

I discussed this episode with both Henar, the revolted woman, Narcisa, and other people in the village. The conclusion I reached was that Henar's initiatives are perceived as entrepreneurial activities and is more the risk and ethic attached to entrepreneurialism that people fear, than a coherent set of consequences that they would eventually envisage. To be more precise: Narcisa is very much content with the 1030 euro that the companies pay per month, for each wind mill that is on community's land. She has no cows in the *monte* and therefore she sees no reason for why starting a renegotiation of the contracts with the companies or to ask for financial compensations for the impossibility to make pastures in the Natura 2000 protected sites. She sees a danger in that the companies will expropriate the village while the strategy to enlarge the profits for the community would only serve Henar who tries to use the community as a shield for reaching her economic objectives, namely

more hoe for the cows. Dourino is 65, and he explained me how people fear that an eventual bargain with the companies for having free energy in the village or to raise the payment of the rent for the land according to more rigorous calculi not of the value of the land, but of the value that the wind mill produces, is of no sense for the majority of the people. And this is mainly because people fear the eventual juridical battle that the community would undertake. Tata is 44 and is very much in favor for renegotiating the contacts with the companies. For this the vote of the majority of the people is needed, but, in his words, *"the problem is that people fear the lawyers and we prefer to lose what belongs to us than to go to battle. There is a saying: they piss on us and we say that that it rains!... and this is the case now in Labrada."* Henar puts the lack of cohesion at the community level in a broader context. She explained me that since the majority of the people in the village are pensioners and they have their children with a stable social position (meaning that they have jobs, a family) they are very much comfortable with what they have and they do not feel like fighting for more rights[93]. She also relates their refuse to the fact that the old people *"are tired of fighting"* after the Franco regime. However, this theme did not appear during my discussions and interviews with elderly persons in the village. I put this conclusion of Henar more on the combative spirit that characterizes her actions in the village influenced by the strong ties that she has with activists and academics outside the village. As I will describe later, Henar is a cultural borker at the local level. Yet, she opened my eyes towards a very simple fact, namely, that by using the *monte* permanently people claimed permanently that the *monte* belong to them. In her own words:

> *"If the elderly people would have done something, today we would have had monte viciñal. By they, by their means, which were: working the land, taking care of it, using it, always laid claims that the monte was theirs. This is why we are owners of the monte nowadays, although to but it strait, we are owners but we don't count, but this is another battle, external, not internal."* (This dialog appears also in Stronghold 2000, min. 45).

The village assembly is an arena, so to say, where the disharmonies in village's common activities or strategies are put straight forward by any contestant; is a sort of moral instance where everybody has the right to let go whatever s/he has on the heart with regard to the fellow veciños. The reader should be aware of the complexity of the life in the small village of Labrada - it would be an error to think that people meet in the village assemblies to reach cohesion in decision making. The negotiations and cohesion take place in some place else.

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[93] Henar and George have two children, Jumara and Marcos of 26 and 25 years old. Both kids work outside Labrada.

15.3. Party people

The village festivities are an important collective activity. There are three village fiestas in Labrada: *San Pedro* – the patron of the village, on 29 of June; San Antonio - the first weekend after June 13; and *Virgen del Carmen*, or *O Carmiu* in the vernacular language, celebrated on July 16. Here again, the fiestas were not celebrated in the same manner and with the same fervor in the past decades. While the collective labor in the *monte* decreased, the participation in the common fiestas increased (I do not claim any causal relation here).

San Pedro, as the protector of the village, has always been celebrated with fervor. The celebration of San Pedro is also linked to funeral rituals, namely, almsgiving for the dead and religious service in the cemetery. But, San Antonio and *O Carmiou* were not village fiestas until recently. San Antonio is the protector of a small chapel in the north of the village, in the *barrio Casas Vellas,* which literally means the *Old Houses*. The chapel got renovated some fifteen years ago using collective money derived from selling the timber in the *monte*. It was a moment of great celebration in the village and an opportunity to show the advantages of communal land tenure. The fiesta organized after the benediction of the chapel went very well so that everybody agreed that next year people should celebrate San Antonio again next to the chapel. And since then people celebrate it every year.

Nuestra Señora de Monte Carmelo, or *Virgen del Carmen*, is the protector of mariners and of the Spanish Armada since the thirteenth century and is celebrated on July 16. Although Labrada is not a coastal village, people celebrate the patron of the Spanish Armada. It appeared weird to me when I first heard about this: I did not understand why a village situated at 50 km from the cost, a village with no tradition in sailing whatsoever, celebrates the patron of the Spanish Armada? On the other hand, in the Catholic calendar *Virgen del Carmen* is not a major celebration day, nor is it a public holiday. The relation between the village of Labrada and the Spanish Armada is not vivid in the collective memory of the people but is vivid in the local ritual of *O Carmiou*. People do not pay too much importance to why celebrating the *O Carmiou*, they answer very simple: we always did.

This celebration was not a village celebration but a *fiesta de barrios,* meaning that it was happening separately in every hamlet. One need to take into account also that from the hamlet of *Outriro*, situated at the limit of the north, to the village's church there are six kilometers and the most common means of transportation back in the time was walking. Anyhow, from a colorful fiesta in every *barrio* in the mid 1950's, *O Carmiou* ten years ago was more an opportunity for visiting friends and neighbors. People started to celebrate together *O Carmiou* in the past years, with money from the wind mill companies. Henar

explained me how, after renovating the parochial house in 2001, some money was left so that the board of administration took the decision to celebrate *O Carmiou* as a village fiesta on the glade in front of the church, in the same way as San Pedro is celebrated. In the following years, there were not so many investments left to make in the common goods or infrastructure with the money from the companies, therefore, *O Carmiou* got institutionalized as the third village fiesta.

A village fiesta starts in the afternoon, after everybody went home for lunch. But people do not eat separately on the celebration day, usually they gather together in small groups and go to the house of one of them. The groups are established upon house proximity and sympathies. During lunch and the *postre*, which might be sweets and coffee, cognac or wine, people intermingle day to day issues to the village related problems. This is the moment when social cohesion at the village level leavens. The veciños arrive at the fiesta with the agenda set, so to say, and although they stick initially to their lunch groups, as soon as music and dance start they mix more with each other. The drinks are provided by collective arrangement and so is the band remunerated. The debates take place among glasses of cider or wine while the band plays its repertoire. People refrain from specking loud and offensive one to each other, like it is the case in the village assemblies, for keeping with the ludic spirit of the fiesta. *Retranca* comes in forefront as the main mean of communicating disagreement. However, this is not to say that a village fiesta necessarily leads to full and permanent cohesion in decision making. But it is the time when the antipathies appease and people cheer up, time for jokes and further gossip, is when more serious discussions can take place apart form the frugal meetings along the road, or of more daily intempestive visits.

15.4. Hunters

Games become the major collective use of the *monte*, a practice that translates the boundaries of the village. It was a cold Sunday of October and for the first time I went with Dourino to the wild boar chase in *o monte*. Hunting is a use more of symbolic importance for the farmers in the region. Game is linked with rural identity and peasant resistance. *"Almost all men that work the land are hunters"*, Dourino tolled me[94]. He remembers how back in the Franco époque there were no game associations, any kind of associatios at the local level were forbidden. But, it was allowed to have a rifle. So they were gathering and were going hunting anyway.

As for every hunting session, people meet in the house of Pepe, *la case verde* – the green house, how it is known in the village. Pepe is the president of the hunting association.

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[94] The following quotes are reproduces form my field-notebook.

In his *casa verde* was the last tavern from Labrada. He closed some three years ago because he retired. People regret that they have no place where to gather for playing some cards, talk and having some drinks anymore. The next tavern is in Abadin at 15 km distance. But the hunters are 'privileged'. We find Pepe behind the bar serving coffee like always. Behind him some vine bottles wait their turn. For the hunters, *casa verde* is still the meeting point. Moreover, Pepe arranged in his old barn some technical facilities for eviscerating and butcher the prey. So in the evening the hunters return to *case verde* for a drink, talk and to portion the meet and furs.

When Dourino and I arrive almost everybody was there. The old tavern is full of smoke and it is cold, but the people are vivacious. Pepe's wife comes in with some home made cakes. Everybody greats respectfully, I do not know if because of the cakes or for caring much respect to Modesta. People in Labrada tend to have their breakfast around ten o'clock, while early in the morning they eat milk, coffee and something sweet. However, the approximately thirty men pounce over the cake plateau and soon a peaceful silence falls in the room. This is a good opportunity for me to ask about the association. *O codo de caza* brings together the people from Labrada and those form the neighboring village, Montouto, situated further north. The majority is from Labrada, about twenty three. Most of them are around fifty years old, but there are some youngsters as well. For being part of the game association one does not need to live in the village and thus, the sons that live in the near towns can take part in the hunting sessions. "*The only thing is to like hunting*", says one of them. Dourino's son, Calisto, is taking past with almost every occasion. He lives some 30 km away, in Villalba. He is the one that offers me the best image of resistance towards the urban values: *"we are not vegetarians here"*. He explains me that the hunting associations regroup those that are still intimately linked with the old values of the rural life. *"People in the city are conceited (vaidosos) and don't like the hunt. But they don't know how a cow looks like."* Resistance in the youngsters' case is related to a form of stubbornness in coping with the urban lifestyle. Calisto is an engineer working for a small enterprise. He chose to live close to his father, and later to move back in Labrada and continue with animal farming.

But is time to go, the hunt starts. Besides considering themselves as the depository of the 'old rural' values, the hunters also think that they have the most advanced knowledge on the surrounding natural environment. In tracing the animals they come to know every detail of the *monte*, every little change, every new appearance. This is why, when it comes to protecting nature and Natura 2000 their attitude is very much reluctant. But, they are not reluctant to the protectionist idea, *per se*; they are reluctant to the idea of having their access

restricted in the name of major changes that the environment undergoes. They contest the scientific legitimacy of the restrictions, and thus, they see them abusive. Dourino explains how the restrictions concerning hunting harms the small agricultural activities in the village, mostly the potato fields. According to him, the specialists from the *Medio Amiente* do not understand that by allowing hunting a certain number of boars and deer per year they will not solve the problem. *"People in the village are not allowed using other methods more traditional and more efficient for **educating** these animals to not go in the fields"*. According to hunters' believe, traps are more efficient because it does not kill the animal all of a sudden, but, by being keeping it in the catch for a while it scares the other animals and they do not come for a while. On the other hand, by hunting the boars in the *monte, "you kill them there, and they still come to eat here over and over again, because they know that here they have food."* The Environmental Department of Galicia has a hunting plan, according to which a certain number of animals are allocated for each game association. The department is interested in having a "sustainable" number of wild animals in the *monte*. On the other hand, they also provide some financial compensation for the damages that the wild animals produce. But the farmers are not interested in the compensations, which, according to what they told me, were never delivered. This restriction is only a part of a bigger picture that the farmers in Labrada perceive with regard to the nature protection policies.

15.5. Wind-mills

The first wind-mill farm was set up in Xistral in 1999 on the land of the Montouto village, neighboring Labrada on the north. Others followed until the time of my fieldwork and the up-grading of the power-generators is ongoing at the moment. The X transnational Spanish corporation (henceforth XTSC) has three main domains of activity: road and rail networking, water provision and energy provision. It is a world leader in clean energy and in water provision through installations for water depuration and osmosis desalination. XTSC has 340 wind mills of 750 Mw planted in Xistral Biosphere Reserve. Regrouped in 13 farms, the wind mills are interconnected through asphalted roads on the ground and cables for energy distribution, underground, pestling the peat reserve. Yet, XTSC is only one of the three companies that operate in this area. I don't know the exact number of the wind-mills in Xistral but their number can be approximated around 1200. Here I take the example of XTSC since it is the company that most of the villages in my research area deal with, including Labrada, and because it was the first that arrived in Xistral.

M. is the manager of the 13 parks since 2002, and XTSC's chief manager for Asturias and Galicia regions. He made an interesting remark with regard to the arrival of his company in Xistral.

"When we arrived here ***there was nothing***. These *montes* were ***empty***, there were only bushes. But this region is the windiest in Galicia, and the second windiest in Spain, so, an opportunity for local development. (…) I am proud to work for a company that provides, clean energy, does not harm the environment. – But how is this energy clean when destroys the peat reserve? – For me it is clean." (Stronghold 2000 - 55:20)"

Picture 12*:* **Wind farms in Xistral.**
Photo made by the author.

M. is retelling the story of capitalism in a very convincing manner. As we noticed in the second part of this study dedicated to the inter-link between the invention of nature protection and the raise of capitalism, there is not to much difference between Locke's vision of *wast* (sic!) American land and M.'s interpretation of the natural and the social environment in Xistral. But we will analyze this later on in the conclusions and more in depth in the analytical part (part V). What it is important to notice for the moment is that the bundle of rights in Xistral is strongly influenced by the penetration of external meanings of the natural valuables. Who would have thought that the wind has any value in Xistral? And yet, it does. But the monetary value of the wind energy produced here is not too much reflected in the prosperity of the local economy. The money goes with the wind, and the local development is a chimera. Very few local people are employed in the wind farms. This is due to the high technical skills that the maintenance of the wind-generators requires. According to my knowledge, only a

small number of people from the villages around found jobs in the XTSC wind farms: few secretaries, few technicians and cleaning personnel. As Locke's image of *waste*, Adam Smith's dictum of colonization that brings wealth is challengeable in Xistral: *"The colony of a civilized nation which takes possession, either of a waste country, or of one so tightly inhabited, that the natives easily give place to the new settlers, advance more rapidly to wealth and greatness than any other human society."* (Adam Smith, 1998 [1776]:344).

15.6. One night

My interest during the hunting sessions was to find out more about the *Montes*, how the hunters perceive this environment, and if they are affected by the Natura 2000 restrictions. But in turn I also got some frugal information that I did not expect. It was during this game session when I heard for the first time that the *montes* belonged to the Armada. Dourino mentioned something but he could not tell me more details. Although I did not buy the argument, the idea with the navy was interesting and I put it in my note-book. Second time I heard about the Spanish navy story was when I went to buy honey form Alexandro. He has some properties within the Natura 2000 site and he is not allowed to cut down a tree from one of these properties. He is much instigated and sees the restriction as a disspossetion of a resource from his own household: *"Is this house mine or not, is this tree mine or not? If it is mine, than I should cut it!"* The tree is an old mulberry. I made the observation that there are not many old trees in Labrada anyhow. His answer was: *"no, **Armada** cut them, long before."* When I asked him details he only mentioned something with regard to the access of Armada to the *montes* in Galicia, but he cannot give me more details. However, I got puzzled about the link he made between the restriction to cut trees and the Armada, thus, I went to ask Henar my host and trusty informant from Labrada. She told me that she does not know anything for sure but, she has the impression that she heard something from a local priest that back in the early 80s supported the village assembly for getting the entitlement for the common property. But, maybe D.V. knows much more about it and she will invite him for dinner. That evening was of crucial importance for my understanding of the making of the *memories of dispossession* (Moore 2005: 22).

D.V. is a forestry professor at the *Escuala Forestal* from Lugo. He was part of *Circulo* in early 80s and now is member of a local environmental NGO - **A Asociación para a Defensa Ecolóxica de Galiza (ADEGA)**. I first met him during my first weeks of fieldwork in the *Escuela* while studying the statistics of reforestation during Franco. One moth later we were together in Henar's house for dinner. The following story reproduced hereby from my

fieldwork notebook is relevant in order to see the role of cultural brokers at the local level and how memories of dispossession are shaped by these actors.

Henar and her husband George finish with milking and feeding the 22 cows quite late, around 10 p.m. By the time that they take dinner it is almost 11, a culinary custom that was most difficult to adapt during my stay in Labrada. By this time Abuela, Avo's wife, has the food already prepared. Tonight we have a special guest, so Abuela makes the traditional *Caldo Galego* a combination of vegetables and cow intestines. Outside the never-ending frosty wind-blowing is smashing rain drops onto the window glass in a savage ritual of obliteration. We start eating without our special guest. *"He probably had meetings until late"*, Henar says. It was a quite dinner, Henar and George being worried about D.V.'s delay. *"You never know with these tight roads. Those from Acciona*[95] *drive like crazy, and with this rain… ufff!"* Finally D.V. arrives. He knows the way very well, he has been to Labrada so many times before; Henar tells me: *"he is a friend of Labrada"*. While entering he is greeting everybody but no excuses for being late. Everybody knows that he is busy, and anyhow, punctuality has a different understanding in rural Galicia. The discussion starts while Henar dishes up the hot *Caldo*. D.V. explains what happened during the meeting he had that day with those form *Medio Ambiente*: "as usual, they cannot do anything, they are completely paralyzed. They are afraid for their jobs." *"And then, what should we do?"* Henar asks. *"I don't know, we need to talk with somebody."* Everybody is silent. The informal attempt to get authorization for building a pasture failed. Henar and George get nervous. For them, as for the people from Labrada, it is vital to build pastures in *Monte*. Besides them, only one family in the village has '*vacas de leche*' everybody else have '*vacas de carne*'. While the milk cows graze on private properties around the village and are nourished during the night in the stalls located in the household, the meat cows graze and live in *Monte* during the whole period of the year. They are not milked and they give birth to calves alone in the mountain. Yet, meat cows are not wild, so to say. The *veciños* have to enclose them on large artificial pastures from time to time because the food on the rocky parts of the *Monte* is not sufficient for having good and healthy cows for the market.

D.V. asks me, if I speak Galego. I answer that it gets mixed with Spanish, but I understand quite well. He continues to talk with me in Galego, saying that Galego is important as a form of local identity and explaining me how Galego is actually different from village to village. Encouraged by the status of pupil in Galego, I try to take part in the discussion. It was easy and D.V. starts to explain, without me asking any questions.

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[95] Acciona is one of the windmill companies. The road going to the hut where the technical headquarters of the windmill farms is located passes in front of the house.

"There is still a war for eliminating rural communities – like in Marx analysis, you know? For having cheap labor force in the cities… This is speculation, not protection! A problem has a solution when it sells, when not, not! The protection of the park is an economic necessity, but the problem of the law is that it is not the same for everybody." And he continues. *"First it was the Armada - they took all the mountains from the people to build ships, then the Montes got privatized because they needed vegetal coal, then Franco, and now Red Natura (Natura 2000, n.a.)! Every time is the same! Every time they strike in the villages until there will be no village left and they can enjoy everything for themselves!"* Abuela and Henar were sitting next to the fire, close to the stove to be ready to serve the dishes or to bring something from the larder. Avó was sitting by the window at the head of the stone table, while George and I were leaning by the wall. We were all looking into D.V.'s smoky brown glasses and listening. The discussion continued until late in the night with D.V. and Henar in forefront arguing against the corrupted environmental measures of the Xunta de Galicia and SOGAMA. Before leaving, D.V. received a casserole with the *Caldo* and some fresh milk for his family.

This episode was a typical informal meeting between local actors that try to coordinate their actions for defending farmers' access to *Monte*. Yet, it shows the role of cultural brokers in shaping memories of dispossession. First, I do not claim that the conservationist policies of Fernando VII from 1748 shaped the later policies during the XIX century and the Natura 2000 program. What I consider relevant is that they represent points of reference in present discourse of farmers' struggles to re-legitimate their access to *Monte* face to the restrictions imposed by the Natura 2000. Second, this discourse is not born in the village, so to say. It is shaped, carried and brought-in by actors with broader intellectual resources and perspectives. Local village leaders, like Henar, are the link between these cultural brokers and the people, while transforming themselves into cultural brokers as well.

As shown in Stranghold 2000 film, this discourse is reproduced by Henar (min.35) and then it is delivered to the community during the village assembly. But there are also other means to diffuse the memories of dispossession. These are local monographs made by local professors or priests and with a closed distribution mainly within a few parishes. The photos bellow show one of these monographs made by a former priest Manuel Regal Ledo, an uncontested local cultural elite.

Picture 13 & Picture 14: Front cover of a local monograph and a picture of Henar in the same document

Imposible loitar o que se ten loitado no campo en Galicia, sen a presenza das mulleres, coa súa sabenza múltiple, coa súa persistencia, coa súa tenrura, cos seus coidados, coa súa fe, co seu humor, coa súa canción.
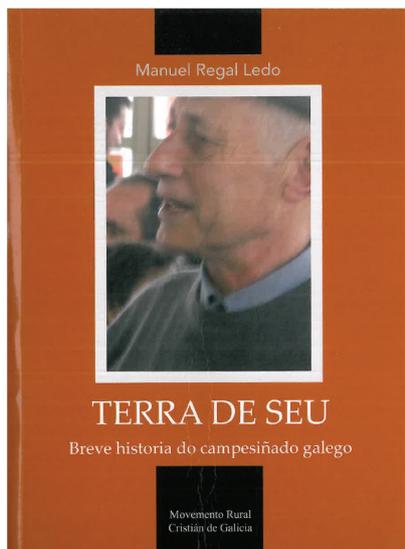
Titled "*The land of the self: A short history of Galician Peasantry*", the small book can be bought in the churches after the Sunday service. In this book there are 25 pictures of local people, important religious sites, maps, landscapes, and household activities. The picture of Henar in the book is followed by the text: *"Impossible to keep fighting the way the fights were carried in the Galician rural areas, without taking into account the women, with their multiple knowledge, determination, tenderness, with their care, with their faith, with their humor, with their song."*

The book is written as an imaginative dialog between two or more Galician peasants. Through a very familiar, minimally structured and spoken language, important issues of the history of land access are tackled: the description of *foros*, the navy, the incipient metallurgical industry, about the conflicts during Franco, and about the European integration. The conflicts are described as *loitas por campo* (rural resistance). It also entails photo portraits of old peasants, integrated in life stories and, disregarding its romanticism, is a nice form of devoutness to people and places that the author feels so much attached to.

I do not claim that this book and similar monographs can be found in every house of my research area, but some people have it. I only want to point out that this is a channel of social dispersion of the memories of dispossession.

Chapter 16 - Consequences in landuse-change

16.1. The common property and the culture of approximation

Before the *clasicasion de montes* from 1978, the boundaries between the common properties of the villages were lenient. So were the delimitations of private properties. After finishing the common work for the *rozas*, the area was divided among vecinos using the *estadal*. The *estadal* was a measurement unit of about 2,5 meters.

> *"It was a wooden stick that had to be as long as a man with his right hand up above his head. – And how could one know if a estadal was not different from the one that people were using in the neighboring hamlet? – So what, even if the estadal was ten, twenty or thirty centimeters longer, nobody cared."* (Xesus, I, 22)

People remember how before 1984-85, there were no troubles with the boundaries between villages' *monte*. *"Everything started when the state asked every parish for the «declaraciones de monte en man commun»"*, remembers Dourino. A lawyer[96] came in every village for documenting the statements of people and tracing the boundaries in o *monte* on the paper. Dourino explains further:

> *"Before the 80s, everything was in common: Montouto, Labrada, Romariz, Espinharcao, Castromajor, Candia all these villages were using the monte in common. The animals from each of these villages were all mixed together. There was not the case that the boundaries of the village of Candia are here and that of Labrada here, there was no trouble with these things, we were all in common. (…) Before, nobody was saying "hey, look, your cows are in **our** monte" but afterwards, people in the villages started to talk about the boundaries. And these problems are with no solution."*(Dourino, II, min 16:00)

The people know where is the *monte* of each village, but they did not know exactly where the boundaries are. Even today it is not known where the limits between the villages exactly are. Therefore, when 'the lawyer' went further with the information to the *Xurado de Montes* (roughly translated '*as the court for montes'*, the state department in charge with the legal registration of the *monte*s) the problems started. What was defining the *monte* of a village were the rozas. Where people had the *rozas* there was the *monte* of that specific village. Modesta, the wife of Pedro, the hunter from *casa verde*, remembers: *"where we made rozas we call the **monte** manso. But there are intermediate areas between the montes of the villages*

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[96] People in the village refer to the state official as an *avocado*, a lawyer. Yet, this person was nothing but an official from the agricultural department. During my staying in Labrada I noticed that people tend to name any regulatory state official as *avocado* or *xusgado* – judge.

were people were not making rozas, this is **monte** bravo. *This part of monte was never planted with crops, and it was free for the animals."* (Modesta, I, min 3:14)

This culture of approximation was deeply troubled with the regulation of access instituted through the *classifications* of the *monte*s. Moreover, it lead to deep local conflicts which, in the context of overall international market expansion that characterizes the first post-Franco decades, acquired transnational dimensions. The examples of the mine and of the wind farms are at the core of the issue.

People in Labrada explained me that anyone who wanted to build a house and had no land could build it in the *monte*, but without acquiring private ownership titles. Some toponyms attest this practice. For the place called *Os Campos dos Novos*, roughly translated as *the lands of the newcomers*, a still populated nucleon of houses in the village - *barrio*, people remember that nobody had individual property rights until recently. The oldest document of private property in *Os Campos* is from 1910, but most of the documents I saw or asked about were from the end of the 70s when the Spanish state proceeded with the registration of the boundaries of the *monte*s. With no exception, people in Labrada remember that *Os Campos* was *monte* and there were no houses in this place roughly one hundred years ago. Xavier's house has the document from 1910. It is an act of property but he cannot remember the circumstances in which the document was made. His father passed away some 25 years ago when he was still a teenager, but he knew what land he and his brothers will inherit. "*The land was inherited individually, from father to son, but without any document. Everybody knew that this plot of land will be mine when I will get married or when my father will pass away."* (Xavier, notes). Through a wide socially accepted practice of individual property inheritance, the *monte* in *Os Campos* became private property and there were no problems concerning the registration of the houses' land in the late 70s. But, the mapping and the registration of the *monte* from the end of the 70s to the early 80s set up by the Spanish state made people at the local level aware that any new individual enclosure from the *monte* would be banished by the state from that point on. Every village had its *monte* now, the *monte* had limits. Yet, some made courageous attempts to keep enclosing from the *monte* with long lasting troubling effects, this is the case of the Xoxa family.

Some two kilometers away from *Os campos* is the house of the Xoxa family. This house is the only one still in use from a group of five houses that before the 1960s made up the *barrio* of *Os Agros*. This nucleus of houses is situated in the *monte bravo*, between the

monte of Labrada and the *monte* of Pereiro[97]. However, people in *Os Agros* belong to the parish of Labrada and got entitled with private properties the same way like those form *Os Campos* did. The elder Xoxa, Pablo Xoxa, made the first attempts to enclose more *monte* into his private property in 1970. He sold 15 hectares of land from the *monte* to another peasant from the neighboring village of Xigadero, and the latter sold him back in the same day and with the same amount of money. According to the Spanish state law, by the virtue of a double buying contract the property could be registered as individual private property in the municipal's property booking (*Registro de la Propriedad*). Henar argues that *"because they* [people in Os Agros] *were outside Labrada, they were doing whatever they wanted to, getting plots in the monte without any request and consultation with others"*. In other words, the Xoxas were benefiting from the vicinity status but without being good *veciños*. It seems that nobody in the village new about this affair until the end of the 80s.

In 1988 a multinational mining company came for taking soil samples in Xistral and it became interested in granite extraction form the *monte* of Labrada. People opposed to give rights of access to the mining company, excepting the Xoxa family. The elder Xoxa made a private contract with the company granting the access to his land, but not on the fifteen hectares that he previously enclosed using the double-selling trick, but on 40 hectares that he actually did not own. These 40 hectares, including the fifteen ones, are located in the *monte* of Labrada. Soon after, the Xoxas moved in the village of Pereiro and kept only the animal stables in the old household. In 1990 the company started the extraction. People in Labrada suddenly saw how some hedge trucks arrived in the village and the big excavators were carried in the *monte* to the newly opened mine. Back then, the president of the village community was Xavier. He remembers:

> *"We saw one morning the trucks and tractors in the monte. People came to tell me that they were exploiting close to the house of Pablo Xoxa. Everybody understood that day why the Xoxas moved to Pereiro. We went to the town hall* (ajuntamento) *and took a notary act that attested that the area in which the company opened the mine was monte owned by the village of Labrada and was not individual property."*

With the official document made according to the law of *monte*s vecinales en mano comun, Xavier went to court and made a plaint against the company. For a while, the company stopped their activity. Nowadays, people still complain that the company took the machinery but without taking any granite with them: *"they let only stones behind",* is the common expression in Labrada for lamenting the impossibility of pasturing the cows in the mining

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[97] *Os Campos* on the contrary is not in the *monte bravo* but is neighboring the bulk of houses of the parish of Labrada.

area. However, in 2003, the trucks came back and stared to extract again, only 100 meters away from the first place, again, without informing the community. Following this, Henar, the new president of the community, called for a village assembly for asking people if they should hire a lawyer. The people agreed and a trial started against the company at the local court in Mondoñedo.

The trial brought to light that the mining company neither had no working consent from the municipality (*licencia municipal de obras*), nor environmental impact assessment, nor other necessary documentation that the Spanish **national law requires** for approving mining activities. The company had only a document for allowance in granite extraction granted by the Department of Economy and Industry of the local Galician Government (*Conselleria de Economia e Industria*)at hand, which is not sufficient for this kind of work. Thus, legally speaking, with the documents that the company had it could not start mining. However, the Court of Mondoñedo suddenly decided that the process shall stop due to a lack of evidence. To make things even more complicated, the area of extraction was declared in the mean time a Biosphere Reserve and part of Natura 2000[98]. The company continued exploiting. It was when Henar contacted D.V. and together with ADEGA denounced the abuse in the court and to all the parts legally involved in the issue.

"The company was working in the monte as I go working my field!", Fira, Henar's neighbor remembers. Yet, after a lot of working paper, time and money spent in Mondoñedo and Lugo, in February 2008 the company received another temporary interdiction for extracting granite. However, in October 2010 the court decided to suspend the trial for lack of evidence, a decision which was in favor of the company who could continue the extraction. ADEGA and the community of Labrada, represented by Henar, continued to send allegations this time to the official prosecutor, the Galician attorney. The prosecutor's decision favored the community by stating that there were no reasons for suspending the trial and that the Court of Mondoñedo should continue the process. When writing these lines, Henar and people from Labrada wait for another invitation to court for defending their *monte*.

On the other side, the sons of Pablo Xoxa are defending their claims for the *monte* in *OS Agros* after the death of their father, which happened in 2000. Not only that they inherited the land, but they also inherited the conflict attached to it. And they have good reasons for continuing the battle for the 40 hectares of land, due to good price that the mining company offers for concession. They put forward the double selling contract for the 15 hectares, while for the rest they claim the vernacular inheritance custom that functioned in the village until

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[98] I underline here that the Area of Xistral was declared eligible as SCI in 1999 and declared protected site in 2004, and the basin of the Miño river, from which Xistral is part of, was declared Biosphere Reserve in 1996.

the 70s, in the same way that Xavier does. Only that in the Xoxas' case, the property rights over the whole 40 hectares are not recognized neither by the village community, nor by the state.

As we see, the recent story of the Xoxas is closely interlinked with past and present conflicts that connect the village to 'the outside world'. The conflicts are around individual enclosure attempts, internal to the community, and broader attempts related to actions of surpassing the legal framework of the national and international law by taking advantage of the more permissive regional legal framework. In any case, it is not intended here to show who is right and wrong in this complicated story. What I want to emphasize is how individual acts of enclosure become problematic only in connection to a broader social environment, transnational economic activities here included - the Vrancea case will offer more fruitful insights on this matter. Yet, the wind farm industry troubled even more the access to *monte* in Xistral.

As noted before, the wind mills are interconnected through asphalted roads on the ground and cables for energy distribution, underground. The XTSC's 340 wind mills were built in four different phases until the end of 2005. Those from the *monte* of Labrada were built in the third phase, approximately from 2002 to 2003. One of the most problematic issues that the company faced during the installation of the windmills was the clearly defined limits between both common and individual properties. Thus, in parallel with the infrastructure building, another process took place, namely the exact cartography of Xistral using GPS technology. This brought the local communities once again into conflict. Very frequently the roads pass through the limit of two or more communities. But even more problematic were the situations when a wind mill was on the limit between two communities. This was the case of the conflict between Labrada and Romariz which could not be settled until the GPS mapping was accomplished. While some ten years ago, people in the two villages paid little care to the limits of their properties, with the animals freely trans-passing some lenient boundaries established more by the traditional rotation of *rozas*, now they were *"in permanent conflict over the last 20 cm of land"*, how Xesus explained me. I asked about the *estadal*, if it has any function nowadays. He answered laughing:

> *"Who cares now about* estadal*, now you must have the exact limits of your property! But these limits are not real, are told by the satellite and people don't know them. We need to learn anew the limits of our properties."* (Xesus, I, 48)

And indeed it is so. At this moment there is an ongoing process of mental re-mapping of the properties in the villages surrounding Xistral.

16.2. The mental re-mapping of the properties within the landscape

I was with Henar and George in the *monte* many times for watching the cows, with Dourino for hunting, with Tata for mushrooms and wood, with Modesto for watching his goats, and it took me considerable time to understand how the infrastructure for wind energy modified people's perception of the landscape. In my observations I noticed three main practices through which *the mental re-mapping of properties in Xistral* is taking place. The first is a learning practice and deals mainly with learning the new reference points in the landscape which consist in the roads, the checking-points-huts where the tension of electric power is frequently measured by the maintenance teams of the wind farm companies, and the new small draining inland waterways. The second component of the re-mapping process is the negotiation of the new boundaries; and the third, the adaptation of the uses to the new physical limits that occurred in the landscape.

a) The asphalted roads between the 340 windmills form an important and complicated network of communication which did not existed before in Xistral's landscape. Together with the checking-points-huts and the ditches, these new elements of infrastructure are key components of wind energy production, but in the same time they bring radical changes in the use, and in the representation of the *monte* at the local level.

The roads improved people's physical access to the pastures, but, in the same time, it facilitated a new practice, namely, the permanent overwintering of the cows in the *monte*. Unlike the horses that are able to find their food under the snow, cows do not. In former times, as soon as the snow was covering the earth, people were bringing the cows in the households to feed them in the stables. No tractor was able to breakthrough in the rough terrain of the *monte*. Today, by using the new road infrastructure built by the companies after 1999 it is easy to access the most remote places in the *monte* even with a usual touring bike. Yet, people have to make use of the new reference points in the day to day use of the land, but also to make, cognitively, a sense of the new setting. In the most concrete sense of the word, it was a need to invent names for the new roads, or to denominate the checking-point-huts to explain in daily language were the animals are located at a precise moment in time, or where to bring the hay with the tractors during the winter. The new names for the roads are related of course to the place where they were built. Yet, they offer a more precise orientation in the landscape. For example: *a cabaña do Fexal*, which means the checking-point-hut from the Faxal Valley, is a more precise point then *o Val do Fexal* (the Fexal Valley). The same happens with the roads. From one day to another the people in Labrada had to explain one to each other how to reach a certain point in the *monte* through the new network of roads. One

important detail here is worth mentioning. The new infrastructure is not signaled with standard signs for vehicles or signs for general orientation since it belongs to the companies and is designated for facilitating the access of the maintenance teams to the power generators. There is a legal consent that states that the locals are allowed to use the companies' infrastructure since it is built on their properties. However, this road infrastructure it is not part of the national or regional road infrastructure and it is administrated exclusively by the wind mill companies. Thus, the locals had to name these roads as well. Some got their name from the places where they were built, others acquired new names: *the high road*, is the one that follows a part of the peak of the mountain Xistral; *the road of the mine*, is the one that goes in Os Agros (although this one was opened before, by the mining company, but got asphalted by one of the wind mill companies); *the road of the lake*, is the one passing nearby a new formed pound. The coming into existence of this pound reminds us of the main environmental damage caused by the installation of the wind mills: the drying of the peat caused, as described earlier, by the interruption of the superficial flow of water by the ditches, cables and the asphalted roads.

The modification of the landscape through the installation of windmills does not only mean a physical modification of sight and of the physical access. It also means a mental re-orientation of the everyday practices related to the *monte*. This also includes the new borderlines of common properties.

b) We do not need to imagine that people fence their properties according to these landmarks. But these new elements form reference points in the negotiation of new borderlines between the communal properties. The second process through which the mental re-mapping of the properties within the landscape occurs is the negotiation of these new limits.

When the classification of the *montes* took place in Labrada in 1978, the state official – '*o avogado'*, pointed down the boundaries that people mentioned in Labrada and in the neighboring villages, without consulting both or multiple parts at the same time. As consequence, most of the boundaries of the *monte*s were, and in some instance still are superposing, or not meeting their 'neighbors'. The state officials had to solve the problem of peasant resistance as soon as possible and thus had to avoid any new conflict situations at the local level (as described earlier) for that the afforestation program of the *monte*s to follow its course. But the arrival of the wind mill farms in Xistral meant an **even more precise** delimitation of the boundaries between the properties, being individual or collective. However, this did not happen, as we might be tempted to think, because of the wind mill

companies' interest to have a secure juridical back-up for their contracts. *Time is money,* and the companies were not interested in investing either of these very scarce resources in mapping the properties in Xistral. As we remember, the wind mill companies did not negotiate the construction of the wind farms with the communities, but with the Galician authorities. The negotiation was based on the previous documentation from '78, which, no matter how confusing it was, had a legal character, guaranteed by the Spanish state, so with little possibility to affect the companies' interest. Those who started to fight for a clear delimitation of the properties were the village communities. Every implantation of a turbine on the village property meant a secure source of income for the village every year. Hence, there was no need for the wind farm companies to map the properties because the communities and individual owners mobilized very quickly to do it for solving ongoing or potential conflicts. This is how scandals between neighboring communities started some of them ending into court. At the individual level, the GPS mapping procedure meant quite frequently the damage of long-lasting friendships or of kinship relations within and across the villages. In the following I will limit to describe how things happened in the conflicts between the villages of Labrada and Romariz.

Labrada neighbors the village of Romariz in the north. Both villages are part of the *ayuntamiento* of Abadin and also have neighboring common properties. When the construction of the wind farm started on the communities land, two other wind farms were already set northwards, in the *monte* of Montouto and Pereiro villages. People already knew that the plantation of power generators means a good amount of money for the community. Thus, special village assemblies were organized in both villages on the issue. The administration boards (*a xunta rectora*) got in contact in order to go in the *monte* and see where the limits between the two properties are. In the mean time the constructions were advancing quickly, and none of the two communities was willing to lose the opportunity to have wind mills on its property as soon as possible. Henar remembers how odd the first common outing in the *monte* was.

> *"We were there 10 people, we were all born and raised in the villages and we all know the montes as our own homes. But, being there, we started to debate where the boundaries between the monte of Labrada and the one from Romariz are. Following the* baldous *from the rozas we didn't reach any consent whatsoever[99]. I got in conflict with Camil, the president of the community of Romariz. He is a nice guy, we were school mates, but after that first meeting he didn't talk to me for moths. Until we meet again next spring in the ayuntamento, and he was more open to me."* (Henar on the conflict with Romariz, personal notes).

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[99] One can still see the baladous from the rozas that were in use some 20 years ago in the *monte*. However, these rozas were very few in comparison with the more extensive practice that was in place 40 years ago.

Henar laughs when telling the story of re-engaging in contact with her former school mate, but this because the story had a happy end. Back then the problems in the village were serious. I have noticed that there are many similar first or second family names in the two villages[100]. She confirmed that there are many people that have kinship in the both communities. Henar explained me how actually the two villages are like one community, only that they have two churches, so we are two parishes. Yet, there were disputes between the family members as well, since two cousins were part of different boards of administration. Nevertheless, it is worth mentioning here how the problem got solved. One year after the first trip in the *monte*s both Henar and Camil met accidentally in the reception area of the *ayuntamiento* of Abadin. Both were forced to wait for some paper work in the town-hall in the same place and they started to talk again about the boundaries. Henar remembers:

> *"I don't know how this came into my mind, but I just told him: «Ok, let's do like this, you establish the limits with the people in Romariz, we do it in Labrada, and then we set the limits at the middle way where they differ.» But this was not very well received in the communities either. There were people in both assemblies which disagreed, but finally we met in the monte again. "* (idem)

The two boards of administration met for the second time and presented one to each other the limits they agreed upon. Following Henar's suggestion, they set arbitrary limits between the two common properties at approximately equal distance between the divergence points. Yet, there were two more problems to solve. First, the limits were still not clear enough; and second, there were two wind mills that Labrada's group was claiming on its property. People agreed that they need to call the *Servizos Agrarios Galegos* (SEAGA) [101], for establishing the limits with the GPS. Yet, people had little understanding of how the new technology facilitates the mapping, most of them relied on SEAGA as if the GPS would solve their problems. Henar recounts how after the second meeting in the *monte* people had different views of what the limits between the communities were. The arrival of the technical team made things even more complicated. The assistants asked for the clear points in the territory in order to set the positioning coordinates. And again the divergence appeared - *"I was amazed how stingy the people were with regard to the communal land"* Henar recalls. But in the end, in order to avoid further supplementary costs, the communities reached an agreement. Yet, at this moment another important step in the mapping process took place – the adjustment of the uses to the new setting. I asked Henar, Xavier, and Camil how exactly they decided on the points that will provide the boundaries of their common properties, the points for the GPS

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[100] One should remember that according to the Spanish civil law a person has two family names.
[101] *Seaga* is a public company within the Rural Department of the Xunta de Galicia.

coordinates. They all mentioned that besides the old reference points, such as big stones or changes in the flow of the Fexal river, they used the new reference points such as the roads, and the new built checking-points huts. They constantly avoid using wind mills as reference points, since they were meant to be inside and not on the boundary.

c) The adjustment of the uses to the new boundaries is the third practice of the ongoing mental re-mapping of the properties in Xistral. I already mentioned how the roads modified the locals' use of the *monte,* mainly by the practice of overwintering the cows. In the following I want to stress on how the new property boundaries modify the use of the *monte*. For this I will make a comparison with the local, traditional mode of separating the properties in Galicia.

A simple logic tells us that people use the land according to their needs as much as they are allowed by the natural, by the social established barriers and of course, by technology. In other words, people use the land up to one physical limit. When this limit is socially constructed it is marked through different signs for marking restriction in use. The traditional fencing method in Galicia is *balado*[102] (pl. *baladous*) - an irregular, earth- or stone-made 'wall' on which valuable trees, such as oaks and sweet chestnut-trees, but also bushes grow alike. It is about two to four meters wide and about one meter high. This physical limit in land use ***does not*** represent segregation and exclusion, on the contrary. The *baladous* are used for delimiting the private plots of land in the village or the *rozas* in the *monte*. Yet, the way how people in Labrada manage the *baladous* helps us to understand a lot the dynamic of property relations that we witness nowadays in Xistral.

While walking through the village of Labrada one has the impression that once a war throttlehold was on the place - the *baladous* look like palisades invaded by vegetation. These 'forested walls' offer sufficient food and a good refugee for farrowing for small and big wild mammals such as foxes, hare etc. They also help in fixing the soil and regulating the superficial flow of water. Within the *baladous* there is always sufficient water for crops and hoe. I asked Avo about the work for setting up the *baladous*. He told me that this is actually the work of generations: all stones, soil and vegetal residues are thrown on the *baladous*, and this is how it grows. When I asked about the neighbor, the owner that is on the other side, he simply answered that he is doing the same. I was curious about how people share the trees that grow on the *baladous*. Here things get more complicated. Not all *baladous* are the same,

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[102] The word *balado* is polysemantic. Among other meanings (such as to baa) it has the meaning of *disposing for avoiding notice*. The same form of physical inclosure is to be found in Brittany, it is called *talu*. Galicia and Brittany have similar mineral morphology and it is not surprising to find similarities between the two. I described some place else the ecological and social importance of these micro-ecosystems (Mantescu 2008).

and the *baladous* are not the ultimate limit between properties. A *balado* that is between two plots of land is called *medianil* (pl. *medianiles*, which can be roughly translated as *bulkhead*). The *medianil* is the property of both owners and both have equal access to the trees, or to the sweet chestnuts – a valuable food resource for both humans and pigs in times of famine. Yet, if one plot has neighbors only on one of its ends, than that neighbor has more right to the *medianil* than the owner which has three *baladous* only for himself. However, the degree of rights to the *medianil* is permanently negotiable, and depends on the two, or more then two neighbors. I reproduce below from my field notes the 'geography' of property in the south corner of Labrada.

Figure 6*:* The schematic representation of properties in the south of Labrada.
<u>Legend</u>: P. signifies individual plot of land. Drawing made by the author in situ.
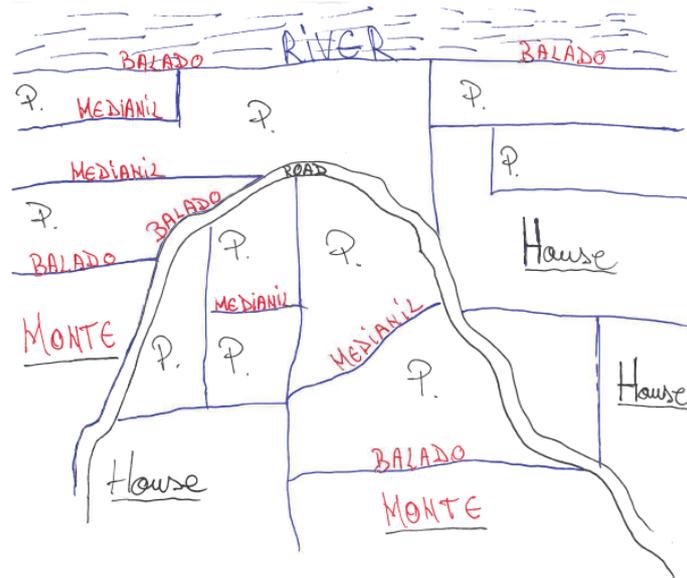
A very interesting situation is that of selling the plots. In this case, people do not destroy the *baladous*, but mark the new property limit with piles of stones (*marcos de piedra*). Only the *baladous* in the *monte*, for the *rozas,* are destroyed or simply abandoned. However, the remains are visible for years.

This is how the *baladous* represent a historical map of land ownership. Although the plots have changed the owner, or the rozas have been abandoned, the *baladous* remain to witness how the land was used and in relation to whom. Avo told me that one should not look for the *baladous* in order to see the properties but to look at the stones instead, and only if there are no stones, than the *balado* is the limit. Therefore, traditionally the demarcation of properties in Galicia has a scalar form: *medianil, balado, stones*. The use of *medianil* is a

191

permanent negotiation between the owners around it; the *balado* is delimiting the property on the outside and belongs to one owner; and the stones 'beat' the *balado* since can change the limits of the plots.

This scalar pattern of land plots' limits resolution got altered in the process of the establishment of the more fixed and clear limits for both common and individual properties. Lately, people needed to abandon the old way of lenient demarcations and to learn new, more strict ones and a more coercive use of land. The practice of letting the cows free in the *monte* was abandoned in the last 10 years. Now, the cows move from one pasture to another within fences made of wire. For making the pastures, the villages have to respect the new signs of demarcation, a practice that is not easy for people as they are still used to the old mode of appreciative limits of property.

The re-mapping of the common properties was dictated by the use of the *monte*. But this time by a novel use, a use of the land alien to the communities' economic activities – the wind energy industry. Because the ancient modes of delimitating property were not signs of confinement but practical modes of negotiating access through the use of morphological characteristics of the natural environment, the new signs of demarcation of properties are perceived as forms of deprivation. Traditionally, in Labrada, a limit is placed in between, and not at the margin. While being placed in between, the limit is beneficial, so to say, on the both sides - both sides can access it and cross it. The limit in the form of *baladous* represent a vivid environment in it self, an entity in permanent transformation. The example of Fragabella helps us to understand the liminal character of natural environment in Xistral.

16.3. The liminal environment - Fragabella

In the first chapter of this part I explained what *fraga* means and its role in the overall agro-sylvo-pastoral system of the *monte*. In the second chapter I illustrated the economic importance of the *fragas* for the Spanish shipbuilding industry. At this point I will describe the economic importance of a *fraga* at the local level and how this particular natural environment continues to be a source of conflict, yet not only based on its instrumental value, but mainly based on the inherited conflicts from the past due to its peculiarities.

By looking at the map of Xistral and its neighboring areas, one particular aspect of the environment can be observed: *as fragas* are located particularly at the border lines between the common properties of the villages, connecting rather than separating the properties and the use of the land. *As fragas* are located in the *monte bravo*, there were no rozas were made,

that intermediate zone between the villages, as described above. *As fragas* unify through their location, their access and their multiple uses the neighboring villages. Moreover, because of their threshold character, *as fragas* endorse an even more loose ownership status. The past and present conflicts around Fragabella illustrate very well all these peculiar aspects of *fragas*.

Fragabella is a natural forested area in Xistral of about 800 hectares. It borders four common properties belonging to four villages: Labrada, Romariz, Sigueris and Estelo. The first two villages belong to the ayuntamiento of Abadin, the later, to Mondoñedo. At the southwestern edge of the forest, on the Romariz side, there is the ruin of an old manor house. This house belonged to Juana Ibarreche y Martinez dela Cuesta, a Basque noble woman. According to the official documents from the ayuntamiento, her place of residence was *El Escorial*, in Madrid and the house was inhabited by some tenants. Yet, no private property title was ever registered to the ayuntamiento of Abadin for this manor, neither for the forest. The first document referring to Fragabella as a private property is a selling contract from 1912 in which Juana Ibarreche y Martinez dela Cuesta sells 700 hectares *"of monte"* in the place called Fragabella to Mercedez Rubio. Mercedez Rubio was the wife of José Viador Traseira, one of the Galician leaders of *Falange*, the Spanish fascist movement. In 1939, Viador Traseira was found shot dead in the forest of Fragabella. The place is marked by a cross that can be still seen today and the place is called by the local people *The Cross of Viador*. One of the common post-war practices through which Franco showed gratitude to the heroes of the battle against the "communist plague" was the remuneration of the griffin families. Yet, the money was not paid by the state, but by the community on whose territory the dead body of the combatant was found. In the case of Viador Traseira, all four villages had to pay. For ten years, the Guardia Civil impose the collect money for Mercedez Rubio and her children from the peasants - each family in the four villages had to pay 60 *pesetas* per year. However, Mercedez Rubio never lived in the manor form Fragabella. Soon after the death of her husband she sold the land to the Spanish state.

Yet, during all these years, people in the four villages did not know about all the juridical changes of *Fragabella*, they were using the forest as they always did. At the beginning of the sixties the state department for agriculture set up in Fragabella an experimental farm for 'genuine' Galician cattle breed – known locally as *cachenas*.

Picture 15*: The Galician cow "Cachena"*

For this project, the state department enclosed with baladous an even bigger area in the *monte*, all around the *fraga*. The area around the forest was one of the best lands for pasture in the *monte*, and together with the pine plantations, meant the deprivation, *stricto senso*, of the best forested and pasture lands that the four villages had. Yet, the *chachenas* farm was only a strategy to legitimize the state's right of access to even more area of *monte*. People in the villages around Fragabela were deeply troubled with the new state farm. They opposed the creation of *baladous* and some got arrested. Avo remembers:

> *"I went and ask the officer of Guardia Civil that came in the monte for supervising the building of baladous if they can hire me for pasturing* cachenas *in Fragabella, if they need workers. I told them, since our cows have no place where to pasture, maybe I can take care of the state's* cachenas*"*. (Avo, field-notes)

This is another example of how the Galician *retranca* was a stronghold that the oppressive *Guardia* could not get. Yet, few people from the village of Romariz were indeed hired for taking care of the cachenas.

In 1968 we find Fragabella registered as state property in the local municipal documents. But, in 1978, when the state official came in the villages for registering the *monte*s, the people declared *Fragabella* as common property, and did not recognize the state authority over the *fraga* and surrounding pastures. Therefore, in 1978 two state documents mention Fragabella in two different juridical positions: one is state ownership, the other *monte viciñal en man común*. Soon after Franco's death the *cachenas* farm was abandoned, the cows moved away and people from the four villages broke into the enclosed pastures and forest. However, the state did not fully backed-off. The new 'owner' and administrator, the state company ICONA (*Instituto para la Conservación de la Naturaleza*, the Institute for the Conservation of Nature), wanted to transform the farm into a deer reserve. This new initiative for a deer reserve looked bizarre even to environmental officers. One of the rangers told me: *"there was hardly any food for these deer there, I don't know why they wanted to reintroduce deer in Xitral… But it was the time when things were moving, you know, and forestry started to move towards nature protection."* (Al., notes). He explained me that during the

preparations for the EEC accession and soon after, an ecological fever started in the Spanish forestry. *"We had to become Europeans, and for us, in Galicia, we had to make the proof that we don't do only plantations."* (idem).

But for this project ICONA representatives came and negotiated with people. Representatives from all four villages gathered and decided to lease 200 hectares of forest and pastures for the deer reserve. Nevertheless, with the new reserve other problems started.

In 1995, the officers from the environmental department started to build wire fences around the old enclosed area, claiming again the access to Fragabella and the pastures around. This time, the local people organized a resistance. Henar remembers how people mobilized very quickly in all four villages: some went in the *monte* to demolish the wire fences, others went to the make allegations in Mondoñedo and Abadin. During the winter of 1995, the four villages organized common patrols. People remember how for one month, day and night two people were patrolling in the *monte* so that the rangers form Medio Ambiente could not get into the *monte*. The rangers did not return, but the conflict continued.

In 1999, the XTSC was allowed by the Xunta de Galicia to build a wind farm in Fragabella. For this project, the company cut down an important quantity of trees from the *fraga*, but without consulting the village communities. People in the four villages gathered again and made allegations for breaking their property rights. Representatives from the four villages concerned went to Fragabella and counted the trees for making calculi of how much timber was extracted from their part of *fraga*. However, this was of no effect. The environmental department acquired the timber and took it away. But, the result of the allegations was that the people from the four villages around Fragabella were granted the right to receive the money from XTSC's windmills.

While interviewing some officials from the environmental department about these conflicts they stated that, indeed the company for granite mining has not yet fulfilled the documentation, as for the windmill ones, "the paperwork is quite loose". As a consequence they fined the mining company, "according to the law", with 6000 Euro, but they could not stop its activity in the protected area. Sometimes it is hilarious how, at the end of an interview one gets the most striking information. While packing my things and taking the usual courtesy with the informants, one of the local environmental officers stated smiling: "... *but it's formidable how a small community can stay against such a big company! What can* **we** *do?...*" (in the sense "we", the environmental officers). While leaving the interview place (during the interview the same official did not allow me to record) I had the impression that he wanted to offer me a key through which to read the information that he and his fellow

colleagues provided me earlier. Namely, that when the official laws contravene the social context in a way that strikes the common sense, the enforcer of the law that acts at the local level faces the ridiculous situation of defending the absurd. And even more: the enforcer of the law delegitimizes itself, not only in front of the people that s/he shall persuade to follow the law, but in front of his/hers own principles. The interrogation *"what can we* [the officials] *do?"* signals the constraints that the low-ranked bureaucrats have with regard to law-implementation and monitoring. These constraints are embedded in the institutional character of their job, which transcends the official job description tasks. The tacit acceptance of environmental abuses that the state authorities encourage and the day-to-day struggle with the social conflicts at the local level are part of the job as much as the surveillance of the protected areas. As mentioned earlier, questioning the wind farm industry within the Galician regional ministries is taboo and is equivalent with losing jobs. Thus, considered in its context, the above mentioned expression is not a sign of perplexity from the part of state officials facing local resistance, but rather the acknowledgment of an act of environmental justice.

Chapter 17 – Conclusions

"To be reasonable, if we like to have electric devices in our homes, the energy has to be produced somewhere, this being in Labrada, Germany or Argentine. But, in one place it [the production] *has to be located: being solar panels, atomic, marine turbines or wind. This is the practical side. The romantic side, let's say, is that having these machines all around you is not very pleasant, visually, as well as acoustically, because you can hear them all the time. For this the companies pay very little, and we don't even have free electric power, although it is produced on our lands…" (T., V11, 45:05).*

The above quote from one of my informants from Labrada captures very well the complexity of the Galician story that I organized in six chapters up to this point. Let's try an empirical exercise and replace *electric devices* in the quote with *paper materials* and *energy* with *trees*; and even further – let's replace electronic devices with *cotton* and energy with *wooden-made ships*. We see that the Galician story can be organized around the concept of natural valuables along three distinct periods of time: the colonial, the dictatorial and the democratic. Around these valuables, different actors claimed property rights and used different tactics and techniques to get access to them. Some of the tactics and techniques were socially institutionalized, others not. In the following I will summarize the empirical data by adapting the *analytical framework for the analysis of property* of Franz and Keebet von Benda-Beckmann and Melanie Wiber (2006).

Figure 7: An analytical framework for the analysis of property relations

	Elements of property relations		
Layers of social organization	a. Social actors	b. Valuables	c. Rights and obligations
1. Legally institutionalized property relations	I. The rights and obligations between the social actors with regard to the valuables according to the law.		
2. Concrete social relations	II. The rights and obligations between the social actors with regard to the valuables in real practice.		
3. Ideology	III. The rights and obligations between the social actors with regard to the valuables embedded in ideology.		

The colonial period

I. During the period of time which in my description expands roughly from the end of the sixteenth century up to the beginning of the Spanish Civil War (1936), the valuable that the actors – state, church, entrepreneurs and village communities turned into property objects were the various endemic species of trees. The peasants were in *foral* relation with the state

and the church up to the promulgation of the first constitution from 1812 and the successive legislative initiatives from 1835-37 that constituted *La Desamortización*. The *foro* was not an equitable economic relation between the *forero* and *forista*, with the latter being submissive to the first. Therefore, the state or the church was entitled to ask of unlimited access to the valuable trees. The state did so when it invested the Armada with power in accessing them and the church did not oppose, although most of the land in Galicia was in ecclesiastical possession. But, the church and the state, in general supportive one to each other, did not come to terms when the fourth actor entered the scene. Marques Ibañez was empowered by the state to have access to fuel wood for his ateliers despite the opposition of the church. After the *Desamortización* the *monte*s became the property of the state and the church lost its rights in land ownership. The *foro* is considered invalid by the state and the *monte*s became the property of ayuntamintos in the form of *montes de proprios*. The peasants can use the valuable trees if they make the proof of the *carta de pago*.

II. What was actually happening was quite different from what the law stipulated. The social actors transformed the valuable trees into property objects in different ways: the villagers through permanent access to the land or the territory where the trees grow; the Church through its millennial charismatic presence in the territories where the people reside; the entrepreneurs by pushing-up innovative ideas of production and distribution of their no less innovative goods; and the colonial state through the rules and regulations in order to assure its continuity. The *foral* relations were used by the peasants to legitimize their long-lasting free access to the *fragas*. The Church used the same contractual relations for legitimizing its claims of prohibiting Ibañez from the *monte*s, and to block innovative ideas to penetrate in its territory. However, Ibañez' presumptive use of unofficial lobbying which got doubled by the luck he had with the death of the king helped him in acquiring access to the *montes*. Yet, the peasants' opposition to his abuses put an end to his business. In the same way the peasants did not care about the payment card instituted by the Spanish state some fifty years later and simply accessed the trees and the *monte*s according to their will. The incongruity between the political ambitions of afforestation and the social reality on the ground made the state officials to creatively comply with the laws that they were supposed to enforce. Yet, we witness a threefold process: the restriction in access of the peasants, the alienation from their modes of economic production and the transformation of *fragas* into a commodity.

III. During this period of time the ideology under which the elements of property relations got articulated was colonialism. Colonialism is an ideology as it enables the social actors that carry it to legitimize their actions of taking possession of the new property objects by using a conceptual argumentation alien to the knowledge of the local inhabitants where the property objects are located. Colonialism in the context presented here can be subdivided in further sub-ideologies such as: merchant capitalism, free trade, religious missionarism, scalar history, imperialism; which can be further divided in multiple and intertwined ideas: wealth, civilization, salvation, superiority, evolution (the quote from Adam Smith from the very beginning of this part is much telling in this regard) societal reform. Yet, the nineteenth century is characterized, as Ortega y Gasset put it, by a *" patriotismo del dolor"*, a patriotism of pessimism (quoted in Juliá 2004: 93), a permanent lament of the Spanish's lost world economic and cultural domination. The aggregation of the social actors named above around the valuables, in the case at hand, the trees from the *fragas,* was deeply influenced by the ideology of colonialism.

The dictatorial period

I'. During Franco (1936-1975) the valuable that the actors were disputing diversified: on one side the planted alien species of trees, on the other the pastures. This period is characterized by a reduced number of social actors that claimed property rights over the above valuables, namely only two - the state and the village communities. Legally speaking all *monte*s, with the planted and with autochthon species of trees included, belonged to the state. But this situation did not last until 1975. In 1968 the state promulgated the law of *Montes vecinales en mano comun* empowering the village communities with property rights over the *monte*s. However, the access remained restricted. The state regime assumed the obligation of guaranteeing the property rights of the villages, but it reinforced in the same time its primacy with regard to 'reforestation' (article 7/3).

II'. The Franquist regime brought in another peculiarity, namely that the actors involved claimed different natural resources located on the same territory (this drift increased in the democratic period as I will show below). Moreover, the two resources were mutually exclusive, that is, it was impossible to have eucalypt plantations and pastures for cattle on the same plot of land. The afforestation policy of Franco meant condemning local peasantry population to starvation or migration. Therefore, the resistance was inevitable. The law of *montes veciñales en man común* was a "candy", as one of my informants put it: it officially recognized the property rights of the peasants but it accentuated the change in land use. We

see again a threefold process: the restriction in access, the dispossession of the peasantry from their means of production, and the invention of a new commodity – the planted trees.

III'. The ideology of the dictatorial regime of Franco is best denominated as *Franquism* (as its Romanian counterpart is best called Ceauşism). The elements of Franquism (or sub-ideologies, how I named them earlier) are: Spanish nationalism, conservatorism, economic autarchy, antiliberalism, catholicism and anticommunism. We noticed that Franco's regime can be divided in two periods – the early and the late; the aggregation and the intensity of the elements of its ideology differ between the two. For example the anticommunism was much more ferocious in the early period than in the later one, and so was the antiliberalism. The Catholicism became more powerful in the later period, while antiliberalism intensity declined (Juliá and Di Febo 2005). The ideas that lay at the basis of these constitutive elements of Franquism join together in different clusters along the 39 years of dictatorship: unity and singularity of Spanish destiny, human inequality based on the complexity of the society, étatisme, economic state-dirigisme, societal reforms among which the agricultural ones were in the forefront. The actors' relation with regard to the two valuable elements, the planted trees and the pastures, was set by Franco's orders and offset by the peasants' resistance.

The democratic period

I''. The democratic period starts with Franco's death in 1975 and lasts until nowadays, with a transition period which starts in the late period of Franquism and we do not know when it will end[103]. During this period the valuables from the *monte* became more diversified: planted trees, pastures, granite, biodiversity, the vegetal fossils from the peat reserve and… the wind. The actors interested in turning these valuables in property objects also multiply: besides the state and the village communities, the European Union and the regional government are very important actors, but no less important are the families, as it is the case of the Xoxas. The economic entrepreneurs span from family agricultural exploitations, like the one of Henar's or Xavier's, to multinational corporations for mining and wind-mill energy production and distribution, or to local associations for game. Legally speaking, the *montes* belong to the village communities with everything that is on it following, with small modifications, the same law of *montes veciñales* form 1968. But the wind, the biodiversity, the vegetal fossils 11.000 years old from the active peat reserve belong to humanity as a whole. This is why Xistral is the core part of the Rio Miño Biosphere Reserve and of UNESCO World Heritage

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[103] Like in the case of post-socialist Romania, the problem of societal transition to democracy is a very delicate one. I will treat it separately in the analytical part.

Patrimony, this is why the Natura 2000 conservation site was established and why the wind is still running free.

II''. Again, what is actually happening is different form what the law states. We remember the quotes from the beginning of the first part, particularly the one from van der Heijden that states that supranational rules and regulations rather than private ownership determine how the rural areas develop. Although de jure the valuables belong to the village community of Labrada or to the world, supra- and infra-national governance turn the valuables into property objects, or create new property objects out of non-valuables - like is the case of wind, for non-local economic actors. Therefore, we witness the same threefold process: restriction of access, separation between the owners of the land and their land as mean of production by changing the land use through the separation between ownership and management, and the creation of a new commodity – the wind-energy.

III''. The democratic regime described here is characterized by an ideology called neoliberalism. Neoliberalism is a response to past, present and presumptive threats of the capitalist economic system. Arguments pro and contra neoliberalism form the bulk of social science research in the past 30 years. For the sake of coherence with the above sections, I will summarize the main elements of this ideology as follows: privatization, marketization, deregulation, decentralization, and market-based governance. The ideas beneath these elements can be reduced to one: unlimited freedom.

In this empirical part my attempt was to place the nowadays environmental conflicts from Labrada in their context. This context is historical, trans-sectorial, infra-, supra- and trans-national. The story starts with the ship-industry in sixteenth century Spain and ends with the EU twinning program between Galicia, Romania and The Netherlands. This long and complicated account of events showed how deforestation, afforestation and reforestation were a form of dispossession of local people's basic means of production in Galicia and the village of Labrada. We saw that by sorting the data around the concept of natural valuables and by paying increased attention to the relations between the social actors with regard to these valuables a threefold process recurs: that of enclosure, dispossession and creation of new commodities. This is what Marx called *primitive accumulation of capital* (Marx 1990 [1867]: 874). While up to the eighteenth century the peasants' restriction to access the resource was legitimized by the military power of the Armada, starting with mid-eighteenth century the

legitimization of dispossession uses a rhetoric of 'the will to improve' (Li 2007). The programs for improving either the social condition of the people or the environmental potential were always backed-up by economic aims. This rhetoric or its counter part, the rhetoric of resistance, are both carried by national and transnational actors in a form of cultural brokerage. I showed here how a particular constellation of actors was institutionalized as a transnational community since the mid-eighteenth century with direct effect on the Spanish forest policy. Yet, the rule-takers were not passive actors and they had their own forms of resistance as well: creative compliance, violence, or the every day *andar agachando*.

The lack of coordination in the implementation of Natura 2000 caused further social injustice and environmental degradation in Xistral. In the case of the farmers from Labrada the basic mechanism around which the resistance strategies coagulate are their *memories of dispossession*. These memories are refreshed and put in a coherent discourse by the local cultural brokers. But the local cultural brokers have a problem nowadays: that of identifying where the 'evil' is? People talk openly that during Franco regime it was better than now, a nostalgic discourse that we will find it in Romania as well. But this tells us something more profound, namely that during Franco 'the evil' that caused their problems was easier to identify: it was Franco and his authoritarian apparatus, it was Guardia Civil. While nowadays people have the right to raise their voices, they do not understand the key under which the trasnational governance plays its rulling symphony. It is imperative to raise the question who pays the price for the economic development and who enjoys its fruits more? The Galician empirical data shows that the costs that the rural inhabitants pay are way bigger than the benefits.

Part IV: Access to Natural Valuables and Environmental Conflicts in Vrancea

"But, on the contrary, the Inhabitants think themselves beholden to him, who, by his Industry on neglected, and consequently waste Land, has increased the stockog Corn, which they wanted." John Locke *On Property* (1992[1689]: 21)

I first stopped at Culiţă's house on a cold winter's night on 6 of December 2003. Rita, Culiţă's wife, boiled a few liters of red wine with aromatic herbs, the best remedy for cold known in Vrancea. We were a group of seven students, supervised by an assistant professor from the University of Bucharest, trying for the first time to see how ethnography works in practice.

Picture 16*:* Researcher in the filed, December, 6th, 2003.
Sharing a few glasses of wine is the main socialization practice in Vrancea, the foremost wine-producing county in Romania. Photo presumptively taken by Monica Vasile.

This field trip occurred two years after the reestablishment of the village's property rights following 53 years of usurpation by the communist regime. Between 1989 and 2001, the forest continued to be state property. We found Culiţă angry for the illegal logging that happened during the turmoil of the property restitution process.

> *"The forestry department grinded our forest! They knew that restitution would take place and lately they've dragged the forest till it fell apart. We were a few young men from the village that organized everything. We said – No! This cannot be! And they* [the forestry officials] *asked us: What are you fighting for? – For justice!"* (Culiţă Huşcă, interview 01, December 2003, min. 38. Interview made by Monica Vasile and Liviu Mantescu.)

Although more pragmatic seven years later, I found Culiţă legitimizing people's access to the village property in the same historically rooted discourse, but facing different threats:

> *"(…) in 1900 they* [foreign companies for wood extraction] *took our forests, they cut them by force. By the Tişiţa River, there was a railway. By train, they took the forests,*

they took everything according to their will! And, after so many infernos, we got it back, but now we have another trouble – this park! (...) This park was established without obştea's agreement. How can one get into one's rights? What the hell does the word 'owner' means nowadays?(...) They should at least give us something back, to give us something back! What should we do, we who are living here, what should we do... die?! We had a hope for livelihood in this forest! We only had this, this right! Those from the former communist collective farms got their land back, or their vineyards, they all got it back! And we, we didn't have other proprieties taken by the state, but this, and we got it back. And now, they took it again, and eat it... doing whatever they want with it. This is the problem - that we do not count!"

Chapter 18 – *Obştea*

Similar to the *monte*, *obştea* is the key concept for understanding the past and present environmental conflicts in Vrancea. *Obştea* means a physical territory, a property regime, a group of people and a village organization all at the same time. Because of this, we need to treat this word with care and make sure that no confusion will be made along the way in this, yet another, complex story about nature protection and property.

The word '*obştea*' has an archaic epitome in the Romanian language. Nowadays, it refers mainly to a well defined group of people – for example the monks in a monastery will always refer to themselves as *obştea* - in the sense of a 'society'. The derived word '*obştesc*' is used with the sense of collective – a mayor in a rural commune will speak about the immobile collective goods as '*bunuri obşteşti*'. The saying *'şi-a dat obştescul sfârşit'*, which would be translated as *passing the unavoidable end*, is referred to someone who died, here *obştesc* also carrying the meaning of something that everyone fits into – in this case, death. Romanian culture is full of macabre jokes and to continue in the same tone I would add that *obştesc* is not used when one talks about taxation. The 'creative compliance' ethos in post-socialism that I will describe later on in this section explicates why this is the case.

In the actors' discourse, the word, Vrancea, may refer to two distinct geographic and cultural entities that the reader shall not confound. On the one hand, there is the administrative state county – *judeţ*, established by the communist regime in 1968 – this is Vrancea County (Judeţul Vrancea). On the other hand, the western part of this county, namely the villages along and in between the Zăbala and Putna rivers up to the peaks of the Carpathians and down to the Vidra village, is commonly known as the Vrancea Country (*Ţara Vrancei*). For the purpose of avoiding the confusion between 'county' and 'country' I will use the vernacular forms *Judeţul Vrancea*, for the former, and *Ţara* (pronounced *Tzara*) *Vrancei*, or simply

Vrancea, for the latter. The sense of locality for the people living in *Ţara Vrancei* is expressed in sayings such as: *those who* [daily] *drink water from the Milcov river are not Vrânceni* (from Vrancea). Being *Vrâncean* is important, because *"Vrânceanul is born and dies with the right to access the common property (Vrânceanul se naşte şi moare cu drept)"*. [104] The question that I want to clarify in this first chapter is why does *Vrânceanul* have a special right?

      In Vrancea, the individual right to the common property is acquired through the vicinity status, as in the case of the *monte*. But unlike in Galicia, the existence of this common property regime is not so much the outcome of an agricultural rotation system, but the survival of customary regulations regarding access to the resources that transcended village level and which blocked the perennial attempts to transform the whole Vrancea region into feudal property. Therefore, this first chapter explicates *obştea* from a historical and legal perspective. The subsequent chapters show how these customary regulations evolved in response to novel internal and external challenges. The creation of the Putna Vrancea Natural Park in 2006 and the implementation of Natura 2000 in the following year are only later provocations from a long train of attempts to restrict people's access to their common properties.
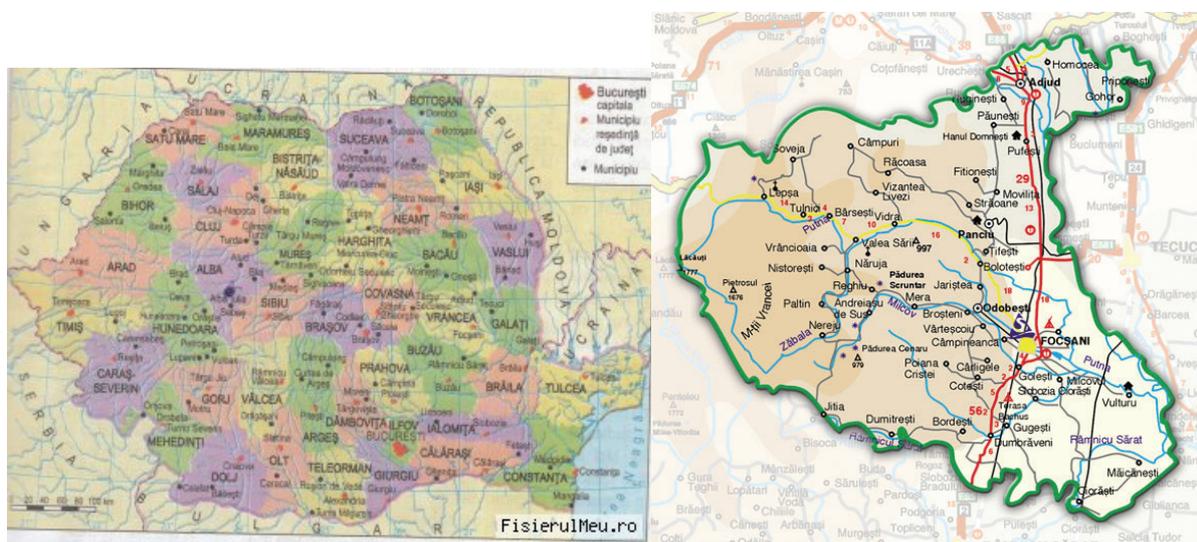
Picture 17 & Picture 18*: Romania and Judeţul Vrancea.*
Source: www.ziaresireviste.ro/images/harta/vrancea.jpg and
http://s1.fisierulmeu.ro/thumbnail/27TC1GV66EPI.jpg, last accessed March 23, 2012.

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[104] I think that a short explanation concerning Romanian grammar is needed at this point. Unlike all other Romance languages, the definite article in Romanian is placed at the end of the word. Therefore, endings such as *-ul, -a, -o,* for singular, and *-i, -le, -lor,* designate the definite article. Since adding English definite articles to a vernacular root sounds hilarious in Romanian, I will use the vernacular form.

18.1. Ţara Vrancei

In the Middle Ages, there were villages with a certain degree of independence with regard to the feudal political regime in all three Romanian Principalities – Transylvania, Moldavia and Wallachia. Their independence was related to property over land. Usually, a confederation of such villages is denominated in the documents as *Ţara*. All along the Carpathians, on both sides, one can today find such *Ţări* (the plural form of *Ţara*), sometimes keeping a more loose, and sometimes stronger sense of cultural identity. Romanian historiography agrees that these political and cultural units represent proto-feudal state entities which eventually regrouped under a powerful military ruler called Voivode. In the Middle and Late Middle Ages we find these *Ţări* regrouped in a coherent political entity named Voivodate (Transylvania 1003, Moldavia 1346, Wallachia 1330). Some of the *Ţări* kept their independence status within the Voivodates. The case of *Ţara Vrancei* is the one best documented, both historically and ethnographically.[105] Therefore, the concept of *Ţara* in Vrancea's case needs to be properly understood for it encompasses the main difference between *obştea* and *monte* as property regimes. While in the Galician case the villages were subjects to *foro* and the *monte* was considered waste - *terra inculta*, in Vrancea, the villages were not subject to similar feudal intuition and their common land which bore salt, pastures and forests, were highly valuable. The political power of this confederation of villages was stronger by far than the Galician *consejos rurales* and played a significant role in defending access to the natural resources throughout the eighteenth and nineteenth century.

According to Dimitrie Cantemir[106], there were three peasant *republics* within the Voivodate of Moldova in the late seventieth century: Câmpulung in the north, sharing the border with the Polish Empire, Vrancea in the south bordering on both Wallachia and Transylvania, and Tigheci in the east, not far from where the Dniester River meets the Black Sea, bordering the Tartars. About the latter Cantemir wrote: *"Tigheci is a deep forest by the border with the Tartars from Buceag and it is Moldova's strongest shield from the Bessarabia region[107]. The inhabitants pay an annual small fixed levy to the Crown (...) they are about two thousands horse riders, but they surpass in braveness any other Moldovian* [soldier].*"* (ibid: 222-3). About Vrancea, Cantemir notes: *"The second republic, smaller, is Vrancea in Putna Shire, at the border with Wallachia, surrounded by high mountains. [...] They pay a fix levy to the crown and they have their own rules and their own customs; and they don't pursue*

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[105] Long term ethnographic fieldwork has been conducted in Vrancea by the Romanian Sociologists H.H. Stahl, Dimitrie Gusti, Traian Herseni and others (known as the Bucharest Sociological School) in 1927-8; 1935-8.
[106] Cantemir was a humanist Romanian intellectual and politician, Voivode of Moldova from 1710 to 1711. His work *Descriptio Moldavie* was written upon request of the Prussian Academy of Science, in 1714.
[107] Today located half in the Republic of Moldova, half in Ukraine.

orders from The Crown nor juridical guidance" (Cantemir [1714] 1909: 222-3). Whether these three peasant republics gained autonomy within the Moldavian feudal state by their military merits is debatable. Stahl (1958: 185) advances the idea that this was the case. If we are sure about Tigheci, for Câmpulung and Vrancea we know, also from Cantemir, that *"those from the North have less ability for warfare and they are not very accustomed with the [use of] fighting arms, because they are happier to gain their living working and to eat their bread in peace."* (Cantemir 1909: 230). Moreover, Cantemir adds that Câmpulung and Vrancea were well known for their good pastures: *"there are three regions with particularly good pastures: Putila, Câmpulung and Vrancea."* (ibid: 72[108]). Whether or not it was for military reasons is less important for the moment. What is relevant is that these village confederations, these *peasant republics*[109], formed autonomous political units in Moldova at the beginning of the eighteenth century.

In the case of Vrancea, the political, financial, administrative and juridical issues were regulated by the board of *Obştea of the Whole Vrancea* (*Adunarea a Toată Vrancea*) which was formed by the representatives of all fourteen villages, called *vechili*. This sort of 'senate' of Vrancea was not a permanent assembly, but rather a loose organized group that gathered whenever it was needed (Stahl 1939, vol.I: 290). The two following examples are illustrative.[110]

The economic role of the *vechili* was related to trade and financial issues. Until the late 1830s, people in Vrancea were trading only with one trader, called *Neguţătoriul Vrăncii* - The Merchant for Vrancea.[111] The clause of trade and the period during which the *Obştea of the Whole Vrancea* contracted with this unique merchant was established by the *vechili*. However, the relation between the trader and the *vechili* was supervised by the state. The trader was empowered by the feudal court to lend money to the *vechili* in the name of the people from Vrancea, only up to 10.000 lei. H.H. Stahl states that *"this traditional law had at first the role to prevent the penetration of traders and pawnbrokers, so that Vrancea's federal board of administration could better control one single trader"* (Stahl 1958: 177). But Stahl, as a leftwing social scientist, writing in the midst of soviet censure of the 1950's, might have

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[108] Originally the regions are called: *"Campu-lung Rusesc onto Putila, Campu-lung Moldovenesc on Moldava, and Vrancea (...)",* but in order to avoid any misunderstanding regarding similarly named but different regions, I have chosen a simpler translation.

[109] In original: *"reipublicae aliquam prae se ferum speciem"* (Cantemir [1714] 2006: 43).

[110] The economic history of Vrancea is a complicated and yet understudied topic. I frugally signal a few of the most important issues which relate to the topic of the present study.

[111] The documents I know of which refer to the single merchant for Vrancea are from 16 March 1800, 22 November 1806, 25 November 1806, published in Sava 1931: 36, 49, 50, 56, and all use this denomination. Yet, these documents present complaints of the *vechili* with regard to the correctness of the trade relations. Later, in a document form 12 January 1837 (ibid: 156), we find that one village form Vrancea had its own merchant.

overestimated the role of the unique trader. In one document from 22 of November 1806 the *vechili* complain to the court that, in Vrancea, people hankered to trade with other traders as well.

The political and juridical role of the *vechili* is historically extremely well documented. It is related to trials that *The Obştea of the Whole Vrancea*, as a juridical entity, had with various boyars, state officials and monasteries. These actors were attempting to enclose parts of Vrancea's territory, to take over political and financial control or to simply transform it into feudal territory. I will briefly illustrate one of these trials.

In 1801, the Voivode Constatin Ipsilanti (1799-1801) donates Vrancea with all the villages that are on its land, to a high ranking boyar, Iordache Roset Roznovanu. The *Obştea of the Whole Vrancea* contested the decision by claiming that Vrancea is not and never was feudal land. Therefore, the *vechili* went to Iaşi, the capital of the Moldavian Voivodate situated at about 300 km away from their homes to complain to the Voivode. But they were not alone: according to what people reported to H.H. Stahl in 1927, 800 horsemen from Vrancea left together with the *vechili* to ask for justice (Stahl 1981: 69). A trial started immediately. The following year, twenty *vechili* went to Iaşi for testimony, but soon after, the *vechili* elected three of them as representatives. The trial lasted for thirteen years, during which time the *Obştea of Vrancea* spent 78.500 lei. The accounting documents were found by Stahl and Sava in 1927 in the house of one of the descendents of the *vechili* (Sava 1931: XII, Stahl 1981: 64-8). 25.000 out of the total amount lent were: 10 000 from the *Merchant for Vrancea*, with little interest, and 15.000 from a merchant from Iaşi for which the Obştea had to pay interest of 4.000. Around the year 1806, a price of a goat in the nearby market of Focşani varied between 3,23 and 5 lei. If we approximate the price of a goat in 1806 at 4 lei, then *The Obştea of Vrancea*, for this trial, spent the equivalent of 19.625 goats. And, this was only one of the trials that Obştea of Vrancea was involved with at the beginning of the nineteenth century.

We see from these succinct examples the economic, political, juridical and military power of Vrancea. The immense costs of trials were divided among the fourteen villages of the confederation and the money was administrated by the *vechili*. No matter how stubborn the *vechili* would have been in carrying on with this trial, the money could not come without the villagers' will. Yet, the people from Vrancea ultimately won. This conjuncture point in the history of Vrancea remains vivid in the people's collective memory through ritual and with the permanent intervention of the cultural brokers. Nowadays it constitutes a reference point in the local discourse, as I will show in the following chapters.

18.2. Past and present uses

In the past, the most intense uses of the common property were the pastures, forests, the salt resources and the water mills. It is still debatable as to how much of the arable land was common property and how much was private ownership. However, the distinction between private and common ownership of land, in Vrancea's case, is misleading; for in early spring and late autumn all private land plots become common land for pastures in a system of agricultural rotation called moină and which I will describe in brief below. Yet, what is equally important to understand, for the history of property relations in Vrancea, is that this region is, and in the past was even more so, covered by dense, huge forests of coniferous and deciduous trees. There were no *fragas* as in the Galician case where the people could pasture their animals among the trees. For making a new plot of arable land, the people in Vrancea were expected to fell large trees, and not invasive plants like *o toxo and a xesta*.
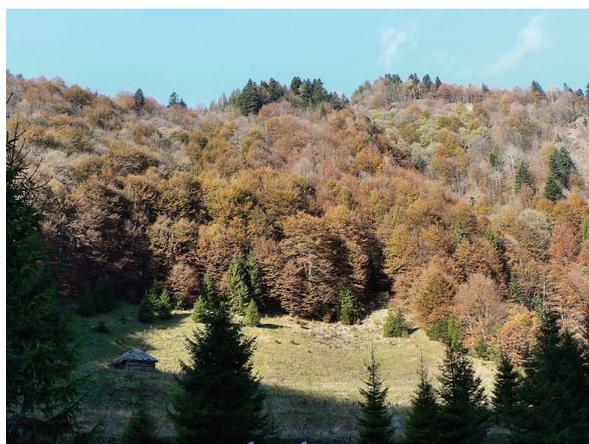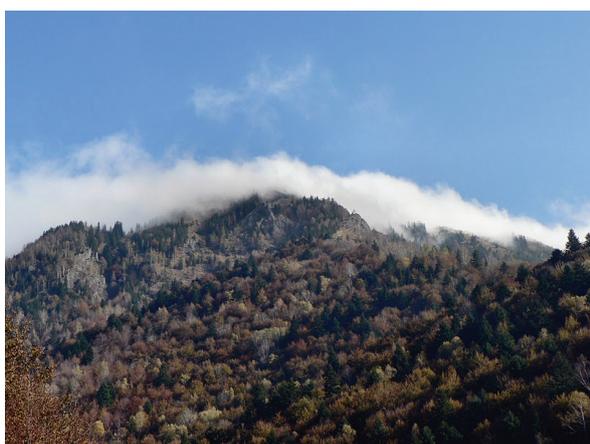
Picture 19 & Picture 20: Landscapes in Vrancea in fall 2010.
Photos made by Liviu Mihalache.

For making their plots for crops, people in Vrancea had to break into common forests, either by cutting the trees or by burning them. Turning a plot of land from forest to field consists of a lot of hard effort that usually necessitated the combined workforce of multiple families. People still remember even now in Păuleşti that for in order to plough a field that was *ţiher* (a plot of arable land that was formerly forest, see part II, chapter 1) at least three pairs of oxen plowing were needed for many years. And since only one family could afford this, they were assorted following kin or friendship relations. Once the population had enough agricultural land, the families could and, still are using nowadays, an internal system of field rotation called *moină*. A plot of land is in *moină* when it is cultivated for one year with crops and the next year is designated to pasture. However, this land is not *pustiu* (see part II, chapter 1) but only, how people say, *obosit* – tired, and needs to rest. In the year when this plot of

land is designated to pasture, individual or collective animals can graze on it. This depends on neighbors agreements on working their plots in the same regime, and usually, they do so (see also Stahl 1958: 299-319). Yet, we need to pay attention to the fact that Vrancea was not subject to *foro*-like feudal relations, and therefore there was no levy in grain to be paid by the families. The levy that Cantemir mentions was paid in money and it was fixed, that is, could not change according to Voivode's will.

The forests and pastures were in common use for the entire village confederation until late eighteen century. Both Sava and Stahl (see also Stahl 1965) mention that the process of dividing the confederation property among villages followed the reparation of the trial costs with Roznovanu that the people from Vrancea had to pay in order to defend the independence of Vrancea. The independence meant free trade and free access to their resources. People were trading wood-made materials for grain without paying any taxes to the Moldavian state. According to the documents mentioned above, this was done through the *Merchant of Vrancea* until approximately the 1830s. Afterwards, people were descending from the villages down to the market in Focşani with carts loaded with timber and other wood crafted materials.

Pictures 21, 22, 23, 24, 25, 26: **Wood extraction, crafting and transport in Vrancea in 1927 and 2007.**

Fig. 39 — L'atelier de tonnellerie.

Fig. 40 — Le transport de la marchandise.

Wood crafted materials and their transport in Vrancea in 1927. Pictures by M.I. Berman reproduced from *Nerej, Un village d'une région archaïque*, vol III, p. 175
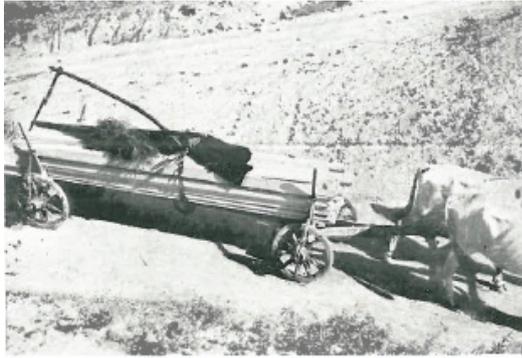
Pictures by M.I. Berman reproduced from *Nerej, Un village d'une région archaïque*, vol III

On the left, photo made by Stelian Dode in 1927 close to Nerej village, reproduced form *Nerej, Un village d'une région archaïque*, vol III. On the right, photo by the author in 2007, in Nerej village, approximately 15 km south from Păuleşti.

With regard to salt, there are dozens of saltworks in Vrancea still in use or attested by toponyms. But what is very important is that salt was never a state monopoly in this region. However, the people from Vrancea were forbidden by the Moldavian state to sell it outside Vrancea, nor did they allow people from outside Vrancea to come and extract salt from their mines (Sava: 1934: 121-2, Stahl 1939, vol I: 227, 252-3). The custom is still alive today. As Niţă explained me:

"Well, there are people that don't live in Vrancea, relatives you know, that come to take salt for conserving vegetables in the autumn, but very few. Today, the salt is so cheap, it is more costly to go and get it. But, no, the state, cannot exploit our salt!" (Niţă Coforea, I: 17)

As for the water mills for sawing the trunks, the land remained common, either for the village, or for the confederation, while the mill itself was owned by the family, or the families that built it. The settlements for mills were highly unstable due to the abrupt geography of the

211

landscape and of the torrents. Thus, people were also moving them according to the position where they were exploiting wood in the mountains. Yet, for grain, there were water mills built at safer banks of the rivers and they were also used in common, but there were also windmills. The windmill from Păuleşti has an interesting story.

A windmill was located on the top of the hill which separates Păuleşti from Tulnici until the First World War. According to people's memories both people from Tulnici and Păuleşti used to use it. Yet, people left it in ruin after the war. When I asked why no one maintained the windmill, most of them had no idea. An old woman eventually told me that one cannot grind grains were the dead were buried. Indeed, most people in the village say that Romanian and German soldiers who died in nearby battles during the First World War are buried on the hill. It seems that in the past there were crosses marking the place for those buried *creştineşte*, in a Christian way[112]. The place is called *Dealu Morii* (The Hill of the Mill) and in present collective imagination it is a damned place, *spurcat*. In 2003, when I first went to Păuleşti, my colleagues and I were interested, among other topics, in the social representation of space in the village. With no exception, people mentioned *Dealu Morii* as an ill-fated place. In the years that followed, one local entrepreneur tried to build a disco-bar on the hill, as it is very well positioned between the two villages. But, although his business seemed promising, as soon as he started the basement for the new party edifice he started having big economic and health problems (it was before the world crisis in 2008). In the end, he abandoned the project. When I asked him last year why he does not try to continue the project, since it seemed very profitable to me as well, he replicated that he is afraid for his health to build on *Dealu Morii* for this placed is *spurcat*. Then he hopped into his dark green Jaguar and went to meet his partners with whom he works in the local wood extraction business.

An entrepreneur who is about to approach a one million Euro turnover is unwilling to invest in a certain place because the place is cursed. I will return to the issue of economic embeddedness when I present the difference between entrepreneur and *gospodar* in Păuleşti. For the moment, we need to keep in mind that the sawing-mills belonged to a family or a group of families that built it while the mills for grain belong to one or more villages, most likely depending on its position. Yet, the access to sawmills was not restricted to the families that made them. Other people in the village could use them as well in exchange for payment

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[112] The road nearby is one of the strategic roads that cross the Carpathians from Moldavia to Transylvania, and was built around 1870s. According to military history indeed the allied Austro-Hungarian and German troops retreated through Vrancea, trying to stabilize the eastern front on the Carpathians after the defeat of Mărăşeşti.

or services, mostly labor. People in Păuleşti remember that the sawing mills functioned until early 1950s.

18.3. The juridical status nowadays

Nowadays, half of the private-owned forests in Romania (about 1.5 million ha) are owned by villages and managed in a participatory manner. There is a wide variety of local institutional settings concerning these commons, but historically speaking they could be grouped in four main types: *obştea, compossesorate, borderline community forests* and *municipality forests*. Here I focus only on obştea type[113]. The state law is incomplete and very ambiguous with regard to the rights of use of these different joint-ownership property regimes (Mantescu 2006; Vasile and Mantescu 2008). Each of them has different institutional characteristics, different history and is socially embedded through different social mechanisms.

Obştea common property regime is to be found in the mountainous regions of Moldavia and Wallachia. There are two main types of obştea: egalitarian and non-egalitarian. Yet, only in *Ţara Vrancei* one can find the egalitarian common property regime based on residence – what is known in the vernacular language as *obştea devalmaşă*. In the following, I will elucidate the distinction between the egalitarian and non egalitarian *obştea*, to enable a better understanding of the Vrancea type.

Figure 8*:* The structure of the property system of forests in Romania (Source: National Forestry Department, 2007)

26% of the surface of Romania is covered with forest, under the EU average – 30 %

50% Private forest   50% State property

58% commonly owned aprox. 1.5 million ha   42% individual private forest

41%,aprox. 600 000 ha are *Obşte* and *Compossessorate*

59%, aprox. 900 000 ha, are *Municipality Forests*
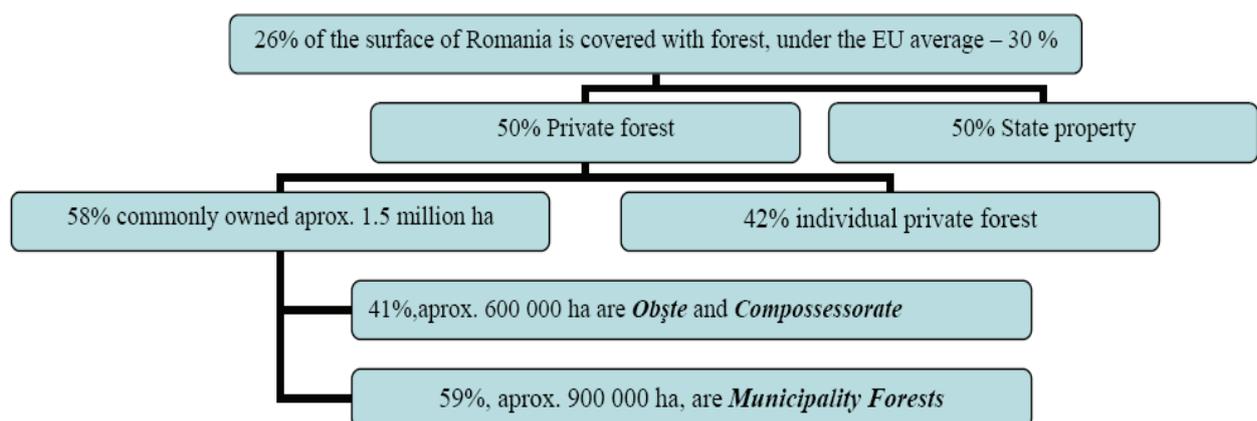
[113] **Compossessorate (composesorat)** is the generic name of the forest commons in Transylvania. It is also the name of the common property, as well as the institution that manages it. This type of joint ownership is similar to the non-equalitarian Obştea (see below). A large percentage of the Romanian forests is owned by rural **municipalities**. This type of forest common property is quite different from *obştea* and *compossessorate*. The property belongs to the village municipality so, theoretically, any inhabitant of the village has equal right to access the property, has equal shares, like in the equalitarian *obştea* case. However, the owner is the municipality, the local state representative, and the boundaries of the property follow the municipality's boundaries. This type of common property regime is very much like *monte de proprios*. The borderline community forests refers to the village communities that jointly-owned forests and pastures as reward for military service in defending the eastern frontiers of the Habsburg Empire (see for this matter Roşu 2010).

The egalitarian obştea property regime is similar to the ***montes veciñales in man común.*** In Vrancea, people use the term *obştea* in order to designate the village assembly - we, *obştea*; to designate the village common property - on that mountain our *obştea* is; and to name the local 'organization' for managing the village forests and common pastures, which spans from 800 up to 14.000 ha. As an 'organization', the *obştea* of village X has one president, two to four councilors, a book-keeper, secretaries etc. As an institution, a formal and informal set of rules for managing the common property, *obştea* looks different from region to region and even from village to village. The rights of access to common property are customary embedded sometimes ignoring the legal statutes.

Everyone in the village has the right to equal shares of wood and equal access to the common pastures. Every man and woman over eighteen has the right to vote for electing the president of *obştea* and the councilors in the village assembly. In other words: one mature individual, equal share, one vote. People annually receive one to three cubic meters of fuel-wood per person, and the same quantity of wood for construction, with the right to sell it. Local private companies participate in auctions in order to exploit wood surplus of the forest plots. With the resulting money, *obştea* improves village utilities such as roads, schools or churches, TV cable, water systems, gas system etc. The board of *obştea* can divide the profit to the villagers in equal amounts of money, if people vote for such, but in Păuleşti this has never happened.

The non-egalitarian obştea might be called the *genealogical obştea*: the only villagers who have rights to access are those and only those whose parents had shares in *obştea*. The shares are inherited, in both male/female lines, and votes in the village assembly are allocated solely according to these shares – if one has one share of wood, he/she has one vote, if he/she has 100 shares, than he/she will have the right to 100 votes. In all cases of non-equalitarian *obştea*, the resulting profit from the surplus of wood extraction is divided between the share holders, just as shares from a company. The genealogical *obştea* is to be found in the rest of the mountainous region in Moldavia, excepting Vrancea, and in the whole of mountainous Wallachia.

As I mentioned before, *obştea*, as an institution to regulate access to common property, is highly customary embedded, and the Romanian Civil Code and Forestry Code does not cover this diversity. In both cases, there is only one property title, the *Obştea* of village X owns the land. The difference is that, in the first type, *obştea* means the whole village while, in the second, only a part of it. However, in both cases, the property is

indivisible – one cannot fence his shares from the common property because one does not even know where these shares are located, and, the shares cannot be sold outside *obştea*. More clearly, *obştea* is not an associative form of a few individual land owners, but is a form of joint-ownership. In the table below, I summarized the main figures concerning rights of access to the common property in the egalitarian *obştea* as opposed to the genealogical one.

Figure 9: Two types of Obştea

	Equalitarian Obştea	*Non-equalitarian Obştea*
Shares per person	1	One, half, third, fifth etc. or more than one
Votes per person	1	One, half, third, fifth etc. or more than one
Rights to sell outside obştea	No	No
Rights to sell inside obştea	No	Yes
Local investment of profit	Yes	No
Location	Vrancea	The rest of Moldavia and Wallachia

Beginning with 1910, the year when the second Romanian Forestry Code was adopted, the Romanian state tried to regulate this form of private jointly-owned property, and imposed a fixed organizational and institutional framework, through a formal statute. As I will describe later on in this part, it was initially intended that this state regulated form should include customary regulations, but ended up by totally ignoring the real diversity of customary laws. In 1948, the communist party seized private properties, including the commons. Most of the villagers became wage earners working in their former forests for the state company. In 2000, the Romanian state voted for the law of re-establishing property rights for the former owners. A very important note has to be made here: the year 2000 was also the year when the negotiation process for EU accession started in Romania and environmental policy played a strong role in the matter. The process of re-establishing property rights was concomitant with the process of establishing new protected areas. Between the year 2000 and 2007 the amount of protected areas in the national territory rose from 5% to 13%.

Obştea was, and still is, a sylvo-pastoral agricultural system and a village institution at the same time. The survival of the common land property regime in Vrancea was not due to a particular use of the land, as in the Galician case, but due to the institution of *obştea* at village and regional level. *Obştea* offered, and still offers, the legitimacy for the local people to access the natural resources in Vrancea. This institution that regulated and regulates the use of

the natural resources evolved over time. I will follow these changes starting with the first forms of state regulations for accessing the common forests.

Chapter 19 – The expansion of transnational markets

Forests were not systematically exploited in Moldova until the second half of the nineteenth century, a period which corresponds to the creation of the Romanian national state and the first western capital investments in the country. In this chapter, I will show how and why this was possible by drawing on insights from the general geopolitical situation of the region, combined with the historical data that is related to Vrancea. Yet, as all roads lead to Rome, in Eastern Europe all empirical data lead to Constantinople.

19.1. Two land-based Empires

The fall of the Eastern Roman Empire paved the way for the rise of two major land-based empires with great influence in south-eastern Europe: the Ottoman and the Russian Empires. While the Ottomans saw themselves as the masters of the world for inheriting the splendor of the Roman Empire, the latter believed that the holy faith of Eastern Christendom was their business. The clash of the two actually gave way to western capital investment in the region.

Because of its particular geostrategic advantages, Constantinople was the best defended and the richest city in the Middle Ages. Controlling sea trade in the Bosporus and the Dardanelles brought enormous wealth to the city. However, the envy it acquired throughout the centuries was not only due to its gold, but also to its cultural and especially religious heritage. Crowley notes in his study on the geopolitics of Byzantium: *"From its founding, the capital city was conceived as a replica of heaven, a manifestation of the triumph of Christ (…) The city became the storehouse of the relics of Christendom, collected from the Holy Land and eyed with envy by Christians in the West. Here they had the head of John the Baptist, the crown of thorns, the nails from the cross, and the stone from the tomb (…)"* (Crowley 2005:17).

When Mehmed II in his lavish yearning for glory finally conquered the city on 29th of May 1453, Constantinople[114] had little left of its golden and religious splendors. The

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[114] The Ottomans continued to use the name in the form of Kostantiniyye until the late nineteenth century. *Istanbul* was imposed after 1923 when the first Turkish Republic was proclaimed. An interesting measure to impose the new name in international affairs, and throughout common use outside Turkey, was the postal

crusaders of the joined catholic armies of the Fourth Crusade despoiled the city in 1204 and carried their prey to Venice, Florence, Paris and the Vatican City. The internal fights within the Christian Church, coupled with the interest in the global colonies of the western powers, especially the Spanish and the British as described in the previous empirical part, played a crucial role in actually strengthening the influence of the Ottoman Empire in southeastern Europe. While the British, Spanish and French navies were engaged in fighting for colonies in the West and in sea battles around the globe, the Ottoman Empire consolidated its position in the near east and the Balkans. Therefore, we need to consider these aspects while observing how the shores of the Black Sea remained under the Muslim control of the Ottoman Empire until the mid-nineteenth century.

The Venetians initially stood against the powerful fleet of the Ottomans, but only for a few decades - in 1470 they were defeated in the battle of Euboea. A Venetian commander who faced the Ottoman fleet in the said battle wrote: *"The whole sea appeared like a forest… I swear that from the first vessel to the last one, the entire fleet extends more than six miles… it could be the ruin of Christianity."* (in Perlin 1991: 147). The Ottomans did not face the same shortage of wood in the fifteenth century as did the western sea powers. According to Perlin *"[t]he Muslim Turks did not have to worry about timber for building and maintaining a large fleet. They held Bithynia on the southwest shore of the Black Sea and Thrace in northern Greece, both esteemed for millennia for their great forests."* (Perlin 1991: 150). This is confirmed by Turkish historiography (İnalcik and Quataert 1994: 94-5; Zorlu 2008: 16-20). Tuncy Zorlu notes that *"the Ottomans, with their abundant timber sources, were luckier than most of the northern states, which were forced to look for overseas timber sources in order to carry out their maritime trade and wage war against their enemies."* (Zorlu 2008:17).

In 1453, the Romanian Principalities of Wallachia and Moldova were already under Ottoman suzerainty, but not yet occupied – not a pashaluk (under a jurisdiction of a pasha). Transylvania was a Princedom under the rule of the Austrian Empire. Both Moldova and Wallachia were paying for their relative independence with cereals, cattle, young boys for the janissary army, and raw materials, including wood. Through this payment, the Ottoman ruler recognized the local Voivode and the local nobility. There were no political pressures for converting the population to Islam. Again, wood was a key element in this equation. Both in Moldova and in Wallachia important quantities of raw material were transported on rivers to

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service. Starting in 1930, any delivery to the country's capital city that addressed a name other than the correctly spelt Turkish, *İstanbul*, remained undelivered (Show & Show 1977: 386). Since my work here merely refers to the Ottoman Empire, I will restrict usage to the name Constantinople.

Galatz Harbor and, from there, to Constantinople for building ships. After the conquest of Hungary in 1526, the Ottomans expanded their shipbuilding industry and new military arsenals were built at Ruscuk and Silistra on the Danube at the border with Wallachia, in northern Bulgaria. These new arsenals had a double role: providing light war ships for advancing on Danube up to Vienna, and controlling the Danube Delta region. As I mentioned in the previous chapter, a general rule for building the maritime arsenals was a location with good wood resources. In the case of the Ottoman Empire, the forests around the shipbuilding harbors were granted to the "Main Maritime Arsenal" in a form of imperial monopoly for these resources (Bostan 2007: 10).

But another important process took place after the fall of Constantinople: the rise of the, so called, Third Rome – Moscow. Moscow claimed the legitimacy of the Orthodox Church heritage and the Slavonic culture became very influential in Eastern Europe, starting with the sixteenth century. Yet, it was only under the rule of the enlightened ideas of Peter the Great (1682-1725) that the Russian Tsardom became a military force in Europe. While the western empires were built across the seas, Peter the Great built a land-based empire across the Caucasus Mountains, ruling over more than twelve million square kilometers, about 70% of today's Russian territory, shortly before his death. His conquering strategies were accomplished by two very powerful women: Elisabeth II (1741-1762) and Catherine the Great (1762-1796). While Elisabeth II came into power in the mist of the Austrian Succession War (1740-1748) and masterfully defended the Russian influence towards the west, Catherine the Great led the wars against the Ottoman Empire (1768-1774) annexing to the Russian Empire territories that nowadays form Ukraine - the northern Caucasus and the Crimean peninsula. In these decisive wars for the geopolitical influence of the Ottoman Empire in the Black Sea, the Russian navy was supported by Great Britain who offered consultancy in strategic matters. It was the beginning of a fruitful cooperation between the two superpowers: first, it opened "The Eastern Question" and second, it brought the British, and transnational companies for the extraction of natural resources in South-Eastern Europe.

19.2. The Eastern Question and the Treaty of Adrianople

The Eastern Question (henceforth EQ) refers to the diplomatic and political crisis following the decay of the Ottoman Empire. In short, it is about how the western powers and Russia shared the enormous territory and natural resources that were under the influence of the 'giant

with clay legs'. In this section, I will depict how the EQ contributed to the rise of capitalism in Romanian Principalities.

There are no fixed dates in the literature for when the EQ started and when it ended. Following the main territorial losses of the Ottoman Empire, I consider here that the crisis started with the decisive Russian victory in 1768-1774 war, when the Ottomans lost the northern shores of the Black Sea, and ended in 1920, with the proclamation of the First Turkish Republic. After the Russo-Ottoman war from 1774, five other wars[115] took place between the two super powers over the next one hundred years. With the exception of the Crimean War when the British became directly involved by sending their navy for the purpose of supporting the Ottoman Empire, all of them were won by the Russians and their eastern European allies. Out of these five wars, the last three have had enormous economic consequences in Eastern Europe and I will briefly spell them out in the following.

The war from 1828-1829 was an offensive elongation of the Greek Independence War, where, in the decisive battle of Navarino (20 of October 1827), the Russians allied with the British and the French navies and defeated the Ottoman fleet. There were already serious fears in western chancelleries that Russia, following the Holy Call to defend Orthodoxy and to liberate Constantinople, would become too powerful in the Black Sea region (Anderson 1966, Millman 1979). The Russian Tsar Nicolai I (1825-1855) was an ultra national orthodox[116], and he openly claimed that all Christians from the Holy Land and from the Ottoman Empire should pass under Russian protection. Yet, the outcome of the war was crucial. The Russians defeated the Ottomans and took over the monopoly of the Black Sea. In this context, the Treaty of Adrianople signed on 14th of September 1829 is of significant impact for the Romanian context, as I will later describe. For the first time after the fall of Constantinople, this means after 376 years, the Ottoman domination over the Black Sea was broken, establishing *de jure* the liberal policy for trade in the strait of the Dardanelles. Cereal, cattle and wood were now to circulate without the Ottoman monopoly. However, as the Russian monopoly was merely replacing the Ottoman one, the western empires remained dissatisfied with the balance of power on the shores of the Black Sea. Thus, the British and the French navies, as well as the Italian nobility joined the Ottoman fleet 23 years later in the Crimean War in order to halt Russian expansion. The reason for starting the war was officially a religious one: French claims for protecting the Christians in the Holy Land[117]. However, the

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[115] 1787-1792; 1806-1812; 1828-1829; The Crimean War between 1853-1856; 1877-1878.
[116] Unlike his liberal predecessor, Nicholas I was the first who introduced Nationalism and Orthodoxy as state policies in Imperial Russia (see Riasanovsky 1959: 267-72).
[117] Anderson notes in his in-depth analysis of the Eastern Question: "The question of the Holy Places, which provided the ostensible origins, through in no real sense the cause, of the Crimean War, had a long history. For

outcome of the war was very profitable for the allies: it established *de facto* freedom of trade in the region[118].

However, if the old rule was about to be substituted by the new economic ethos of *laissez-faire*, how did the old one appear? First of all, I want to stress again the fact that we are dealing here with one of the largest empires in human history, which extended its influence mainly continentally than over the seas, having a different impact on the populations conquered. In the mid seventeenth century, the Ottoman Empire covered the whole territory from the north of Moldova to present Somalia, and from the Caspian Sea to Vienna. In this empire, the code of civil conduct and thus, of economic behavior, was based on the Muslim religion. The state had two basic functions: to promote the religion of Islam, and to secure human welfare. Studies in economic history of the Ottoman Empire consider the *Sultanat* a welfare state system per se. İnalcik and Quataert conclude in their analysis of "the economic mind" in the Ottoman Empire: *"Since redistribution presupposes the presence of 'an allocation center', the sultan assumes a fundamental role in the society. Obviously, a pious foundation (vakf) in the Islamic state is a primordial institution for redistribution, with a basic social and economic integrative foundation."* (İnalcik and Quataert 1994: 47); and further on *"[t]he Ottoman government's economic measures were not derived from a systematized and coherent theory like in the West, but, as was true in other areas of activity, it simply followed the long-tested practices and traditions inherited from Middle Eastern society and culture."* (ibid: 52). Consequently, the local economies within the Ottoman Empire and its protectorate states *"were based on long experience of small towns with limited and static markets where citizen and craftsman alike wanted regulation."*(ibid: 53).

The Eastern Question is a long and complicated story whose outset I have only sketched. It is important to consider the following for the moment: 1) it deals with the geopolitical legacy of one of the largest empires in human history, itself heir to the eastern Roman Empire; 2) it was a clash of two modes of governing territories, people and resources: one guided by the rational laws of economic science, the other rooted in the tradition of autocratic protectionism; 3) the unlocking of trade on the Black Sea and eastern

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centuries the wrangling of Catholic and Orthodox monks and dignitaries over the rights of their respective churches in Jerusalem, Nazareth and Bethlehem had amused and irritated their Turkish masters." (Anderson 1966: 114)

[118] An important detail here: this war was the first military conflict 'broadcasted' around the world. The miracle was possible through a new machine called the *telegraph*. The New York Times and the central newspapers in England, France and Germany were reporting delayed material about the state of affairs during the three years of the conflict. This is how Karl Marx, for example, could follow and write critically about the consequences of the event. For this see "The Eastern Question: a Reprint of Letters Written 1853-1856 Dealing with the Events of the Crimean War" Karl Marx [1897] 2011.

Mediterranean Sea had a direct impact on the economic and political life of the Romanian Principalities.

19.3. Being part of Europe and the cultural diffusion of capitalism

For one hundred and fifty years, from 1774 to 1920, fleets, merchandise, technology, and ideas from Western Europe broke into the former Ottoman territories more than before. The first reason to be considered here is of course the technology of means of communication and transport, which changed dramatically following the industrial revolution. But the flow of ideas, namely of liberal ideas, was also of great importance for establishing the new economic creed. In this sub-chapter, I will describe how and by whom these ideas were carried in Wallachia, Moldavia and Transylvania.

In the Ottoman provinces, the 'wind of change' of illuminist ideas started to blow quite late. It only began after the Adrianople Treaty (1828) when the local elite in the Romanian Principalities started to study abroad; an attempt which, as we will see below, paved the way for the 1848 Revolution and the instauration of the new political and economic regimes. The young students started to form cultural associations, within and outside their home countries, with the declared aim to contribute to the 'improvement' of the social condition of their fellow citizens. They became cultural brokers between a developed western civilization and a backward eastern one. Yet, these brokers were not lacking political and economic goals.

Among the first Romanian students who took their studies abroad were Dumitru C. Bratianu (1818-1892), Alexandru G. Golescu (1819-1881) and Ion Ghica (1816-1897). They were heirs of the local Romanian middle and high level nobility and they went to study in Paris. In 1839, they founded *"Societatea pentru învatatura poporului roman" – The society for the education of the Romanian people.* The society was reformed six years later under the name of *"Societatea Studentilor Români din Paris" – The society of the Romanian students from Paris*. Alphonse de Lamartine (1790-1869), a poet, political and revolutionary middle rung nobleman was appointed honorific president of the society. The most important members of the society were: Ion Ghica (the president of the association), C. A. Rosetti, Dimitrie Bolintineanu, Dumitru Brătianu and his younger brother Ion C. Brătianu, N. Golescu, Mihail Kogălniceanu and Nicolae Bălcescu. The members of the association actively took part in the French revolution close to Lamartine and led the Wallachian, Transylvanian and Moldovian revolutions after March 1848. Kogălniceanu, the Brătianu brothers, Rosetti and Ghica were founders of the liberal parties in Moldova and Wallachia, and took active roles in the

unification process that led to the recognition of the Romanian kingdom in 1859. They later took part in the usurpation of the democratically elected Romanian Principe, Alexandru Iona Cuza, and the coronation of the German Sovereign Carol I. They were the main actors who propagated and implemented liberal ideas in Romania first through cultural revues and seminars and later on, directly through political measures.

Kogălniceanu founded and directed the revue *Propăşirea* (The Thriving) in Iaşi in 1844, and Rossetti founded *Românul* (The Romanian) in Bucharest 1857. In 1844, Ion Ghica wrote in *Propăşirea "our weight in the balance of Europe will grow with the number of kilograms of cereals that we will be able to export."* (quated in Demetrescu [1935] 2005:158). Since the Adrianople Treaty liberalized trade on the Black Sea this was a good moment for the Romanian Principalities to affirm their economies. However, the country was still covered with forests and this actually turned out to be an advantage. Between 1837 and 1841, 34.000 hectares of forests were chopped down in Moldovia only (Giurescu 1975: 102). Giurescu gives credibility to this number comparing five different sources. The easiness of depleting the surfaces was mainly due to the geography where these forests were located, namely in the plains of Moldova and in the low hills of the Moldovian Carpathians. Romanian scholars agree that the main cause for deforestation from the mid-ninetieth century onwards was the rise of agriculture in the Romanian Principalities (Giurgiu 2010: 5). Giurescu calculates that between1859-1890 about three million hectares were felled in both Romanian Principalities (Giurescu 1981: 16). The wood was required in the internal market for building the infrastructure of the newborn national state, but most of it was exported abroad, mainly to Great Britain. Before looking at the trajectories of the wood export, we need to understand the framework of this early transnational market.

The period from 1829 to 1866 is characterized by the annihilation of the old class of feudal boyars and the formation of a Romanian liberal political and economic oligarchy. The first Voivode of the recently united principalities of Moldova and Walachia (1859) Alexandru Ioan Cuza promoted in his agricultural from 1864 economic emasures that were at odds with the liberal interest of this oligarchy for which reasons he was ousted. I described above the actors involved in the rise of capitalism in the Romanian Principalities. Ştefan Zeletin[119] in his groundbreaking work "*The Romanian Bourgeoisie: its origins and its political role*" stresses on the fact that the change of regimes could not be made only by social actors if not coupled in a large and more complex mechanism that was the expansion of the transnational capitalist

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[119] Zeletin took his PhD at the University of Erlagen, studying with Richard Flackenberg. His thesis, ttitled *Persönlicher Idealismus gegen absoluten Idealismus in der englischen Philosophie der Gegenwart*, was published in Berlin in 1914.

markets: "*The real causes of the downfall of the old ruling class must be looked for in the direct influence of capitalism. The change of our economy in monetary economy forms the propitious conjuncture for the development of primitive capitalism*" (Zeletin [1925] 2006: 78). "*The birth of the Romanian bourgeoisie is due to the expansion of British capitalism*" while its process formation "*is a tiny episode from the expansion of the English one.*" (Zeletin quoted in Murgescu 1994: 83). We remember how the overall economic system in the Ottoman Empire looked, as described by İnalcik and Quataert, and the Romanian one was not far from it. Following Tocqueville's analysis of the downfall of the French *Ancient Régime*, Zeletin concludes: "*after the victory* [in the 1848 revolution] *the liberal revolutionary group became a liberal oligarchy, governing in the same way as western absolutism and by the same means: a vast bureaucracy built on a strong militantism.*" (Zeletin 2006: 86).

But I think that the best picture for the importance of institutional change in mid-nineteenth century Romania comes from Mihai Eminescu. He notes: "*the former economic dependency changes unfortunately, in our time, with the economic extermination of the one which, by his work or by his cultural level, does not have the same advantages as his more fortunate neighbor.*" (Eminescu 2000: 154). The overall cultural, political and economic environment in Romania in the mid-nineteenth century was a gloomy tableau of mimetic institutional behavior in a desperate attempt to, on the one hand, affirm national identity, and on the other, to fit within European values. To be part of Europe was the leading discourse and this was possible only through the adhesion to the liberal economic values and by emphasis on a Roman cultural heritage. It is very important to understand this context, because the same patterns will appear again after the fall of the communist regime in 1990. For this, I will provide a few examples of discourses and practices below.

The Transylvanian School (*Şcoala Ardeleană*), a cultural movement militating for independence from the Austro-Hungarian Empire, had a major influence not only in Transylvania were it was based, but in Moldova and Wallachia as well. It had a well based scientific program whose outcome was the legitimization of Transylvanian Romanians as the direct descendents of the Roman Empire. Among the measures proposed, and adopted later on by the new born Romanian Academy, was the exclusion of non-Latin words from the Romanian vocabulary (Călinescu 1982).

Rosetti (who later became the founder of the Romanian Academy) and Ion C. Bratianu wrote to Edugar Quinet after their arrival in Romania: "*Any Romanian has two motherlands* (patria)*: first, the land where they were born and then, France. France nourished us, taught us the sciences. The flame that warms-up our country we took from France's chimney.*

Remind France (sic!) *that we are her sons and that we fought for her on barricades. And note that what we've done here, we did after her example."* (in: Zeletin 2006: 70).

Titu Maiorescu names this mechanism "forms without a basis" (*forme fără fond*): *"the absence of any sturdy* [local] *fundament for the foreign forms that we do not cede to receive."* (Maiorescu [1868] 1978: 153). Maiorescu accused in mid XIX century the intellectuality for zealously following the spur of imitating and reproducing the guises of western societies. His conclusion is that *"this form [is] is not only without a basis [and] of no use, but is harmful"* (idem) for the Romanian society. Following Maiorescu and Eminescu I will call this *modus operandi* of institutional change, *institutional mimetism*, for it draws attention more effectively to the mechanism that is behind it. Yet, this mimetic action was carried out by individuals that had the role of cultural brokers between a cultural environment where the 'new' ideas of liberalism were shaped, namely France, and the place where they were transplanted, with only minor changes, that is Romania. Most of these actors later held key political positions in the Romanian government, after 1866.

Forests remained unexploited in Vrancea because of their location outside the capitalist market realm and for its institutional peculiarity within the Moldavian Voivodate. The imbrication of the regional and local geopolitics, combined with the role played by obştea at local level, resulted in Vrancea's forests becoming of transnational value in the late XIX century. At the same time, the making of the modern Romanian national state was led by liberal ideas. The main characteristics of this process are: the formation of a political and economic oligarchy on the basis of a cultural brokerage movement; the social crisis of those unable to adapt to the new context, a sense of backwardness doubled by a study ambition for showing that Romania does have a valuable local cultural heritage, and more important, the depletion of the natural resources, especially the forests. I want to make the reader aware that these patterns are very important because they appear again when Romania switched from the old governing form of communism to the new one of neoliberalism.

I will later describe the environmental degradation and social conflicts that took place in Vrancea from the end of the XIX century to the outset of the Second World War. We will see here the direct impact of foreign companies for wood extraction and how this situation was in turn followed by the regulation of access to natural valuables which caused a de-legitimization of the institution of *obştea* in Vrancea.

Chapter 20 - The first forest protection measures and their consequences for Vrancea

The direct impact of British foreign investment for Vrancea was the depletion of its forests, the introduction of a new market system and the institutional ruin of the confederation of villages. The first attempts for forest protection in Romania were the result of the ecological disaster that followed the exploitation of the wood resources by the foreign transnational companies.

20.1. The Moruzi Decree and the first Forestry Codes

Although the Romanian Principalities had liege relations with Constantinople, the Ottomans did not establish a monopoly over the natural resources within their territories; but they were able to request for any resources or services they wished. Shortly after their defeat by the Russians in 1776, the Ottoman High Vizier asked Alexandru Ipsilanti, Voivode of Wallachia, and Grigore Ghica III, Voivode of Moldova, to provide each of them with *"a war galleon, fully equipped, for the imperial fleet"* (Giurescu 1973: 114-5). The shortage of wood arrived in Constantinople together with the enormous military pressure led by the Russians and backed-up by the British. The two Voivodes obeyed. In Moldova, Ghica exempted 14 wood-ratepayers from Covurlui Region from tax payments (the administrative region where Galatz harbor is located) because they provided raw materials and labor force for the galleon. At that time, Galatz harbor was already an important shipbuilding centre for South Eastern Europe.

The French Consul Claude Charles de Peyssonel notes that, *"in this town there are many shipbuilding yards, where commercial ships for any load are built at a very low price, for sailing in the Black Sea, and on the Danube. The Moldovan masts are as good as those that we buy from the northern countries."* (Peyssonel 2011[1787]: 278). But even before that, the Ottoman Empire had built war galleons at Galatz. Joseph Boscowich notes in the diary of the trip he made accompanying the British ambassador Jacque Porter in 1762 from Constantinople to Poland that in Galatz *"one of the biggest Ottoman ships"* was ready to be released: *"it had 70 normal steps long and 28 large"*. However he noted that: *"the shipbuilding costs very little in this country"* but the ships do not last because they are made according to *"the Turkish technique which is to use the green wood from the nearby forests"* (Boscowich 1772: 196-197). This is also confirmed by recent studies of the history of the Ottoman navy. Zorlu emphasizes the role of the Galatz harbor in providing wood material for the imperial shipbuilding industry: *"[t]imber also came from Galatz in Rumelia, particularly in quantities suitable for masts."* (Zorlu 2008: 18). Even before 1760, Dimitrie Cantemir

wrote in his *Descriprio Moldavie* that the wood from Moldova was exported not only to Constantinople but also *"to Egypt, Trapezunt and Sinope"* (Cantemir [1714] 1909: 46).

But why did Ghica ask for wood supplies in the Covurlui region? Of course, it was eventually the closest to Galatz, but other regions also had important forest resources that could very well be exploited by the Crown in order to please Constantinople. One of these regions was Vrancea westwards of Galatz, and another was Tigheci in the immediate northeast. These regions were also relatively close and the wood could very easily be transported via the Milcov, Siret and Dniester rivers. Thus, an additional question is at stake: why did the medieval state not pursue a systematic exploitation of forest resources in Moldova?

The overall market realm was not very strong in Moldova in the eighteenth century. But the backward development of merchant capitalism in the old Romanian Principalities and their relative political independence from the Ottoman Empire cannot alone explain why some regions within the Moldavian Voivodate were not subject to supplementary services and taxes during the request of the Ottoman power. Therefore, another important aspect should be considered in addition to the overall economic configuration, namely, the political weight that certain regions had inside the Moldavian Voivodate. Tigheci, Moldavia's strongest shield in the east against the tartars, as Cantemir named it, and Vrancea, with its strategic location at the border with both Wallachia and Transylvania, and therefore the Habsburg Empire, had a special political and administrative regime. Their autonomy was sometimes paid for in blood, as Cantemir clearly shows for Tigheci, and in border vigilance and presumptively troops in the case of Vrancea.

The exploitation of forests continued after 1776 particularly in the low-lands of Moldova following the increased importance of Galatz in the geopolitical context of the Eastern Question. The first forestry regulation in Moldova is directly linked with this conjuncture. On the 28 of November 1794, the Voivode Alexandru Moruzi released a decree for the safeguard of *codrilor merei* (large forests from the low-lands). The reasons were: *"the big forests from low-lands became open fields as we all can see, (…) in the Covurlui Region there were* codrii merei *that were very useful; because when there were important behests for timber for the needs of Constantinople (…) it was easy to find* [wood] *and to bring* [it] *to the shipyards, and now is only open field (…)"* (in Giurescu 1975: 131).

Galatz harbor increased its importance after the Adrianople Treaty and rapidly became an integral part of the transnational market for wood and cereals. Neigebaur noted in 1854 *"Although there is a great distance between Galatz and Manchester, when compared with the*

great speed that the British factories work, there are only 3-4 months between the orders and the delivery." (Neigebaur 1854: 256, quoted in Zeletin 2006: 55).

The decline of the Ottoman Empire, the unification of Moldova and Wallachia from 1859 in the making of the modern national Romanian state, meant a decline in strategic importance for Vrancea. Following the victorious war fleets, the British, Austrian and Hungarian multinational companies for wood extraction had no juridical obstacles in contracting with villages and individual peasants in Vrancea for extracting wood, for they brought in the modern civil code. Civilization meant individual property rights and the opening of the national territory to the free will of market actors.

In the meantime, the decisive war for independence arrived for the nations in southeastern Europe. Moldova and Wallachia gained their independence as allies of the Russian Empire in the war from 1877-1878. In the Balkans and in the North of Danube, the British and the French scurried their influence with the help of the German royal dynasties: George I of Greece was from the house of *Schleswig-Holstein-Sonderburg-Glücksburg,* while the unified Romanian Principalities, from 1859 onwards Romania, came under the house of *Hohenzollern-Sigmaringen.* Ion Ghica, the former president of the student association *The society for the education of the Romanian people* from Paris, became the prime minister of Romania under King Carol I and remained in this position for eleven years. Before this, Ghica played a major role in the dethronement of Alexandru Ion Cuza, due to Cuza's agricultural reform as I mentioned before. Ghica's main aim was the implementation of *laissez-faire* policies in the Romanian economy and the facilitation of British foreign investment. His politics were continued by his colleague and old friend Ion C. Brătianu.

The first Romanian forestry code was elaborated under the Brătianu Government (1879-1888). This forestry code was published in *Monitorul Oficial* on the 24 of June 1881. It was very poorly framed with regard to the impact on property rights and envisaged no obligations for those who were exploiting the forests. Moreover, its implementation was quasi impossible due to the lack of forestry personnel (Giurescu 1975: 134). Giurescu (idem) and more recent research (IUFRO 1999: 38) arrive at the conclusion that this first forestry code was not meant to protect the forest but to offer a legal stand for applying scientific forestry methods in Romania, whose main novelty was, as showed in the second part, the exploitation of forests as crops in a never-ending process. But the thirst for capital of the Romanian nouveau riches from the beginning of the twentieth century, permanently encouraged by the

existence of a new international market for wood in the region, depleted the forests from Moldova and Wallachia in a short time.

The new forestry code from 1910, more accurate in terms of rights and obligations for the owners and the wood extracting process, came too late. Its making was actually a consequence of the ecological disaster that Romania was facing in the early years of the twentieth century. The following extract states the motives of the law.

> *"The big societies of wood exploitation, mainly foreign, with the help of local village elites, bought the* [common] *forests of moşneni and răzeşi* [free peasants] *at very low prices, almost nothing, compared with their true value. The local leaders of* moşneni *and* răzeşi *received the biggest share of the price, distributing to the other co-owners very little money. In this way, the foreign companies could access the endless and beautiful jointly-owned forests achieving tremendous gains at the disadvantage of poor* moşneni *and* răzeşi*, who were the victims of their own ignorance, because none of them, leader or not, knew the true value of these forests."* (Codul Silvic April 9th, 1910, Monitorul Oficial, quoted in Stahl 1959: 208).

Yet, this forestry code conflicted with the property regime of joint-ownership (devălmăşie) that not only the villages in Vrancea, but also in other regions from Wallachia and Moldavia had back then. I was puzzled by the fact that this law refers directly to the village commons (the forests of *moşneni and răzeşi*)[120]. The state officials knew that the village communities in Romania owned important surfaces of forests, but this property regime was not regulated at all and thus, not contributing to the state budget, as well as the natural valuables located on these common lands were outside the market realm – therefore a double loss. For these reasons, the liberal party under the leadership of Ion I.C. Bratianu (the son of I.C. Bratianu) had as a main objective the introduction of this property regime into the market realm.

The second Forestry Code instituted for each Obştea the first true state regulations and restrictions with direct impact for peasants' access. Each Obştea was entitled with an *Aşezămant* - a status according to which, the villages had to elect a board of administration *"which represents the people* (in original *"ceata moşnenilor sau răzeşilor")*) *for a third party"*. It is mandatory to have a bookkeeper and a president (The Forestry Code 1910, at. 46). *Aşezămant* was a standard document in which each community had to enlist the surface of the forest, the limits of the property and, what was of crucial importance, the number of *co-owners*. But there were no co-owners in Vrancea for people had equal and undetermined shares in the common property. The right to access the resources was a right of use, and not a property right. By imposing the lists with *co-owners*, the state attempted to transform the

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[120] The whole of Chapter V of the law is dedicated to this property regime. The name of the chapter is: *"The establishment of property rights for* moşneni *and* răzeşi*"*. Moşneni is the name for free peasants in Wallachia and răzeşi in Moldova.

equalitarian *obştea* system into a shares-owned property system. The shares could therefore be inherited, sold and bought like any other goods, and *obştea*'s forests could be subject to liberal market rules (Sava 1931: XXXVIII; Stahl 1959: 206-220). In the following, I will show how the foreign companies were able to access the forests in Vrancea.

20.2. Transnational companies for wood extraction in Vrancea and the memories of peasant resistance in Păuleşti

Taking advantages of the forestry code, companies were buying rights of access from the individual peasants from the lists of Aşezământ. Seizing the opportunity for making money, some peasants started to buy rights of access from fellow villagers in order to sell them on to the companies. A new local market trading rights to access the common forest appeared in a very short time. We see how this market came into being if we look at the following list of village communities. I reproduce a number of nine examples out of a list of twenty one that was published by Aurel Sava in 1931.

Figure 10: The buying of access rights in Vrancea. Data reproduced form Sava 1931: XLII

| Nr.	Name of the obştea	Number of *co-owners*	Out of which with more than one right
1.	Coza	279	two peasants with 2 rights, one with 4 rights and one with 3 rights
2.	Tichiriş	496	one peasant with two rights
3.	Negrileşti	481	none - all have one right
4.	Păuleşti	370	six have 2 rights, three have 3 rights, one with 7 rights and one with 10 rights
5	Poiana	266	two with 2 rights and one with 3 rights
6.	Secătura Părosul	425	none – all have one right
7.	Hăulişca	263	one peasant has two rights
8.	Tulnici	523	one peasant with 3 rights and two with 2 rights.
9.	Năruja	491	one with 2 rights and two with 4 rights each.

The lists with *co-owners* are nominal, therefore we know which villager had more rights than his fellows. What is interesting is that these villagers were buying rights only as a speculative strategy in order to sell them at a higher price to the wood extraction companies (ibid: XLIII-XLIV). Stahl documents the process in great detail as he witnessed it (Stahl 1959: 196-221;

1981: 55-7). These local speculators were called "ax handles" and were openly accused by their fellow villagers for "selling Vrancea".

Thus, following this legal cheat, the companies contracted rights for accessing the forest in all Vrancea. In the subsequent part I will detail how Aurel Sava fought against this trickery in legal terms. Now let us have a look at how the peasants revolted against the abuses of the companies in the village of Păuleşti.

I did not find in the literature the precise date when the foreign wood extraction companies arrived in Vrancea, and especially in Păuleşti-Tulnici, my research area. But, in 1915, there were already complaints from peasants to the authorities with regard to the abuse of the *Tişiţa Company* in the forests of *Obştea Păuleşti*. No measures were taken by the officials, maybe partially due to the fact that most men were already concentrating on war, so the authorities were not particularly bothered (Neagu 2007: 97). But who was this Tişiţa Company? At the beginning of the twentieth century in Putna the Valley, where the villages Păuleşti and Tulnici are located, there were already three transnational companies for wood extraction: *Forestiera*, owned by the Grödle barons from Budapest, another company from Chernivtsi led by the baron Vasilko, and *The Putna Forest*, a British company from London. These companies were disputing their territories after the most accurate sense of capitalist competition (Stahl 1959: 208-11). The three fell into conflict and *Vasilko* and *The Putna Forest* joined and formed *Tişiţa Company*. Iosif Kresberg and Valentin De Marco were the managers of the new company and, according to their IDs, **they were residents in the Păuleşti village**. Arthur Niederhoffer, Luigi Vuerich and other administrators had their IDs in the neighboring village, in Tulnici (Neagu 2007: 98). As with regard to the forestry workers, none of them was local according to the memory of the people. Most of the people in the village remember that the workers were Italians.

The *Tişiţa* company built 100 km of railway between Greşu village, in the west at the border with Transylvania and Mărăşeşti, the nearest major railway nod. The fact is that the carrying capacity in 1916 was 13 railway locomotives, 120 wagons for carrying trunks of 10t each, and 3 wagons for passengers. In 1930, there were 30 railway locomotives (Neagu 2008: 86).
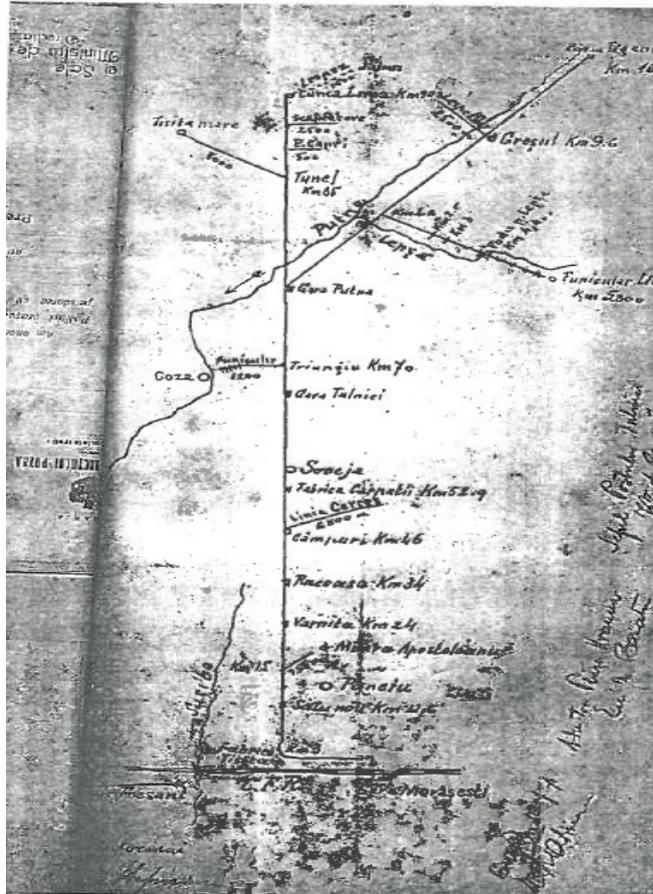
Picture 27*:* **The route description of the industrial railway of Tişiţa Company.**
In the center of the picture, one can easily read *Gara Tulnici* – Tulnici Station. Photo reproduction from the personal archive of Ştefan Neagu.

Nowadays, people in Păuleşti remember the acts of sabotage that their forefathers did against the companies. First, there were the dislocations of the railways especially after raining when the rail-beds were looser. Most of the stories are related to one local actor: Baraghin, an unusually strong man according to the portrayals that people gave me. He led small peasant groups for the purpose of beating up forestry workers in the forest and for dislocating the trails of the industrial train. However, people became confused as to the exact time that Baraghin lived, and he has acquired a sort of legendary aura. Stories always present him as a violent person *"but only with those from outside, with the people from the village he was nice."* Another episode from the history of the powerful Baraghin was when he chased the president of *obştea* away for not finishing the construction of the new church in time. Again, we see that social resistance is coordinated around social elites, but as the case of Baraghin shows, not always priests or other sorts of intellectual elites. Violence is regarded more as courage in Păuleşti which, I have to say, even today is anything but an idyllic rural community.

In the meantime, on the top level of the state, Take Ionescu (1858-1922), one of the main leaders of the Liberal Party, at that time Minister of Foreign Affairs (1917-8; 1920-1922), was pleading in parliament for the abolition of the jointly-owned properties in Romania. In his own words: *"joint-property* (devălmăşie) *is against the thorough social order, and progress is individual ownership, while moşneni by this law* [the new forestry code] *cannot have individual properly rights."* (Stahl quotes Ionescu after personal stenographic notes of a parliamentary session. Stahl 1959: 213). But was Ionescu only a defender of the innovative spirit of the liberals? Maybe, but he was far from having pious, altruistic intentions. Take Ionescu was the lawyer of the Grödle Company. The company was extracting wood from the Putna Valley as mentioned above. It was administered in Romania by Moritz Horn, had its headquarters in Budapest and was selling the timber in Manchester. Yet, Ionescu was not the only liberal leader that was in the forest business at that time (ibid: 207-9). The second forestry code was again far from possessing any real incentive for nature conservation and or rational management of the forests.

Although the law imposed a formal president with a board of administration, the people in Vrancea resisted the implementation of the civil code by non-compliance with the rules. Sava notes (1931: XLIV) that "although the forestry code demanded that the organization of *obşti* [was] to take place within a few months from the publication of the law, until today (i.e. 1931) most of the *obşti* has remained unorganized. […] and those who did, continue to organize themselves according to their customs." (idem) According to Aşezământ, every *obştea* had to pay a tax to the state budget. Sava recounts how this tax was paid by the whole village and not only by those who were on the lists. "[…] the *obştea* of the whole village goes ahead with the new official *obştea*. The latter, survives formally without existing *de facto*. Instead, all the villagers use the common property." (idem)

I was told the same in Păuleşti in 2003. One of the elderly men remembers those days very well:

> *"Back then, the president was chosen, but if he was not acting according to the will of the people, the next day he was fired immediately. Now, is chosen for 4-5 years, and he does not care anymore. He has a salary, back then there was no salary. My father was president of* obştea *all his life. I never remember him being paid any money.* **This was like an honor that was it…**
>
> *After some time, some bookkeeping reports were introduced* [by the state]*, also for the good sake of obştea, they said, for the accountings. With these, there were some transport papers* [for the timber] *became mandatory as well. Once the timber was ready in the forest one was passing at the president's house to ask for the transport form: I want to go… - Where? To Focşani. – How much do you have? – That much… and so on. One was not supposed to pay anything, but it was mandatory*

*to have that sheet of paper with oneself. **These were the first signs when law broke into the forests of the people from Vrancea.** Before this, there was nothing. Now, if you meet the forestry guard and when he sees you coming from the forest he asks you where are you coming from and what did you do. It is not allowed to pick mushrooms without his knowledge."* (P.82 years old, interview made in 2003)

Another informant brings new insights for the portrait of the informal leaders of the village community:

> *"The leaders of obştea were serious people, but also people from the middle [class]: most of the time with three, up to six hectares of land, and people that didn't want to get rich. .... [the wife] People with good spirit, so that the village could count on them. It was important to know how to read as well."* (C.S. 80 years old, interview made in 2003).

However, the restricted access at local level was perceived not as a conservation measure, or as a normal administrative measure in accordance with the evolution of the society, but as a top- down imposed measure limiting their access to the forest and altering their traditional uses. Although the elders in the village recognized the importance of technological shift, the paper bureaucracy and the compulsory information that they were required to deliver to the forestry guards was a sign of dispossession for them. These lists of *co-owners* were the first attempt to break the traditional property regime and to introduce individual ownership. Some village commons from Wallachia, Moldova and Bukovina were transformed into individual properties during this process. But not in Vrancea. Why? The answer lies in the legal fight that Aurel V. Sava, the researcher amply quoted above, undertook for years in Vrancea.

20.3. A lawyer for the people

In order to explain how Sava was able to defend the villages from Vrancea in their legal battles with the transnational companies we need to present the context and the institutional back-up Sava had.

Sava was not from Vrancea but, after completing the Law Faculty in Bucharest, he was appointed a lawyer at the local Putna Court. During his studies in Bucharest he was colleague with H. H. Stahl. Stahl joined the Sociological seminars of his professor Dimitrie Gusti (1880-1955).[121] Gusti had close contacts and good relations with the royal family and succeeded to get funds for his monographic campaigns[122] in rural Romania. Stahl was 26

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[121] Gusti was professor of sociology at the University of Bucharest (1920-1948), minister of Education (1932-1946), member of the Romanian Academy (1919-1948) and president of the Romanian Academy (1944-1946).
[122] The monographic research was Gusti's method of investigation which was based on the inquiry of all elements of social life of a given community (see Gusti 1941). Therefore, the research teams were multidisciplinary teams: musicologists, sociologists, economists, lawyers, medical practitioners, linguists, historians, geographers, photographers and cinematographers.

when he first went to Vrancea with the research team of Gusti in Nereju village, whose outcome is the book quoted above - *Nerej, Un village d'une région archaïque*. During their research, Gusti's team also searched for historical documents attesting the political, administrative and economic role of obştea from Nereju. Yet, the bulk of documents were found by Stahl and Constantinescu-Mirceşti two years later in the household of a modest peasant, Theodor Şerbănescu from the neighboring village, Năruja (Stahl 1981: 81-3). Şerbănescu was the grand-grandson of one of the *vechili* of the Obştea of Whole Vrancea that actively took part in the entire trial with the boyar Roznovanu (presented in the first chapter), namely, the Priest Şerban Bălan. Stahl and Constantinescu-Mirceşti copied as many documents as they could in one week and published part of them in a volume in the same year (Constantinescu-Mirceşti & Stahl 1929). Some other copies were given to his friend Sava for further transcription, publication (Sava 1929) and for his use in the ongoing trials with the companies. However, as soon as the book of Constantinescu-Mirceşti and Stahl were published, political pressure started against the research team and especially the three of them. At that moment, Vrancea became the core of a tremendous political battle.

The book was prefaced by Nicolae Iorga, a leading historian, founder of the Democratic Nationalist Party (DNP) and member of parliament. The DNP was the main opponent to the liberals, and therefore, the material that Sava, Constantinescu-Mirceşti and Stahl got from Vrancea represented great political capital for DNP. Stahl had had very close relations with Iorga since childhood, as Stahl's father, also an historian, was a close colleague of Iorga. On the other hand, Gusti, although sympathizing with DNP, tried to protect his research interest in Vrancea. The peasants became alarmed when Şerbănescu claimed, soon after the publication of the volume, that somebody broke into his house and stole some of the most important documents. Although neither Sava, nor Constantinescu-Mirceşti or Stahl were accused, the situation provoked much tension in the villages. Furthermore, all three started to receive anonymous death threat letters so that Stahl for example, was traveling from village to village only under peasants' escort (Stahl 1981: 64). However, Sava soon became appointed judge at the Court of Focşani and he was working with documents of tremendous political importance. For example he had a letter in German from Moritz Horn to his superiors in Budapest in which he was reporting that the trials in Vrancea will be gained with the help of *"unsere Take Ionescu"* (idem).

From the material he held and with the help of Stahl and other researchers from Gusti's research, Sava built up a juridical argument by which he stopped, on legal basis, the attempts of the forestry companies from buying the right of access to the forests. He stated

that according to Vrancea's customary law which was recognized by the Moldavian State as statutory in former legal conflicts, among others the case with Boyar Roznovanu, the people in Vrancea had *intuitu personae*, a personal right for accessing the forest but related to a common property. The right to access the common resources could neither be bought, nor inherited and any person who leaves the social unit (village, hamlet) looses this right. Sava was a pioneer in Romania law, the first who proceeded for national recognition of the joint-ownership (devălmăşie) following the Vrancea case. On 4 November 1929, as judge in Focşani court, he made a court order against the transnational companies, stating the following:

> *"Obşteni are the inhabitants of a village whose parents were also obşteni; adults, equal men and women; their right is equal for pastures and for wood; this right belongs to the adult children even though the parents are still living, and ceases when they die; the obşteni lose their right if they leave the community and get it back if they return, even after many years".* (Sava 1929: XXXI, note 3).

The land and forest in Vrancea remained outside the market realm due to the courage of this key actor, Aurel V. Sava. Yet, his statement was not an exaggeration of the social reality. For being part of the *obştea* one needed to be accepted by the community, to acquire the vicinity status. This was a selective, subjective and very slow process which differed from community to community. There are numerous documents attesting that new families of peasants from Wallachia and Moldavia came to Vrancea as fugitives from various boyars. Stahl presents documents of the Vâlcan family which came from Wallachia to Năruja village in 1702 and became accepted by the community as *obşteni* in 1825, when a donation of arable land was given to them by the village community and the hamlet where they were living, nowadays named Vâlcani, was accepted as part of the village (Stahl 1959: 164-6). We will see that in the case of Păuleşti, people still account for the new-comers (*venetici*) and natives (*băştinaşi*).

Chapter 21 - Fighting "The Red Pest"

21.1. The plot and the elites

When the communist regime came into power in 1948, private property rights over forests were abolished. In 1950, serious conflicts occurred in Vrancea between villagers and the communist authorities. The peak of revolt occurred during the night of 23-24 July[123], when in the village of Bârseşti (some 10 km east from Păuleşti), peasants from all the villages from *Ţara Vrancei* organized resistance against state authorities which proceeded to establish livestock cooperatives. The resistance was part of a wider national resistance plan against the occupation by the Soviet troops. There were secret organizations fighting all along the Carpathian Mountains. The organization from Vrancea Mountains was called Vlad Ţepeş II (*Vlad the Impaler II*). The revolt from Bârseşti was organized by Victor Lupşa, an anticommunist leader. However, the authorities found out about the plan and the protests ended in a bloodbath. The exact number of people killed is unknown, but what is more important is the fact that in one night all the local leaders of a potential resistance to the communist regime were caught. While talking with people about this I found out that there is a generic name for this episode, namely *Complotul*, The Plot.

The story that people told me is that Lupşa was a spy of the authorities, member of *Siguranţa* (the initial name of the communist secret services *Securitate*) and his plan was to break the anticommunist resistance in Vrancea. Those that participated were mainly local elites. In one night, all local economic and educational elites were either caught or were assassinated. Their families continued to be persecuted during the whole period that the communist regime lasted in Romania. This episode is of utmost importance for my analysis, because, as I will describe in the next section, after the fall of the communist regime in 1990, no other social elite was ready to form a political alternative at local level, but the old communist elites. The state policy of annihilation of anticommunist resistance did not target the forms of resistance and the actors involved, like in the case in Galicia under Franco. Following the Stalinist example, the fight against 'the enemy of the people' was directed against all local forms of local elitism and against the families of those that previously enhanced any form of local leadership and their offspring.

The echoes of the cruelties and the tortures of the families of those that took part in the revolt are still vivid in the memories of people today. There is a religious ceremony as well that is still organized by the relatives of those that that died in the plot. People gather for the

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[123] John the Baptist is celebrated on June 24 by the Romanian Orthodox Church. Yet, the date has other importance as well: the night between 23-24 of June is *The Night of Sânziene*. It is believed that during this night magic rituals are performed.

24 of June for commemorating the dead by a cross close to Bârseşti on a hilltop where, in the morning the priest conducts a small service.

21.2. The use of the common property during communism

During the communist period, the contact between the villagers and their common property was not interrupted. Access to the forest became possible only through the state forest guard. However, people continued to get fuel-wood and wood for construction from their own common properties even in the case when the forest was not located close to the village. The rationale behind this is the knowledge of the forest. People know the forest and they had particular spots where they were going individually to get wood, and especially wood for construction. Building a house for the children was a serious investment, and the most valuable trees were preserved from father to son in this regard. These trees were of great value for a family and sometimes they were secret, sometimes it was know in the community that a particular family envisaged to get trees for construction in a particular spot. After the rough exploitation by the transnational companies, the most accessible spots with good wood disappeared. Slowly, so did the water-sawmills. Having a sawmill was consider the bourgeoning sign of a capitalist economic activity, and therefore forbidden.

But the geopolitical context changed as well. In 1947, Romania was considered a defeated nation following the Paris Treaty and obliged to pay war reparations to the USSR. Wood, cattle, grains, gas, oil and gold were succinctly delivered to the USSR until 1960. What was left untouched in Vrancea from the deforestations caused by the companies was later completed by the soviet government. Ecologically speaking, Vrancea was one of the most degraded areas in Romania (Nistor 2011: 11-14). The negative effects appeared immediately when the water supplies could no longer be used in the whole region. Starting with 1960, the communist regime proceeded with massive re-forestation plans in all Romania, including Vrancea. Yet, as Nistor emphasizes in her work (ibid 226-234), the reforestation was not made with local species of trees, but with rapid growing ones in accordance with the Soviet model of forestry science. Some of the people worked in the forestry sector during the 50s and 60s as wage earners. The alpine pastures were not included in the reforestation process due to the high altitude of the Carpathian Mountains. But the overall landscape changed dramatically. Soon people started to get wood from their proximity, and the memory of the common use of the forest went in latency. With the building of a forestry high school in Vidra village in 1960, the prestige of working in the forestry sector rose significantly at local level.

An important change for Păuleşti during this time was the immersion of the village into the Tulnici commune following the administrative reform of September 1950. Although only 3,5 km away, this accentuated the isolation of the village. It also had an impact for the local prestige of the village and the pride of the people. People explain how for every paper they had to go to the commune, in Tulnici, and that for this they felt humiliated. They were perceived as "those from across the hill". Tulnici, being the center of the commune, also benefited from all the investments in the infrastructure made by the communist state: Tulnici was the first to get electricity, asphalt, telephone and a health care centre. The police was also in Tulnici, but so was the local forestry department. The good part of the administrative immersion was the absence of state institutions in the village.

Nowadays, people discuss quite relaxedly about the communist regime. One of my key informants in Păuleşti remembers how he had no problems in getting wood: *"We didn't feel any change, be serious! Those from the low-lands, they had their land confiscated, and the vineyard, but we had no vineyards, arable land confiscated. Only the forest, but we took wood anyhow."* (C. 80 years old, interview from 2003). The way people were extracting wood from the forest in the latter period of the communist regime (i.e. 1970) was more or less legal. Most of the stories imply the tacit acceptance of the forestry guards, who were locals as well.

> "The country got modernized a bit, and all poor people from the region had a place to work here, in the forests, with wood exploitation. But we were not allowed to get wood. I remember how in the 50s, during the winter, people were cutting the plum trees from the garden for there was no fuel-wood to be found anymore in these mountains."(idem).

The reforestations actually led to the concept of state forest in Vrancea. People lost contact with their former common properties in the early 60s. They were all taking wood from a new forest now, the state's forest. This forest was new not only in terms of property rights and access, but also physically. The landscape changed dramatically as soon as pines and other coniferous were planted. But, the memory remains…

A common practice when stealing wood was to bury the trunks in the courtyard of the house or as close as possible to their place of destination. Most of the men were chopping the wood for construction in incredible conditions: in underground trenches camouflaged in straw. Once the trunks were ready, they were immediately used in the construction or cut into pieces for fuel-wood, so that no evidence of the stolen wood could be found. Culiţă remembers how in 1985 police came to his house while he and his father were building the new house.

"I was twenty years old when my father and I started to build this house. One day police came, and said that they've been told that we stole the wood for the house. My father was next to me and the police was at the entrance of the courtyard. I told them, I don't know, just like that: we didn't steal for the forest is ours. The police replied: how come that it's yours when it is the state's forest. Then I said that the forest might be planted by the state, but the land is ours. The policeman got into difficulties, he was not from here, he was from somewhere in Transylvania. And they left… later I was told by my father that I shall keep my mouth shut, if I don't want to go to prison. But I only told what I knew."

The case of my host, Culiţă, is not particular. He was told by his father about the common property. His father was a shepherd and like other shepherds in Vrancea he continued with his business during communism for the alpine pastures, although still the state's property, remained opened to the villages for common use. Many times, Culiţă went with his father in the mountains and this is where he learned about the common property of the village and its limits. People in the mountains were speaking openly about the limits between the common properties of the villages, and sometimes getting into fights for breaking into the former village properties. The use of the alpine pastures regenerated permanently the memory of the common property until 2001 when the reestablishment of property rights for the villages took place. These memories were essential in peacefully tracing the boundaries between the new obşteas.

23.3. Environmentalism and local patriotism

I wanted to know who the environmentalists were during the communist period in Vrancea and how they view the conservation actions today. I asked the director of the park and some environmentalists working for a local NGO, the "Association for the Conservation of Biodiversity" (henceforth ACB). They all told me to go and talk with Florin, "he is the one who knows these mountains best".

Florin Roman is about 60 years old and he is from Vrancea. He studied geography and became a teacher. As a student, he was always in the mountains with his fellow colleagues more for the pleasure for 'being in nature'. But, as he told me, being a mountaineer back then, was a form of resistance against the communist regime. Books, poems, guitar songs that were forbidden by censure were exchanged during these trips. The mountains were a space of freedom of expression during communism. For being part of the young intellectual elite, one had to study either sciences related to literature or architecture, or somehow related to fieldwork. And, since sociology was forbidden, being considered a bourgeois science, the faculties of geography and geology were at the heart of this informal movement. I have to say that during the mid 1990's I started my mountaineering experience as a novice in one of these

groups. There is a whole folklore of the movement mainly consisting in songs and stories about the beauty of nature, resistance against communism and, of course, love. The improvised mountain equipment has the status of legendary material culture, while the old mountaineers are those who, as Florin explained me, passed the love for nature to the new generations. Besides this culture of resistance, there were a lot of academic achievements of the old mountaineers. Grouped in student associations they started to explore the mountains systematically not only on outside but also, inside. First Romanian geological expeditions date to this period as well. The data they gathered were published in a collection under the patronage of the Ministry of Tourism and Sports - it was called *Munţii Noştri*, Our Mountains[124]. Year by year, the cartographies and the thick descriptions of all the Romanian Carpathian Mountains became published in this collection. Florin is the author of *Munţii Vrancei*, the Vrancea Mountains in this collection (Roman 1989).

When I met Florin and I introduced myself as a student of sociology making his fieldwork in Păulşti-Tulnici area, the first thing he asked me was: "how many sawmills are in Tulnici?" He had a very tough attitude towards me and he wanted to know how serious I was about my studies. In addition to the approximate number of sawmills, I had to recount some stories that I had heard in the Bucegi Mountains and some of the old mountaineers whom I know in order to legitimate myself.

"I learned about the Vrancea mountains from a shepherd from Păuleşti, Necula Dănilă.[125] I think he is about 90 now…" Florin started his story. *"Back then there was nobody in these mountains with the exception of shepherds and forestry workers. The map I made with these mountains is the only one for the Vrancea Mountains that exists, the only map that one can have access to. And this map, I made it with the shepherds."* (F.R. interview 1, min. 22 and following) He continues telling me about his erected shelter which he accomplished with the help of forestry workers and about the magical places of these mountains that should not be lost. While the stories were fascinating, I had to turn the discussion towards how he passed his knowledge on to the new generation. *"Well, first I was a high-school professor, and I was organizing trips in the mountains with the pupils. Later on, they didn't forget about the mountains nor about me."* Indeed, the few enthusiasts, a few years older than me, who formed the local NGO ACB and who are responsible for the creation of the Putna Vrancea

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[124] The series began in 1974 and ended in 1992, due to a lack of funding. During 28 years, there were 51 publications. I think this speaks about the breadth of the movement.

[125] Necula Dănilă is the oldest shepherd in Vrancea Mountains, and is a legendary figure for the local people; one of the few shepherds left.

Natural Park, are all Florin's disciples. *"I put the rucksack on their backs, I taught them everything! They have to care about these places; this is where they belong!"*

Thus, local patriotism is at the core of nature conservation in the Vrancea region. But how does this patriotism link with Natura 2000? Florin is very skeptical with regard both property restitution and European nature conservation measures. He thinks that this is only ruining the "natural patrimony" of the region. *"I don't understand: how can one preserve when there is so much economic interest around? The two simply don't go together."*

Chapter 24 - Property restitution and the establishment of protected areas

People in Păuleşti are puzzled as to how it came about that right after the turmoil of re-establishing property rights new restrictions to access the forest could follow. The common discourse in the village is one of mistrust and treachery. People think that the park administrators need a job and this is how they got it, by inventing their positions in a protected area. In 2003, when I first went to Vrancea, Romania was thirteen years distanced from the end of one of the cruelest communist dictatorships in the eastern block. Ceauşescu may have been shot in 1989 on Christmas day, but he was still alive, as a post socialist song says, *"in the factories, in the buildings, in me and you"*.[126]

24.1. Hotar

The property restitution process in Romania was accompanied by strong contestations and endless trials. This was particularly the case for individual private properties and for the restitution of big properties or important assets that belonged to collective actors such as the Romanian Orthodox Church or the Romanian Royal Family. But, this was *not* the case for village properties in Vrancea (Vasile and Mantescu 2009). My argument here is that this was due to a particular aspect during the collective negotiations that took place during the restitution process, namely, the role of shared collective memories in establishing the just borders of the properties. I will describe below how the bordering of the common properties was established according to customary negotiations of *just boundaries*, what people call *"hotar"*.

There are different words for boundaries in the Romanian language, each of them bearing different meanings, meanings that the juridical dictionaries ignore. *Limită* is a neologism and was adopted in the Romanian language from French, presumptively together with the civil code as many other juridical terms. *Limită* (pl. *limite*) is used in legal contracts in formulations such as *limita propreităţii* (the limits of property). *Hat* (pl. *haturi)*, is another word for boundaries related to property. It comes form the Turkish word *had*, which means *authority, authorization, value*, but also to *ordain, to order, or decree* like in the expression *hati-humaium,* which means *imperial decree* (DEX 2009). *Had* is also linked with the Ottoman Turkish word *hat*, which means line.[127] The word was presumptively introduced in

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[126] The post socialist context plays an important role in this story. Although I do not present the events from a post socialist perspective, the reader shall be aware of this dimension.
[127] I am thankful to my colleague Dr. Ipek Göcmen for precious guidance in modern and Ottoman Turkish.

legal contracts during the Ottoman authority over the Romanian Principalities. Nowadays the word has more archaic connotations in spoken Romanian. However, the word people commonly use in Vrancea for boundaries is not *'limită'*, nor *'hat'*, but the vernacular *hotar* (pl. *hotare*), most of the time used in singular form.

Hotar is a polysemnatinc word: as *a noun* it means **boundary**, but as *a verb* it means **to agree, to decide** and **to neighbor**. For example:

Noi ne-am <u>hotarât</u> asupra acestui plan, means 'we agreed upon this plan'.

M-am <u>hotarât</u> să merg la Bucureşti, means 'I decided to go to Bucharest'.

Obştea Păuleşti se <u>hotarăşte</u> cu obştea Tulnici means 'obştea Păuleşti neighbors obştea Tulnici'.

The first two meanings (to agree and to decide) are used in everyday spoken language disregarding regional differences, while *hotar as noun* is used more in the countryside and not in Romania's citadels. In the city, people will talk about the limits of their individual private properties and not about *hotar* unless they want to sound 'like peasants'.

My hunch is that in the Romanian language, *limită* and *hat* are words that denote an externally imposed rigor, in the same way that in English we talk about speed limits, drinking limits and so on. The vernacular *hotar* means that two or more than two parts have negotiated and mutually agreed on the boundaries of a property, or *as a verb*, that two or more than two social agents mutually agreed or decided upon something, behavioral norms included. *Hotar* has therefore an embedded sense of *justice* through its intimate link with *agreement* of the parts involved. Another aspect of *hotar as noun*, thus with the sense of boundary, is that it usually follows the natural development of the morphology on the ground. *Hotar* will be a river, no matter if the river changes its course. All these aspects can be subject to further inquiry and it is, of course, arguable how much sense of *justice* does *hotar* embed in the spoken rural language across Romania nowadays. But in the reestablishment of village properties in Păuleşti, *hotar* has more than a legal sense.

Bogdan, the current president of obştea, remembers how the collective bargaining of boundaries took place. "People gathered in 2001 for the establishment of the limits (*hotarele*) of obştea. There were the elderly from the neighboring villages and we went into the mountains. We, the youngsters, were behind them carrying buckets of paint. And the elderly were talking, making jokes, and we were listening to them. We walked around obştea's property (*hotaru' obştii*) and as soon as they were agreeing (*hotarât*) on a point we were painting an "H" on a tree, these "H" with yellow paint that you saw in the forest." (Bogdan I:

36). I heard many times the same story from Culiţă, he was also there. "And there, in the mountains, we agreed upon the limits of obşti. *(Acolo am hotărât obştile.)*" (Culiţă, notes). This last phrase is confusing even for me as a native Romanian for it can mean: *the people have decided upon…*, or *we have settled the limits*. We can understand now the trouble that not only the customary rights in Vrancea caused to lawmakers, but also the vocabulary.

When talking about this episode in Păuleşti there is a certain nostalgia and pride involved. This episode has almost acquired a ceremonial connotation, referring to a golden age when people *agreed* upon limits: of property, of authority, of discourse, of claims. There were the elderly, who had the knowledge and the authority, and the youngsters (both Bogdan and Culiţă were about 40 back then) who followed. Both Bogdan and Culiţă know that as soon as they came back in the villages enquiries started: people who claimed to know better from their forefathers, claims about wood-shares, about the rights on pasture and so on. These claims were part of the local negotiation process as well, these were the *eternal contestations*. These eternal contestations function, as we will see later when describing the village assembly, as 'a valve' for regulating local conflicts. People lose themselves through disagreement, they capture the public attention or they simply 'pay back' old grievances. Openly expressing disagreement has a regulatory function at local level, it appeases social conflict, it bursts alliances, it ruins or re-enforces friendships and kin relations. The public space in the village is the arena were people learn the meaning of their common property and the uses of it and at the same time, it might be the place for a heroic adventure through the exercise of rhetoric. Consequently, these eternal, openly expressed contestations are the magma from where social change happens and were democracy sprinkles. Romanticizing or not, what happened there, in the mountains, was a thrilling moment which turned into a reference point in the village collective memory.

Obştea Păuleşti had no troubles in establishing its property rights. Most of the limits – *hotare,* are natural, such as rivers and mountain crests. Yet, an interesting story happened in the neighboring village, Tulnici. Tulnici neighbors on the west, in Transylvania, the village of Ojdula, in majority inhabited by ethic Hungarians. Ojdula owns in common forests and pastures as well, in the form of compossessorate (see chapter 18). The limit between the two villages was subject to tough legal fights (including the European court in Strasbourg) and violent conflicts that I will not detail here. In the end, Tulnici won, but one aspect is very important for understanding *hotar* as an element of the local governance regime.

When talking with people from Tulnici and the neighboring villages about Ojdula's common property, they blame the past expansionist attempts of the Habsburg Empire for the

post-socialist conflicts. The limits between Tulnici and Ojudula are not simple limits between two village properties, they are also the past frontier between two empires, it is a geostrategic point of crucial importance, it is a borderline between two cultures, between two totally different idioms. While the frontier between the Austro-Hungarian Empire and the Moldavian Principality varied along the centuries, the limits of the common properties and the rights of land-use also varied. These rights were at times seen *just* or *unjust*. It is common in the villages from Vrancea to hear *'this [is] where the limit is, but is not the hotar'*. Bogdan explained this to me in very simple terms: "The frontier moved all the time, and now Ojdula wants to follow the old imperial limits (limitele imperiale). But *hotarul* was never the way they say, *hotarul* is where the waters split, and they have to recognize this, the mountains do not move." (Bogdan ibid.: 43).

Bogdan refers to the morphology of the mountains. According to him, and to the local knowledge in Vrancea, the pasturing limits between the two villages are the place where waters start to flow towards the west. All valleys of the rivers that flow eastwards belong to the villages from Vrancea and those that run westwards belong to Ojdula. Therefore, the local geographical morphology is deeply intertwined with *hotar*: the limits can vary, frontiers can vary in favor of some and disfavor of others, but *hotar* is when both sides agree, and nature can be 'a witness'. In this case, 'nature' is part of a principle of moral rightness, is a bystander in establishing justice intertwining the human social action in a form of socionature coordination.

24.2. Double-edged swords

The re-establishment of property rights was almost concomitant with the establishment of protected areas in Romania. Both of them were part of a wider national campaign for European and NATO integration. After 1990, Romania had to produce, *again*, proofs of being a democracy. European integration this time meant the official negation of the communist past and *de facto* adaptation of this past into the new scorecards delivered by international donors and non-state rule makers such as the IMF, World Bank and the EU. Privatization, property rights, ownership, entrepreneurship, liberalism, freedom, market economy, supermarket, European Union all these words that I could hear every day… still form the bulk of the public discourse these days. But the press was also speaking about local barons, press moguls such as the *Wallet Baron*, that is the president of the of Vrancea's Administrative Department (*judeţ, therefore not Ţara Vrancei*!), who was in close relation with the *King of the Asphalt* and maybe with the *King of the Old Iron* and all kind of characters as in a huge surrealist theatre arena. The new economic elites were the former communist ones recycled

into the most active liberals with the 'most pious altruist aims' towards the common people. From a cynical perspective, one could say that Romania had no elites at all. There was a postsocialist oligarchy in both the economic and political life, and also in academia.[128]

In parallel to this Europeanization discourse, there was, and still is, another one going on, sometimes carried by the same actors. It is the discourse of the traditional Romania, of our ancestral values, of the peasantry as guardian of the never dying Romanian spirit, and nevertheless of nature, our beautiful nature that we have to protect since the westerners lost theirs; and they will come to establish tourism while we prosper. Although caricaturizing the picture, the basic discourse is not far from this.

A number of NGOs mushroomed taking advantage of the benevolence of international donors - among other sectors, of course, nature conservation. One of the most active NGOs at the national level for nature conservation is *Kogaion*. Kogaion is actually the name of the sacred mountain of the ancient population that lived on Romania's territory, the Dacians. Kogaion is the mountain of the Dacians' god – Zalmolxe. Yet, although mentioned several times in ancient Greek sources, Kogaion was never located exactly in the Romanian Carpathians. Thus, Kogaion could be anywhere in the Carpathians, which, in the end is a very nice metaphor for an NGO dealing with nature conservation: protecting nature, protecting our national heritage, all over the mountains.

The protected areas within the national territory grew immensely between 1989 and 2007 in Romania. In 1971 0.0042% of Romanian territory was, by scripts, a natural protected area. In 1973, some projects were made for establishing new protected areas but they were not finalized. As one of the state officials from the department of protected areas told me, natural protection during communism was done through *local patriotism*. *"According to Law 9, the law of Natural Environment from 1973, which stated that environmental protection is the responsibility of both central and local authorities, the designation of protected areas became a sort of **local patriotism**. But, designation is one thing, administration another."* (I.P. interview 1, min 35)

Some more protected areas were declared between 1990 and 2000, but without having the support of a special law for nature conservation, only by government decrees. In seven years, form 2000 to 2007, the percentage of protected areas went from 4.8% to 17.8% (Pădurea şi viaţa 1/2010) of the national territory. The property restitution process also started

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[128] In my faculty, people with backgrounds in engineering were appointed professors in sociology while having a very limited amount of publications; the old Marxists were teaching European Integration; while the ex-director of *Securitate*, Virgil Măgureanu, was my professor for Political Sociology (he only came to teach the course once, but I was well graded anyway).

in 2000, first with the law 1/2000 and continued with law 5/2005[129]. Thus, in post socialist Romania there are two concomitant processes happening: **the process of establishing protected areas and the one for property restitution**, under which, of course, the forest properties are falling. One process was that of enabling access rights, the other was restricting the rights of the 'new' owners in the name of nature protection.

During the re-establishment of property rights, the forestry state department, Romasilva lost about 50% of its object activity. The 'new' owners could opt for private agencies for forest management (*ocoale private*). When the new protected areas were created, Romsilva, one of the stakeholders and part of the process, pushed the creation of the parks as far as possible from the state property in order not to axe more jobs. This is how most of the new protected areas ended up on private properties and not on state properties. Unfortunately, I do not have any quantitative data on this besides the information from the parks I visited in different regions of Romania, seven in number, which were, of no exception, in the majority on private properties.

Besides this tension between state property and private property, the process of establishing nature protection areas in post socialist Romania is characterized by the lack of experts in the field of nature conservation. At the high level of state department this is a well known problem, but, as one representative told me, "we have to deal with it in order to meet the EU *acquis*". Thus, the personnel from the parks are either former Romsilva employees that were informally redistributed to the parks, or simply people with a passion for nature that formed an NGO and were eligible, according to the law, for administrating a protected area. Needless to say, Romsilva left either the worst employees, or the ones with least experience, or simply those who were not pleasant to their superiors. This phenomenon of employment migration from one structure to another is very interesting because these people struggled for taking the *Natural Protected Areas Department* from under the national state's umbrella and lobbied for the recognition of the parks as juridical entities.

The other category of personnel turned out to be closer to an ecological fanatic type. *"I see the world in the future like this: few green islands surrounded by polluting factories"*, the leader of Kogaion told me once. But this tendency can be found among academics as well. The academics, biologists or forestry scientists, are another important cluster of actors involved in the process of the establishment and administration of protected areas, as I will describe later in the case of Vrancea. The dean of one faculty of the University of Suceava involved in the process told me: "*in this area* (a protected area from Northern Romania) *we*

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[129] The avatars of the laws for property restitution I described someplace else (Mantescu 2009; Mantescu and Vasile 2009).

have a trophic pyramid with wolves and bears on the top. When local people will understand what a trophic pyramid is, then they will take part in the nature conservation measures."

But, no matter who the people involved in the designation of the conservation areas were, these areas were established in a big hurry, and without a sound scientific basis, as some of the protectionists also emphasize. *"They were made on the knees"*, to follow a common expression. This strategy was actually a creative compliance strategy in response to state pressure that was eager to comply with the EU adhesion standards as soon as possible. The Vrancea case is again outstanding from this perspective.

24.3. www.tara-vrancei.ro

Local Action Group (LAG) program is a part of the Leader + EU program for rural development headed by the European Commission. It aims at bridging private and public actors from the rural areas within the EU, from different socio-economic spheres, in order to create opportunities for local development. However, there are a set of themes that set by the European Commission (EC) and which are considered to be of special interest at EU level. According to the European Commission's indications "[e]ach development plan must be structured around one of these themes:

1. The use of know-how and new technologies to make the products and services of rural areas more competitive;
2. Improving the quality of life in rural areas;
3. Adding value to local products, in particular by facilitating access to markets for small production units via collective actions;
4. Making the best use of natural and cultural resources, including enhancing the value of sites of Community interest selected under Natura 2000."
   (http://ec.europa.eu/agriculture/rur/leaderplus/faq_en.htm#188)

There are 893 LAGs in European Union - one of them is GAL Țara Vrancei. At the level of the EU, most of the LAGs are grouped around the fourth dimension which directly addresses the rural areas that are affected by the land-use change caused by the implementation of Natura 2000.[130] This was also the case for GAL Țara Vrancei.

The initiative for GAL Țara Vrancei came from the president of *obştea* Năruja, Valentin Popa. I have known Vali since 2004 and he is one of the local elites who actively took part in the process of re-establishment of common properties in Vrancea. As a forestry

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[130] 1) 11%; 2) 24%; 3)20%; 4) 34%. Source : http://ec.europa.eu/agriculture/rur/leaderplus/faq_en.htm#188

engineer, he knows very well the technical aspects concerning the management of the forest and he is used to paper bureaucracy as well. He took part in different projects and seminars organized by the Agricultural Ministry and European Commission through the Leader + program, and followed with tenacity the opportunities to access structural funds after Romania became part of EU. Eventually, he succeeded. In the summer of 2010 GAL Ţara Vrancei was approved by the EC. The project received 2 850 000 Euro non-reimbursable funds. What are the nowadays objectives for GAL Ţara Vrancei are intrinsically linked to how people perceive nature conservation at local level.

In order to be eligible for the GAL program, the initiator - obştea Năruja, had to supply proof that the partners were willing to be co-financers. The partners in the project are divided basically in two: all the obşti from Ţara Vrancei (i.e. 21) with 80% of shares, and 12 communes represented by their mayors with 17% of shares. The rest is represented by small local economic actors and the Simion Mehedinti High School from Vidra village. Vali is very proud that GAL Ţara Vrancei is in the hands of obşti and that the public share is very small. The obşti were able to assure 80% of the co-funding requirements, that is 550.000 Euro: *"We try to use only private money as the public money in Vrancea come with a lot of political pressures. We asked the mayors of the communes to join us only because these were the requirements in the papers, but financially wise the obşti could cover the entire amount of money that the EC asked in co-funds."* (Vali Popa, II: 15).

There are three main dimensions of local development that the GAL is aiming at. First it refers to the creation of job opportunities at the local level. This strategy targets all sectors of economic and educational activities. The second dimension is related "to rebuilding the identity of Ţara Vrancei", as Vali termed it. And he continues:

> *"We want to gather all old artifacts from our villages and establish a network of village museums in Ţara Vrancei. There is a problem at the identity level, I don't know… And here, a propos, I will need your help. I need a sociological study for this. – But what do you want to understand? - You know, I don't understand why, although we are 20 years post revolution, people are still afraid to speak, to stay in front and spring into action. I want to know why people in Vrancea are not proud anymore!"* (idem)

Well, I have to confess that I did not expect Vali to frame a sociological question in such a sharp way. And since I promised that I would actively take part in the implementation of the GAL Ţara Vrancei, this dissertation is an attempt to look for an answer that will clarify my exigent friend Vali, too.

Yet, the third dimension concerns the protected areas. Half of the territory of the GAL Ţara Vrancei is part of Natura 2000. In addition to the Putna Vrancea Natura Park, there are

four other protected areas that are administrated by the Local Forestry Department from Năruja, together with the NGO *Asociaţia pentru Conservarea Diversităţii Biologice*. Apart from the acquisition of equipment for wildlife monitoring, the main aim of GAL Ţara Vrancei concerning Natura 2000 is to enhance the obşti with administrative tasks within the management of the protected areas. Vali explains further:

> *"Nobody asked the people when they made these protected areas if they agree with such restrictions on their lands. First, these restrictions are over-exaggerated by those from the park administration. On the other hand, the people don't even know what Natura 2000 is about. So the GAL program will proceed with an information campaign from village to village to try to explain to the people, in their language, what is this about. Then, we want to get as much public support as possible for obtaining the status of co-administrators of the protected areas for the obşti, to be part of the Administration Council, and not only the consultative one, which basically, at the moment, does not help the people at all." (idem).*

But if we take a closer look at how the management process of the protected areas is going on, we see that things are way more complicated than Vali envisages.

Chapter 25 - The Park, Natura 2000, Obştea Tulnici and Obştea Păuleşti

In 2000, the Păuleşti village became separated from the Tulnici commune and became a commune in itself. Obştea Păuleşti gained its property back in 2001. But, in 2004, the Putna Vrancea National Park was created by a local NGO, 'Association for the Conservation of Biodiversity' (*ACB*, already mentioned in section 23.3.), following the national effervescence of increasing the protected areas in the the weake of EU adhesion. The park overlaps with two Natura 2000 protected sites and both obştea Păuleşti and obştea Tulnici are located in the park. The main restrictions within the park concern wood cutting and the construction of houses, touristic villas or any infrastructure, such as forestry roads. These measures bother the people from Păuleşti and Tulnici villages, but not all of them in the same way.

25.1. The land and the actors

Putna Vrancea Natural Park has a total surface area of 38.190, 87 hectares. According to the Romanian legislation, the management plan of the park needs to include an internal zoning. For Putna Vrancea Natural Park (PVNP) this internal zoning looks as follows:

Figure 11: The internal zoning of the park. Source: The Management Plan of PVNP

Zone	% from the total area of the park
1. Strict protection	0.16
2. Integral protection	20.04
3. Sustainable management	78.36
4. Sustainable development	1.44

The zoning can be divided mainly into areas were no traditional economic activity is allowed (1) and (2), and the latter two where traditional economic activity is allowed. Yet, in all categories the construction of roads or buildings is strictly forbidden, but for the rehabilitation of the existing ones. As I will describe later, this prescription is the most troubling for the people in Păuleşti.

As for the categories of land use that can be found in the park, they can be divided as follows:

Figure 12: The categories of land use in Putna Vrancea Natural Park according to the park's management plan

Land use	Surface area in hectares	% from park's surface area
Area with civil constructions	187,37	0,49
Hayfields	1.525,09	3,99
Soft-forested meadows	251,53	0,66
Hard-forested meadows	32,67	0,09
Forest	36.194,19	95,07
Total surface area of the park	38.190,87	100

The total number of stakeholders from the park forms the *Consultative Council* of the Park. It is mandatory for the park administration to inform all the stakeholders with regard to the protection measures that the park intends to take. Of course, each of the stakeholders bear different interests and have different charges with regard to the protected area.

Figure 13: The Stakeholders in Putna Vrancea Natural Park

No.	Stakeholders	Institutional affiliation	Interests
1.	Park Administration	National Forestry Department	Design, implementation and monitoring of nature protection
2.	Vrancea's Departmental Commissariat of Environmental Guard (*Comisariatul Judeţean al Gărzii de Mediu*)	State Representative	monitoring nature protection/biased by regional politics
3.	Environmental Protection Agency of Vrancea Department (*Agenţia de protecţie a mediului Vrancea*)	State Representative	monitoring nature protection/biased by regional politics
4.	ICAS (National Institute for Forestry Research)	Public institution for forestry research	Science/ biased by national and regional politics
5.	ITRSV (*Departmental Inspectorate for forestry and hunt*)	Forestry State Department	monitoring nature protection/biased by local

			politics
6.	State Department Administration (*Consiliul Judeţean*)	State Representative	Regional and local politics
7.	Vrancea's Governmental Agency (*Prefectura Vrancea*)	State Representative	Regional and local politics
8.	Hidroelectrica S.A.	Private Enterprise	Profits
9.	Local Council of Tulnici Commune (*Consiliul Local Tulnici*)	State Representative	Local Politics/biased by local oligarchic economic interests
10.	Păuleşti Commune	State Representative	Local Politics/biased by local oligarchic economic interests
11.	Inspectorate for Education of Vrancea Department (*Inspectoratul Şcolar Judeţean Vrancea*)	State Representative	Education
12.	Soveja Local Forestry Administration (*Ocolul Silvic Soveja*)	State Representative	Forest management/biased by local and regional politics
13.	Tulnici Local Forestry Administration (*Ocolul Silvic Tulnici*)	Private owners (the administrator of 8 obşti)	Forest management /biased by local oligarchic economic interest
14.	Obştea Tulnici Forestry Administration (*Ocolul Silvic Obştea Tulnici*)	Tulnici village (Obştea	Forest management /biased by local oligarchic economic interest
16.	Obştea Condratu	Condratu Village -	
17.	Obştea Coza	Coza Village	
18.	Obştea Hăulişca	Hăulişca Village	
19.	Obştea Negrileşti	Negrileşti Village	Collective interest, local politics
20.	Obştea Nistoreşti	Nistoreşti Village	
21.	Obştea Păulesti	Păuleşti Village	
22.	Obştea Tulnici	Tulnici Village	
23.	Obştea Vidra-Tichiriş	Vidra and Tichiriş Villages	
24.	Obştea Viişoara	Viişoara Village	
25.	NGO The Association for the Conservation of Biodiversity (ACB)	Civil Society	Nature protection

At the same time as listing the stakeholders, I tried to summarize their interests with regard to the protected area. Although within each category of stakeholders there are multiple and conflicting interests, we can consider that at least the official ones converge towards a common point. I used the term "biased" more to prevent the reader regarding the circumstances which endow the official interest of a particular stakeholder. The detailed ethnographic account that follows will bring more substance to these statements. Implementing restriction measures with regard to the use of the land needs no approval from the council's part, but only the approval of the scientific board of the park, which is composed of academics.

The common properties of the villages represent 79,67% from the ***total forested area*** of the park.

Figure 14: The land owners in Putna Vrancea Natural Park

	The Owners – *de jure*	Co-Administrator	Surface area in hectares	% from Park's forested Area
1.	Obştea Condratu	Condratu Village	1.862,6	4,87
2.	Obştea Coza	Coza Village	2.297,6	6,02
3.	Obştea Hăulişca	Hăulişca Village	2.088,7	5,48
4.	Obştea Negrileşti	Negrileşti Village	1.293,4	3,39
5.	Obştea Nistoreşti	Nistoreşti Village	1.019,7	2,67
6.	Obştea Păuleşti	Păuleşti Village	3.385,4	8,86
7.	Obştea Tulnici	Tulnici Village	12.957,1	33,92
8.	Obştea Vidra-Tichiriş	Vidra and Tichiriş Villages	2.019,9	5,29
9.	Obştea Viişoara	Viişoara Village	2.019,9	5,29
10.	Private Individual Property	Soveja Local Forestry	1044,6	2,73
11.	Lepşa Monastery	Administration and Obştea Tulnici Forestry Administration	18,0	0,04
12.	The Romanian State	Soveja Local Forestry Administration (*Ocolul Silvic Soveja*)	2.046,0	5,36
TOTAL:			**33.533,3**	**87,80**

What I found very puzzling was that the park is established following the property limits of common properties. This is due to the fact that when the park was established, there were no other maps available but for the cadastral maps of the common properties recently made by the state authorities with the help of the owners. I will explain later on in this chapter this mapping process.

Picture 28*: Internal zoning of the Putna Vrancea NaturalPark.
Until November 2011, there was no other map of the park besides the one in this photo.
It was made by the IT responsible, Liviu Manolache by superposing the cadastral maps of the obşti. Photo by the author.

25.2. The main economic interests in the park

The roads for accessing the wood are vital for the people as well as well as for the economic actors. But opening new roads is forbidden in the park. Obştea Păuleşti recently received state funds for improving its road infrastructure but it cannot proceed with the workings for parts of the roads are located in the park. Moreover, important quantities of fuel

wood and wood for constructions deteriorates every year for the restriction in access imposed by the park.

The north part of the Tulnici commune became the center of a real estate boom after 1995, which intensified after 2000. The nouveau riche from Focşani and the neighboring counties bought the land of isolated households and soon villas mushroomed without any plan of urbanization. The Putna River became seriously polluted. There is also a great danger for fire with no possibility of firefighter action since the road infrastructure was not adapted for their trucks. The park administration had these aspects in mind when they made the internal zoning, trying to reduce pollution and protecting the landscape. But these actually led to further pressures from land speculators, from the mayors of the commune interested in local development and a further increase in the price of the land. And all these because a major touristic area is envisaged by the regional political leaders.

The public administration of Judeţul Vrancea made public in 2007 its intentions to build a ski resort in the east of the county. The documentation was ready, and so were the money, both public and private. The problem was the park administration. The director of the park initially opposed the project but after intense negotiations, he agreed to the building of the ski resort, but not the accommodations around it. For this, he was subject to multiple pressures and threats for losing his position, but with the help of the national media, he succeeded in defending the park. The negotiations are still ongoing at the moment.

25.3. The decision-making within the Consultative Council

The president of Obştea Păuleşti is part of the Consultative Council together with another eight presidents of *obşti* from the other villages concerned, and 16 other different stakeholders.

While taking part in one of the council's meetings I realized how hard it was, with all the benevolence from the park administration, to pacify the economic interests of the local actors with the nature protections, in a counter-discourse with the everyday liberal values propagated through media and state agencies for local development. The conflict seems to be unsolvable. On the one side, at that time the park did not have a management plan ready to be approved by the national law, and by the European Commission. But, according to national law, in this situation the park can still function. Moreover, park administrators are entitled to fine those that break the protection measures. On the other side, the owners, represented by the presidents of obştea, strongly contest the scientific legitimacy of the park, and they accuse the park administrators of having established the protected areas on their properties and not on

state property, and therefore that the making of the park was a political decision in order to protect the State Forestry Department's existence.

One strong source of dissonance in this meeting was Obştea Tulnici. As presented above, this obştea owns, *de jure*, almost 34% of the whole surface area of the park. The president of Obştea Tulnici, one of the main local economic actors, came accompanied by a few fellow colleagues from the forest industry from Tulnici village. During the whole meeting the group pushed for proofs concerning the scientific legitimacy of the park. Not once did I heard these actors saying that obştea belongs to the people, the free people of Vrancea, to their ancestors etc. They used the memories of dispossession in a strategic but at first glance, hypocritical way. All of them have businesses of more than 1 million Euros in the local forest industry and the establishment of the park means a tremendous decline for their profits. While spending more time with them after the meeting it was easy to understand that they could not care less about the historical heritage and those who had died in the communist resistance 60 years ago. They were all talking about how the park restricts their access. But when I had the opportunity to have long talks with them, individually, they manifested pride for being from Vrancea, and respect for the ancestors that had died in the communist resistance. I think that in part this was for showing-off, but there were moments during the discussion when they openly recognized that they have to do something for the village and that they have to take attitude against the illegal establishment of the park. Later on, I found out that those same actors sponsor different charitable actions for the school and for the cultural center of the village. One of them even initiated a stipend for poor pupils who want to follow up high school studies *"in the city"*. Although this was an action to legitimize their wealth *ex-post* in front of the people, I think that the relation of these local economic elites with the common property of the village and with the park can serve as an example of how, even in the cruel post socialist local economic environment, economic actions are morally bounded.

Because of the balkanization of decision-making concerning the management of protected areas, a strong negotiation at the local level is taking place with every new conflict situation. As for the implementation and the compliance to the rule, both sides act creatively. The following example is typically illustrative.

Two years ago, the president of Obştea took the decision to extract wood from an earth slide area situated close to the national road that links Moldova and Transylvania. The area is situated in the zone of high protection due to the identification of wolf lairs by the biologist working for the park. The president started the extraction without having the approval of the park. For this, the park fined Obştea with a fee of 1.6 billion lei (40.000 euro).

The president of Obştea justified his action to the park administration by saying that the exploitation is very close to the national road, and no wolf lairs could be found there – *"And I know where the wolf lives: first 'cause I was born here, and I know all the mountains and second, I am a forestry engineer"*. However, the administration remained on its position.

The president of Obştea is member of the Democrat-Liberal Party, the leading party in Romania. Using the party connections he asked the Prefect of Vrancea County (also member of Democrat –Liberal Party) to mediate between Obştea and the local environmental department (*Agenţia de mediu*) for the fee. The bill was negotiated in the Prefect's office and the result was the following: *Agenţia de mediu* will give a fee to the president and not to the Obştea as a legal person. The president of Obştea will sue *Agenţia*, and the latter will lose the trial. In this way everybody is covered.

While talking with the president of Obştea about this episode, he told me that the main achievement is that the park administration acknowledged that it cannot make the rules alone. *"Any law has a logic, right? What is the logic of this park? I will never believe that the wolf shelters there, this has no logic. […] This guy from the Agenţia de Mediu, was also there for political reasons and he understood that we need wood and that perfection, as a matter of fact, is in another place (n.a. in Heaven) not here. (…) [The park] needs to know that we are also here, and we've been here since the beginning of time, that our ancestors fought for this property: with the foreign companies, with usurpers, with communists. And now, when we got our properties back comes the park and EU… No, no!"*(Interview 01 of president of Obştea X, min. 59).

25.4. The death of the father

The fact that Obştea Tulnici is an important actor in the region is not an accident. The political evolution of the Tulnici village influenced and still influences the political life of the neighboring villages, as well as the management of the park. The major of the Tulnici commune, an uncontested local leader and most preeminent local economic actor, was the former director of the communist state farm (CAP) from the upper stream of the Putna River. His violent death on 9 March 2011 gives a sense of the importance of postsocialism at local level.[131]

People recount how Mr. Sour took advantage of his leading position of the local cooperative farm in the 1990s and abusively sold the machineries that he was administrating.

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[131] This is to confirm Humphrey's premise which states that *"it will be perverse not to recognize the fact that people from East Germany to Mongolia are making political judgments over a time span that includes the socialist past as their prime reference point, rather than thinking just about the present trajectory to the future."* (Humphrey 2002: 13)

This was the first money he had for starting his business in wood extraction. In 1998, he became part of the leading Social Democrat Party and in 2000 became mayor of the Tulnici commune, a position which he held until his death. He quickly became one of the key actors in Judeţul Vrancea, a system best characterized by political caciquismo: while illegal logging of wood was legally covered from the center, namely the region's capital Focşani, he was providing massive financial support for the party and most importantly, votes for the regional elections. At the same time, at the local level, infrastructures and public utilities were barely existent. With its 4000 inhabitants spreading along 40 km of the Putna River, the Tulnici commune is not much different than other medium size mountainous communes from Romania. But on the 12 of March 2011, the commune was visited by top political leaders of the social democrats: the president of the party, who ar the same time is president of the Romanian Senate arrived via a helicopter[132] while the regional party leaders and the president of state administration for Judeţul Vrancea could hardly feel comfortable in their limousines due the giant kettle in the asphalt. The funeral was organized with military honors, as is in the case also for military men who died on the battlefield – for important personalities of Romanian culture. The sumptuous funeral contrasted with the poverty of the commune's infrastructure and of the inhabitants.

Picture 29 & Picture 30*: The funeral of the mayor of Tulnici.*
Source: *Ziarul de Vrancea*, 12 of March, 2011.

Mr. Saur's death caused great social and economic tremor in the area. His political authority and economic power were factors of social equilibrium for the upper-stream region of the Putna River. The underground political and economic conflicts erupted immediately after his death.

Mr Sauer was very much against the harsh restrictions in access of the Putna Vrancea Park. First, he was contesting the scientific legitimacy of the internal zoning. When I talked

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[132] See the arrival here http://www.youtube.com/watch?v=FMMlhyP-DuQ&feature=related

with him in spring 2010, he openly told me that if the park administration would not review the internal zoning, especially the sustainable management zone (which is actually the largest one, 78.36% of the park area) he would sue them. At stake was not the forest, because the illegal logging was happening anyway, but the construction of villas in the area for the upcoming ski resort. With the entire documentation ready and all the financial support from 'the center' namely, Focşani, Mr. Saur was not allowed by the park administration to push further these development projects. Therefore, he was caviling any nature protection initiative of the park. But, the park got an unexpected ally.

It was well known that for being president of Obştea in Tulnici one needed Mr Saur's blessing. He was part of the board of administration of the obştea since the village had its property returned. During my fieldwork, there were new elections at the Obştea Tulnici for electing a new president. The former president, Mr N., had serious problems concerning illegal logging, some of them being in the national media news. Mr N. had economic contracts to fulfill and timber to deliver, and losing the primacy in contracting Obştea's wood was not very at easy for him. But Mr Saur was ready for a change and this because the bad image in Tulnici was a bad image for the social democrats at the local level. I talked with Mr N. the day before the election and he said that there was nothing he could do about it. When I asked him why, he simply replied that everything was set.

Alin is a school teacher in Tulnici village and like his father he is a liberal but without being a party member. He is a good friend of the director of the park and one of its open supporters. He has a very good image in the village and Mr Saur supported him for the presidency of obştea. Alin became the new president while N. resigned. Alin knew that Mr Saur's plan was to co-opt him into the Social Democrat Party for the purpose of strengthening the party's local position in light of the rise of the liberal-democrats. Yet, Alin remained silent. A few months later, right after Mr Saur's death, Mr N. claimed that the elections for obştea's presidency were legally incorrect and he pushed for the organization of new elections; while Alin started to receive threats if he failed to promote Mr N.'s interests.

But elections for a new mayor had to be organized within 30 days after Mr Saur's death as well. Alin felt his position as obştea president menaced and, viewed that he was on the wave following the success in obştea elections, he announced his candidature for the mayor seat as an independent. However, the central social democrat powers from Focşani felt his move. Alin was a sympathizer of the liberal-democrats and, with their help, he hoped to eradicate the local wood and real estate mafia. According to Alin, the president of Judeţul Vrancea called him twenty six times on his mobile phone the day before the closing of

applications. The twenty-seventh time, Alin answered and told him that he signed for the liberal-democrat party. *"This was the mistake, I shouldn't have told him!"* Alin told me on the phone a few days afterwards. Alin lost the elections with a very tight score and he suspects gross fraud. The new mayor is one of the main land speculators in the park.[133]

When I first went to Vrancea in 2003, people from both Tulnici and Păuleşti complained about the illegal logging. But, at the same time there was a sense of admiration for the local entrepreneurs "who know how to handle things"! I met Mr Saur in Păuleşti in 2004 while he was visiting the village in a pre-electoral regional campaign to ensure a favorable social climate for the social democrats. There were a few people at the exit of the cultural house of the village (*cămin cultural*) who were shouting "*long live Mr Saur, for you are our father!*". Many families in Păuleşti and Tulnici were working in the north of the Tulnici commune, Lepşa village, in building touristic villas, either as masons, carpenters or wood material suppliers for the villas. The employment was illegal, and the wood material was of 'unknown provenience'. I remember that anyone who had need for a bit of money could sell a cart of wood to one of the "*patrons*".

Culiţă was working as a carpenter for more than seven villas in the Lepşa village. He said that people should not be incriminated for selling a cart of wood because: first, it was from their forest and second, the situation could not be compared with the deforestation caused by the big economic actors, which had the back-up of the local state authorities with Mr. Saur at the forefront. The building of touristic villas was for a short time a very good source of income for the poor people in the villages. However, when I came back in 2010, people were deploring their situation: those who sold their land to land speculators or investors work in their former households, or on their former lands as cleaning personnel, gardeners or daily employees for about three Euros per day. But at the same time, they were deploring the death of Mr Saur as well, the disappearance of "such a wonderful and merciful mayor".

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[133] See a village assembly of Obştea Tulnici here.

25.5. Instruments and tactics in the formation of the memories of dispossession

At one of the village assemblies that I assisted in Păuleşti, the president of *obştea* had invited a high school teacher, prof. Cezar Cherciu, to give a small talk[134]. It was the assembly prior to the local elections for the board administration of *obştea*. The professor is also from Vrancea and had written a few historical books on the topic of *obştea.* The film Stronghold 2000 shows the people's reaction very well, some being in favor of the speech others opposing. What the film was not able to show was the overall context of that speech: the president of *obştea* had invited the professor in order to sensitize the conservative part of the audience. His counter candidate proposed a reformist program by which obştea's profits would be invested into a small factory for timber processing. The latter has the role of the *entrepreneur*, while the president is on the conservative side, he is a *gospodar*. Before describing the actual tactics and instruments for the formation of the memories of dispossession, I want to create a link here between the idea of accessing the common resources of the village and the economic ethos at the local level.

People in the village very frequently reproduce the discourse of free access to the forest before World War II. But this discourse is also related to the limited material needs of the people back then. Timber did not represent the basis of the household economy, but the husbandry did. Wood was extracted for household needs, for construction and fuel. Timber was meant to compensate the needs for money when this was the case. Timber was *"only for when one needed money urgently. If I needed money for the wedding, I went into the forest made one cartful of timber, went to the market in Focsani, and came back home with some money."* (R. 83 years old, interview made in 2004).[135] Thus, in Păuleşti before World War II, money economy was reduced to particular needs, or important investment such as the acquisition, mostly, of animals.

What I noticed nowadays in the village is that money has a great importance for everyday needs. Aliments such as bread, sugar, oil, tomatoes and alcohol are bought daily. However, there is still a negative social connotation of the idea of profit, investment and entrepreneurship. These terms are related, to greed and also to instability, with sleepless nights. This is how the new attempts to make Obştea more profitable, to invest in order to have a profit, coming from a reformist side, was received with reluctance at the village assembly. I assume that this is because, having money, Păuleşti does not necessarily mean to

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[134] This village assembly is presented in the film Stronghold 2000 at min. 13:14-15:10.
[135] The first Romanian economic census shows that in Păuleşti there were 17 water wood-mills in 1865 that belonged to the village, and 4000 sheep. In 1939, there were 3030 sheep in the village and same number of water wood-mills.

be *gospodar*. The more the dairy products are produced in the house, and the more the work is linked to the means of production found in the household, the more one is a *gospodar*. This is very well illustrated by Culiţă's household that has "everything that one needs": from lathe to a sawing machine. In Păuleşti, social esteem comes with hard work and in some extent it is linked to manual work. Knowing how to handle business is perceived with a degree of suspicion, but also with some envy. My understanding is that people still believe that the president of Obştea should be a *gospodar* and not an *entrepreneur*.

The president runs no businesses and is the president of obştea since its re-establishment in 2001. In the village assembly there was a sturdy fight between the reformists and the conservatives, but this also because of the political colors. The reformist side, located on the left side of the room, the side with the door, is supported by the mayor, who is from the Social Democrat party, while the president is a member of the Liberal-Democrats. People had strategic positions in the assembly room in order to disturb the speakers. Although in the film everything looks random, the strategies of discourses had been previously set up by each side (the only honest expression is maybe the drunken man). Yet, in the elections, the former president, the *gospodar*, won again, from the first tour, crushing *the entrepreneur* with a categorical score of 62%.

The professor has the role of a cultural broker at the local level, end even though people seemed to be more concerned with the everyday problems, they appreciate a lot this kind of historical course. The professor is the one who reinforces, who consolidates the collective memories of dispossession. Yet, the memories of dispossession have an important political role to play.

Another mode for consolidating the memories of dispossession are, like in Labrada's case, the local monographs. Only that this time the monographs are made not by priests, but by local teachers, and they are not a voluntary work but are a political command of mayors. These local researchers have an impressive data collection and it seems to me that in Vrancea there is a real fashion of local monographs. The first two pictures below are from the monograph of Tulnici, titled *Tulnici: The core of Historical Vrancea*. One can see in the picture from the right the photocopy of an original document attesting the seal of Tulnici village and some brief historical data mentioned. The following two pictures are from the monograph of Păuleşti village, titled *Păuleşti 500*. It was published in 2007 when the village celebrated 500 years of its historical attestation. In the last picture the brave Baraghin, whom I mentioned earlier, is portrayed together with his fabulous stories of resistance against the

communist regime (he was imprisoned 16 years because of the Plot). But there is nothing in this book about Baraghin's sabotages against the wood extortion companies.

Pictures 31, 32, 33, 34*: Local monographies in Vrancea.

In another monograph, this time of Vidra village, titled *Vidra: The Gate of Vrancea* and written by another local researcher, Valeriu D. Cotea, the picture of the monument of the resistance of the feudal usurpation is published. The monument is an approximately two meters high stone-cross and was built in 1932. The following text is written on it: "In the memory of those who fought in the trial for defending Vrancea against the boyars: Iconom Şerban Balan – *Năruja*, Toader Ţârdea – *Spineşti*, Const. Taftă – *Negrileşti* and to all ancestors who helped them, eternal appreciation" (n.b. in italics is the name of the villages). It

refers to the *vechili* that struggled for Vrancea's independence in the thirteen years trial described in the first chapter. The monument is located in Năruja village, by the church.
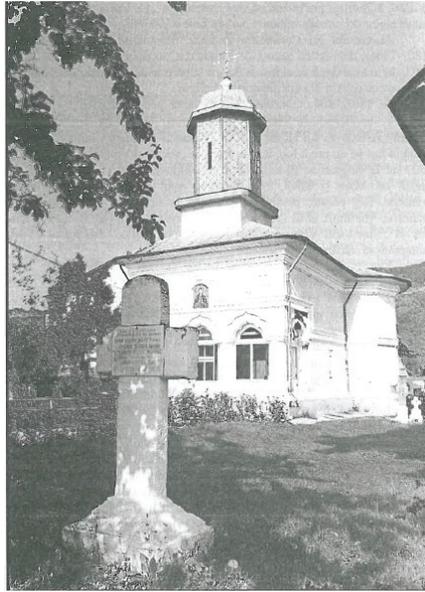
Picture 35: The stone-cross dedicated to the vechili.
Photo reproduced from Cotea 2003: 66, with the permission of the author.

Chapter 26 - Conclusions

I will recapitulate the main empirical findings by grouping them around the concept of valuables in three distinct historical periods and following the *analytical framework for the analysis of property* of Franz and Keebet von Benda-Beckmann and Melanie Wiber (2006), in the same way I did in the Galician case.

The colonial period

I. The rights and obligations between the social actors with regard to the valuables according to the law

The colony period spans roughly from the Adrianople Treaty (1829) and ends with the beginning of the Second World War. I divide this period into an early, until 1881 – the publication of the first Romanian Forestry Code, and late one. During this period, Vrancea lost its independence status that it previously held within the Moldavian feudal state. The most valuable resources during this period of time were the endemic species of trees. The social actors were: the Ottoman Empire, the Moldavian feudal state, the Romanian national state (from 1859 onwards), the foreign companies for wood extraction and the village communities. Although the political regime changed dramatically during these 110 years, there was a constant at stake: the legal priority for the village communities and the equal right among the villagers for accessing the valuable resources. These two rights were customary empowered by the villagers themselves but also by the feudal state.

In the early period, there were no obligations of the villagers with regard to the endemic species of trees. In the later period, the forestry code imposed obligations concerning the extraction of wood according to the forestry norms and the re-forestation of the exploited areas. These obligations were imposed as a result of the ecological crisis caused by the large-scale extraction by the companies. In return, the state recognized the rights of the village communities, but in doing so, it actually misinterpreted the reality of property relations.

II. The rights and obligations between the social actors with regard to the valuables in real practice

In real practice, the rights of the communities and of the people that had vicinity status were permanently challenged by the other actors involved, and these challenges contributed to the transformation of the initial customary rights. The village communities succeeded in defending their priority rights: first, facing the attempts of the feudal boyars to submit it, in the form of a confederation of villages with a legal status - *Obştea of the Whole Vrancea*. But the outcome was the strict division of the confederation's property among the villages. Later,

facing the partnership between the foreign companies for wood extraction and the national state, they defended their rights with the help of key actors such as Aurel Sava. But Sava could not stop neither the individual attempts to own more than one right of access within each Obştea nor the foreign companies to exploit the forests. Nonetheless, one was supportive of the other.

I showed in the third chapter how the peasants were considering the forests more of an impediment to keeping their pastoral activities. Yet, the foreign companies wish would ultimately transform this into transnational commodities.

<u>III. The rights and obligations between the social actors with regard to the valuables embedded in ideology</u>

During this period of time the ideology under which the elements of property relations became articulated was liberalism. The ideology of liberalism first manifested itself during the late period of feudalism in Moldavia as a cultural curiosity. The first students who undertook their studying abroad prepared the revolution from 1848 with the clear aim of copying the French example. However, by taking over the political power in the new national state, Romania, this new oligarchy was forced to pay back the price of liberty by offering the national resources, among which were Vrancea's forests, to multinational companies from the European West. From aiming at improving the living conditions of their compatriots, this oligarchy ended by transforming the country into a colony.

The dictatorial period

<u>I. The rights and obligations between the social actors with regard to the valuables according to the law</u>

In the early dictatorial period, the valuables were again the endemic trees. After 1955, the newly planted trees became valuable. The communist state had all the rights and obligations with regard to these valuables. The people in the villages, despite opposing in the early period, became wage earners in their former common properties.

<u>II. The rights and obligations between the social actors with regard to the valuables in real practice</u>

Actually, the people continued to access their common properties long after the seizure of the property rights. When no endemic trees were left only the grazing of sheep kept the memory of the former common properties alive. On the other hand, the state officials were treating the access restrictions with care in order so as not to create local conflicts. Re-forestation was part of state ideology for autarchy with regard to natural resources. In this context, they were prevented from becoming commodities, but they were endorsed with strong political significance.

III. The rights and obligations between the social actors with regard to the valuables embedded in ideology

The ideology during this time was Ceauşism. This ideology is rooted in soviet communism and endorsed with strong nationalism. The elements of Ceauşism could be briefly summarized as: nationalism, economic autarchy, antiliberalism. The ideas behind them are well know: radical social reforms among which the collectivization of agriculture plays an important role, complete control of the public and private discourse of the citizens, programmed economy, the building of a new local identity based on communist values.

The democratic period

I. The rights and obligations between the social actors with regard to the valuables according to the law

The re-establishment of obşta's property rights took place in 2001, eleven years after Ceaşescu's death. According to the law, the land is owned by obştea as a legal entity. Part of the Obştea consists of all the inhabitants of a village or hamlet, as a social unit. They have equal rights and obligations with regard to obştea's valuables. The valuables multiplied during the democratic period: the trees, landscape, the real estates, the clean and pristine natural environment and the wild fauna form the bulk of valuables that obştea Păuleşti *de jure* possesses nowadays. The actors that claim rights to access these resources use any opportunity to restrain obştea's role in governing these resources. These are: local economic actors, the state departments and agencies related to forestry and environment, the Putna Vrancea Natural Park, the EU.

II. The rights and obligations between the social actors with regard to the valuables in real practice

De facto, the multilayered governance regime coupled with the rise of the postsocialist new oligarchy restrains to the minimum the governing role of obştea. Lately, facing the restrictions in access due to EU nature conservation, the obşteas in Ţara Vrancei try to defend their rights of access by using an administrative opportunity also provided by the EU – the local action group strategy. GAL Ţara Vrancei is a veritable bottom-up initiative to strengthen the role of local communities in their position vis-à-vis the valuable resources in the competition with other actors. The valuables at this period of time become commodities by encouraging different kinds of tourism – from hunting tourism to ecological or simply weekend tourism. Besides being newly created by the natural protection rhetoric, these commodities are inaccessible to the locals.

III. The rights and obligations between the social actors with regard to the valuables embedded in ideology

The ideology that characterizes this period of time is neo-liberalism. However, the postsocialism mark is very strong. Romanian postsocialist neoliberalism can be characterized as follows: unlimited free market, privatization of state enterprises, enforcement of private property rights and decentralization of decision-making. The practices of how these ideas are translated in Vrancea are: economic oligarchy, political caciquism, patron-client relations, but also bottom-up struggles for defending the communities' rights of access and the land mark identities of Ţara Vrancei.

As in the Galician case, in this empirical part, I picture the context of the present environmental conflicts in Păuleşti. As in the Galician case, this conflict is historical, trans-sectorial, infra-, supra- and trans- national. This part began with the geopolitical conflicts around the Bosporus in the late fifteenth century and ended-up with the description of local struggles to defend the communities' access to the common forests facing the implementation of a natural park, the rise of a local economic oligarchy, and Natura 2000. To picture the mechanisms that underline the preservation and the use of collective memories of dispossession accurately yet succinctly is challenging. For this, it was first necessary to show why Obştea is such a peculiar social fact - in the first chapter I showed how this is related to common property rights with regard to forested lands. In the second chapter, I showed how and why the forests of Vrancea remained untouched until the mid-nineteenth century. I then linked the overall geopolitical context to the cultural diffusion of capitalism in the Romanian Principalities with a strong focus on the social actors. I showed how the arrival of foreign capital in Moldova was linked to the generalized discourse of modernization of the newborn Romanian state, backed-up by a discussion of backwardness and 'true' Romanian values at the same time. While preaching the liberal doctrine, the actors involved opened the way to transnational companies. The defense of obştea was yet another struggle, more difficult than the preceding feudal ones. The rise of an economic oligarchy was another pattern of this period. Yet, all these patterns can be found in post-socialist Romania, in almost the same discourses. The re-establishment of property rights after the year 2000 was concomitant with the establishment of nature protected areas for accomplishing the task of EU accession. The Romanian case shows how the peasants from Vrancea paid for the development and legitimization of the Romanian national state and for the integration of Romania in EUrope.

Part V: Roundown - Crossing Borders for Nature

"The wise should bring conceptual order in the implicit truth found in the gestures of ordinary people."
Umberto Eco – *The Name of the Rose*

Chapter 27 – Environmental conflicts as political dynamics of property

27.1. Early political and ecological pressures

Galicia and Vrancea were both part of two of the world's biggest empires: Galicia, an autonomous kingdom, came under the crown of Castile at the end of the thirteenth century; *Ţara Vrancei*, part of the Moldavian Principality, came under the suzerainty of the Ottoman Empire at the beginning of the fifteenth century[136]. Yet, Galicia suffered more political and ecological pressure than Vrancea before the rise of the modern national state for two main reasons.

The first is exogenous and is related to the character of governance and expansion of the two empires. The difference between the Ottoman and the Western European types of imperial governance was long ago asserted by Machiavelli.

> *"The entire monarchy of the Turk is governed by one lord, the others are his servants; and, dividing his kingdom into sanjaks, he sends there different administrators, and shifts and changes them as he chooses. But the king of France is based in the midst of an ancient body of lords, acknowledged by their own subjects, and beloved by them; they have their own prerogatives, nor can the king take this away except at his peril."*
> (Machiavelli [1515] 1961: 89]

This is a fundamental difference between two modes of governance of the territories subject to the two empires. *"What could be more imperial – overarching and universal - than the inclusive polity under the sultan's protection, especially when compared with the exclusionary ideology of the Spanish Inquisition?"* Burbank and Cooper ask rhetorically (Burbank & Cooper 2010: 143-4). But the growing power of the Ottoman Empire in Europe is directly related to the overseas odysseys of the western powers. *"The Spanish response to the Ottoman geostrategic advantages, as well as the unruliness of their own domains, was expansion overseas."* (ibid: 145).

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[136] Although the two regions are very different as superficies (Galicia is 29.574 km² and Vrancea region - *Ţara Vrancei* - about 1.200 km²) I take into consideration their political homogeneity as a decisive criteria for comparison.

The Spanish built an overseas empire following the early 'instincts' of merchant capitalism. The Spanish empire was a capitalist empire.[137] Following the institutional logic of capitalist development, the Spaniards were more akin to follow the technological innovations and to improve them in order 'to keep the banner high' in competition with the British, the French and the Dutch. I described at the beginning of the third empirical how the Spanish were in the vanguard for shipbuilding engineering, testing to extreme the maneuverability and functionality of wood materials. The shipbuilding industry was at the forefront of colonial expansion and the basis of the very survival of the empire. The ship industry was a wood industry, and the larger the empire grew, the greater importance of the forests gathered.

Unlike the Spanish, the Ottomans built a land-based empire. Although wealthier in natural resources than their Western counterparts, they did not have the same technological level in shipbuilding as did the western sea powers, nor did they seem to want it. We saw how the Ottoman technique in shipbuilding was content with using the wood green, without preliminary preparation. It was only at the beginning of the nineteenth century, under Selim III, when they started to modernize their techniques in shipbuilding (Zorlu 2008) and ask for consultancy of Western engineers; but this was because of increased military pressure in the Bosporus region.

The Ottoman Empire was not a capitalist empire. Its law system was *Sharia*, and its main force of expansion was religion. The expansion of the Ottoman Empire was not profit making driven, and thus, the pressure on natural resources was less significant. In the Spanish empire, the economy was a matter of state policy and access to natural resources a military strategy. For the Spaniards, profit was an aim in itself and it legitimized the access to the natural resources, while for the Ottomans the profit, still mainly deduced from taxes and monopolies, was a mean to achieve further aims. Al-Mubarak states: *"Production and profits are not ends but means. The moving source of current system is profit, but in an Islamic system it is human welfare."* (Al-Mubarak quoted in İnalcik and Quataert 1994: 46).

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[137] Varieties of capitalism are to be found in the merchant epoch as well, and Spain is an illustrative example for this matter. The aim of the present work is adjacent to the varieties of merchant capitalism and thus, I will not get into detail here. I follow Davis' conclusions for how and why Spanish capitalism failed in concurrence with the other Western European sea powers. *"The opening of the frontier of the far shore of the Atlantic had created new opportunities, and climate of thought that encouraged confidence in the success of enterprise. In the early decades of the sixteenth century, merchants and financiers, as well as noblemen and hidalgos, had flourished in the bracing climate. But, it had a long term influence in encouraging backward-looking elements, the feudal Spain that had sustained itself for so long in the crusade against the Moors. The windfall giants of the military conquest, the permanent profits of lordship over an entirely fresh multitude of near-serfs, the opening for an enlarged bureaucracy, the call for vast missionary effort, - these had more powerful influence on men's minds than the opportunities that opened in America for trade. An important part of the explanation of Spanish decline lies outside the material plane, outside the failure of rewards in the new conditions of the seventeenth century; it is derived from the prolongation of the military feudal-dream, and the exaltation of extreme religious attitudes sometimes at the expense of sanity."* (Davis 1973: 154)

The second reason why Galicia had more political and environmental pressure on its resources than Vrancea, prior to the rise of the modern nation state, is endogenous and is related to the local property regime.

All land in Galicia belonged, *de jure*, to the Crown or to the Church and it was administrated in a system of *foros*. Subject to taxation were only the agricultural lands, while the *montes* were considered unproductive lands, waste. This encouraged the peasantry to expand their agriculture in these 'unproductive' areas and transform the *montes* into an *agro-silvo-pastoral* system, which was at the core of peasant Galician agriculture. The peasants had the right to usufruct these lands for free and in common, but they had no legal ownership titles in their respect.

In Vrancea, joint-ownership of land (*devălmaşie*) was legally recognized by the medieval state and the inhabitants were free peasants (*răzeşi*). The villages in Vrancea did not belong to a landlord, to a boyar. They were politically and economically independent and they formed a confederation of villages with a particular sense of independence within the Moldavian Principality. *Ţara Vrancei*, was led by a 'senate' formed from the represents of all villages and the local elites - *vechili*. Participation in trade relations was mediated by *Adunarea Vrancei*, The Board of the Whole Vrancea, although, presumably, the villages had their own economic affairs as well.

Hence, the character of the imperial expansion and the local property regime influenced both the inner and the outer forms of access to the forests in Galicia and in Vrancea prior to the rise of the modern national states. Another communality for both cases is that the right to access the resources from the common lands was territorially and not based on kin and the right was equal amongst the members of the community. Thus, right of access was not inheritable and ***it could not be sold*** either within the community, or outside of it. The recognition of this customary right by the contemporary national state had as consequence, in both cases, the juridical recognition of a particular form of private joint-ownership over large areas of land, which is nowadays outside the market realm.

27.2. Early ecological conflicts

The massive deforestations led to local social conflicts. As I presented in the theoretical chapter, the junction between ecological degradation and social conflicts is called in the literature ecological conflict.

The first massive deforestations took place in Galicia before the seventeenth century, since for constructing their *Felicisima Armada* at the end of sixteenth century Spanish officials contracted wood from Poland and from the Nordic courtiers. Yet, the establishment of the transatlantic arsenals, especially Havana, relieved the ecological pressures from the peninsula. Later, in 1748, Fernando VI issued two royal decrees for forest protection. These measures were related to the armada's needs for wood and, thus, the first forest administration of the Iberic peninsula was literally established through the military apparatus of the imperial navy. However, the first local entrepreneurs in the steel industry, highly dependant on charcoal, who needed an enlarged access to the fuel-wood resources in the *montes*, also profited from these first measures. The inequitable application of the forest access restrictions coupled with the different interests of the Catholic Church with regard to *montes*, led to violent revolts in the north of Galicia, notably the case of Sargadelos. The case of the revolts Sargadelos not only illustrates how a lack of coordination of different layers of governance over the same natural resources leads to ecological conflicts at local level, but also to inter-sectorial conflicts (between the steel industry and the navy) and inter-institutional conflicts (between Church and Crown) long before the establishment of the centralized national state governance model.

In Vrancea, the first massive deforestations caused local conflicts and violent actions of resistance on the peasants' part. The deforestations were not done by the Moldavian state, or local entrepreneurs, but by foreign companies for wood extraction. Since these conflicts happened more recently in Vrancea they are to be found in the present-day discourses as well, revived in the social memory of the people by cultural brokers through different means, such as discourses and books (the local monographs with very limited circulation that I described for both cases). In Păuleşti, people still remember the sabotages against foreign companies. Additionally, we know that there have been complaints made to the state authorities since 1915 for the ravaging deforestations.

In Vrancea, the early environmental conflicts did not take the form of revolts as was in the case in Sargadelos, and not because the environmental damages would have been smaller, or because the overall social atmosphere in the Romanian state would have been any better.[138] The foreign wood extraction companies profited from a void in the Romanian legislative system and relied heavily on the spreading of liberal ideas in Eastern Europe as *"windows of opportunities"* (Kingdon 1984) for increasing their incomes. At village level these *windows* were 'opened' with the direct contribution of some of the local people, the so called *ax*

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[138] One of the bloodiest peasant revolts in Romanian history took place in 1907, and started in Moldova. A cause among others was the unequal access to land between peasants and foreign renters.

handles. This diminished social tension at local level and legitimized the access of the companies to the resources. According to Stahl, the *ax handles* were the local elites who later metamorphosised into a petite village bourgeoisie. This view follows Lenin's arguments on *the agrarian question*, but empirical data I gathered from Păuleşti shows that a certain *cleverness* was more important than being part of a local elite: 'the clever' who understood that companies 'come and go' and used these opportunities to their own advantage.

While in Galicia the measures for forest protection came in the mid eighteenth century (1748), for Vrancea the first measures were implemented at the end of the eighteenth century - we remember the Morutzi's decree from 1794. Yet, these measures were not conceived to protect the forest for the sake of environmental aims, but they were meant to protect a resource for the eventual needs of the Ottoman Empire. These first measures of forest protection in Moldova and Galicia were previous to the implementation of scientific forestry measures.

The political forests (Peluso and Vandergeest 2001), the implementation of scientific forestry and the invention of national parks followed the same patterns in Spain and in Romania. Yet, the implementation of the ideas of conservation is closely related in the two cases with the process of the cultural diffusion of capitalism. The diffusion process happened differently in the two contexts and this difference is visible until contemporary times.

27.3. The cultural diffusion of capitalism

In the Spanish case, the implementation of the forest protectionist measures was closely related to the social and political actions of the transnational communities of *Los Amigos del País*. These societies had as aim the encouragement of liberal ideas in the Iberian Peninsula. Yet, when the first plantations in Galicia were made, the new forestry engineers did not take into account the social importance of the local *agro-silvo-pastoral* systems of the *montes*. I want to stress yet again, at this point, that this efficiency based logic of afforestation and reforestation had its opponents and the consequences for following the economically efficient measures were well known in the Spanish scientific circles from the mid ninetieth century. Urteaga is very explicit on this matter: *"[t]he impact of the society on the natural environment is seen, from « progressive » perspectives, as something beneficial and favorable, or at least as an inevitable condition of progress. On the contrary, from conservative perspectives, the human being as a geographic agent is seen as having dangerous potentials that have to be taken into account."* (Urteaga 1987: 176).

In the Moldavian Principality and in Romania in general, this process is not related to a coherent action carried by formal institutions as were those of *Los Amigos*, constituted in

true transnational communities, but by *cultural elites, or intellectuals*. In the following, I will emphasize the basic distinctions between the two.

The transnational communities of *Los Amigos del País* had in Spain an institutional character and were based on the support of the higher echelons of nobility. As previously described, the end of the Ancient Regime in Spain was not a violent one, but a slow transition in which the first constitution and the monarchy were entangled. Moreover, since the establishment of the first societies in 1750's, the aim was, as Pedro Rodrígues put it, to target the best educated among the nobility since *"they possessed the richest land and would benefit the most from the industry of common folk."* (Shafer 1958: 50). In Moldavia, and later in Romania, the end of the ancient regime was a violent one and meant the end of the local nobility. This was due to two factors: first, the political support of the Ottoman Empire was no longer there. And second, on account of the rise of the new *cultural elite and economic oligarchy*. This cultural elite, although in part actually originating from the former local nobility[139], as in the case of Ghica, was hatched in the midst of the French revolution from 1848 and adopted in its entirety all of its ideals, amongst which was the one of most significance; a total break with the old nobility, and a ceasing of servitude to it.

The intellectual as a social actor had, back in that time, the vocation of agent of change and he was the first to advocate for 'the new', for the change. Max Weber notes: *"the intellectuals, as we shall tentatively call those who usurp leadership in a Kulturgemeinschaft […] are specifically predestinated to propagate the "national" idea. This happens when those cultural agents…"*[140] (Weber 1978: 926). In his well known '*Sociology of the intellectual*' Schumpeter draws attention to two main characteristics without which the intellectuals cannot fulfill their roles as agents of change in a society – freedom of public discussion, and their addiction to the permanent legitimization process towards the masses.

> *"Having no genuine authority and feeling always in danger of being unceremoniously told to mind his own business, he must flatter, promise and incite, nurse left wings and scowling minorities, sponsor doubtful and marginal cases, appeal to frigid ends, profess himself ready to obey – in short behave towards the masses as his predecessors first [behaved] towards their ecclesiastical superiors (…) later toward the collective master of bourgeois complexion."* (Schumpeter [1942] 2008: 154)

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[139] One should be aware that in terms of wealth and influence the nobility was far smaller in Romania than in Spain.
[140] This is where Weber's article *"The Nation"* ends, and it was never finished. From the notes found on the margins of the manuscript it was clear that Weber intended to develop his ideas related to the concept of nation following a cultural, actor oriented approach (see the notes that follow, *idem*).

Santos Juliá, one of the most preeminent Spanish political scientists[141], formulates the distinction between the intellectuals of the beginning of twentieth century and the cultural elite of the ancient regime as follows: *"[t]he new nuclei of intellectuals had a professional formation, and had a firmer institutional basis than the* [ancient] literatos *that were linked to the capital and in search of glory and fortune."* (Juliá 2004: 140).

Therefore, the distinction between the two forms of cultural diffusion of capitalism is the following: the first case is an institutionalized form, the second actor centered. Although both types of actors were animated by the winds of change, the Iberian economic societies *Los Amigos del País* were coagulated in unitary institutions, while the intellectuals were, so to speak, free lancers. The economic societies did not militate for a radical change, nor did they represent a danger for the Spanish national tradition, or for the Catholic Church, and they were characterized by a sense of paternalism towards the leader of the group. Shafer concludes in his study presented above: *"[t]he paternalism of the societies was inevitable, given the social structure of Spain, and quite in accord with the spirit with enlightened despotism"* (Shafer 1958: 115). While the economic societies had a more integrative program for the whole social strata, the intellectuals were aiming at gaining, first, political influence or/and power, as was the case in mid nineteenth Romania through public debates, and later to put in practice their innovative and radical ideas. Yet, the economic societies did not succeed to fundamentally change Spanish society, but neither did the intellectuals.

There are multiple causes for this, which I will not analyze here. What is very important to understand at this moment is that the economic societies had more legitimacy on the societal level, while the new intellectual elite from Romania lacked this legitimacy. The Spanish societies were *not* perceived as establishing 'forms without a basis' - *"forme fără fond"*, as was the perception of the intellectuals in mid nineteenth century Romania. Shafer describes (ibid: 115-7) how the academic societies were in close connection with the nobility and how being part of these societies was a matter of fashion, and not all the members were active. Successful or not in their overall programs, Almenar and Lombart describe how the societies institutionalized the economics as a discipline in the Spanish Academia.

In Romania, the intellectuals had to catch-up quickly with the west, their programs lacked local legitimization, and the overall impression was of quickly-made policies from ideas imported from outside, to which it lacked *a vernacular reasoning*. I illustrated how

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[141] The book *Historia de las dos Españas* received the National Prize for Spanish history in 2005. Because of focusing on the end of nineteenth and the beginning of the twentieth century period, Juliá does not take into his analysis the economic societies.

Zeletin points to the formation of an economic oligarchy out of these cultural elites, in the same manner as was the case of France, where rupture with the old regime was also abrupt and complete. The lack of legitimization contributed to social tension and instability in the young Romanian society, while in Spain the economic societies fueled the dream of world superpower, or as Shafer put it "*[t]hey helped create that confusion of the Spanish spirit in contemplation of the new age which has been so apparent in modern times.*" (Shafer 1958: 117). This oligarchic character is to be found, on the same coordinates, in post-socialist Romania and the *forms without a basis* is a blueprint in the Europenization discourse in local media. To some extent, the Romanian case contradicts Schumpeter's assumption because, for the mid nineteenth century the Romanian intellectuals - *"the collective master of bourgeois complexion"*, were located outside the country and not within. This *collective master* was located in Paris, London, Berlin, Vienna, as much as later on, after 1990, it was found to be located in Brussels and Washington.

27.4. The authoritarian regimes and the transitions towards EUrope

Both cases experienced massive reforestations during the authoritarian regimes, but with more negative consequences for Galicia. In both regions, the reforestation took place disregarding the local species. But in Galicia, reforestation had more dramatic consequences because of the state policy to turn the region into a timber reserve for Europe and because of the destruction of the local economy which was based on pastoralism.

The forms of peasant resistance during the authoritarian regimes were quite similar, ranging from everyday forms of resistance to the organized ones of national proportion. The Galician *maquis* were not systematically recruited from the peasantry and there was not a peasant revolt as was in Bârsesti, Vrancea. I assume that the abolition of property rights played an important role in the Romanian case. The Spanish *maquis* in general had more abstract goals. These goals were not related to the everyday needs of the peasantry. On the other hand, there was also the influence of the anti-Nazi resistance that the *maquis* endured in southern France and which legitimized their later resistance in Spain until the 1960's. With regard to the state's repression in Vrancea this was directed against local leaders disregarding their effective participation in the anti-communist resistance, following Stalin's dictum that any leader is a potential enemy. But in both regions, forms of civil associations were discouraged and the breaking of social cohesion at village level functioned in both cases in the same way.

Common property regimes became regulated for the first time in Vrancea in 1910, following the depletion of forests by the foreign companies, and in Galicia in 1968 following

the loosening of power by Franco's authoritarian regime. Yet, in Vrancea the companies continued to extract until the Second World War, and the peasants continued their old way of accessing the resource until 1948. Franco passed the rights of property from the communes to the villages, but there was no abolition of private property rights in Spain like was the case for Romania.

During the harsh dictatorial regimes, the people in the two villages continued to access their resources by creatively complying with the repressive laws. They knew were 'the evil' was located - everybody knew - and they easily learned how to fight it. The governance regimes in fascist Spain and communist Romania, although backed-up by brutal repressive measures to any explicit forms of resistance, were transparent, predictable and ultimately, opposable by everyday forms of resistance.

In their transition phase, the two cases have, again, a main feature in common: in both cases, the democratization process was set-up as a precondition for the ECC/EU accession, and both experienced the double movement process of increasing the protected surface areas while re-establishing private property rights.

The village of Labrada was entitled in 1981, and in 1986 Spain was accepted in ECC. Păuleşti was awarded the property back in 2001, and in 2007 Romania was accepted in EU. But the Natura 2000 problems started at about the same time for both communities. The Serra do Xistral Habitats Directive Site (SCI) site was established in 2004, after the establishment of the *Rio Miño Biosphere Reserve* in 1996. Also in 2004, the Putna Vrancea Natural Park was established after the Putna Vrancea SCI was created in 2003 and two years prior to the *Munţii Vrancei Birds Directive Site* (SPA) implementation. What is problematic for the local people in the Galician case is not the Biosphere Reserve, but the EU's SCI, while in Vrancea's case both of them are problematic. According to the Romanian legislation, the Natura 2000 sites that superpose with national protected areas follow the most restrictive conservation regime. This was a good attempt of the Romanian state to provide cohesion in natural protection measures. In the decentralized Spanish system, the conservation measures are totally under the responsibility of the autonomous regions. The Galician legislation does not provide a correlation between the local established protected areas and the European ones. And since the Natura sites were established for other purposes than the biosphere reserve, the local government does not risk any penalties from the European Commission. However, to the Spanish, lack of coordination corresponds to the 'making on the knees' practice of

establishment from Romania. Thus, in the end, both cases confront with muddled forms of implementation.

27.5. The present conflicts

When looking at contemporary environmental conflicts in comparison with the historical ones we notice one main difference: a high discrepancy between what was intended in the political design and what emerged on the ground. During the feudal and the authoritarian governance regimes, the outcome on the ground was close to what was initially designed in the political programs. Yet, the discrepancy between political design and its outcome is much bigger in the case of EU nature protection policy. The aim of the European Commission to design integrative policies for nature protection had clearly another outcome than intended. The first and the most important unintended outcome was the surface of the protected area: as the interviews reveal, nobody expected in 1992 that Natura 2000 would be 18% from EU territory. The value of 'nature' became increasingly problematic in this context.

As described in part II, Natura 2000 followed the green liberal tradition concerning the value of nature; namely, value, even when socially constructed, can be only extrinsic, made by valuers. However, new official documents of the Euroepan Commission such as the *2050 vision* speak blatantly about the *intrinsic value of biodiversity*. What does this mean? A close look at the data presented in part II shows that the intrinsic value of nature is merely a catchphrase. It is the result of intense lobbying pursued by the WWF and other NGOs which aimed at promoting the non-economic value of the natural environment within the EU political agenda. Intrinsic value became synonym for the non-economic value of nature. Yet, this does not imply that the non-economic value of nature means *value for its own sake*. As the empirical part illustrates, intrinsic value became a matter of bargain during the negotiation process between the DG Environment representatives and NGOs, or between the DG Environment and other departments within the European Commission. When 18% from the overall EU territory is in a transnational governance regime for nature protection, nature protection has to provide something else other than 'nature', no matter how defined by the actors involved in its administration.

While the Birds and the Habitats directives follow the rigorous calculi of costs and benefits in biodiversity loss, the *intrinsic value of nature* becomes, step-by-step, a superfluous category that diminishes the principled power of a critique based on ethical stands. Therefore, the side effect of the lobbying strategy for including *intrinsic value* in a 'mammoth' nature protection framework like Natura 2000 is that *the intrinsic value* syntagm loses its critical

cohesiveness. It slowly turns into a linguistic string on a problematic political agenda where it can serve only one purpose: to agglutinate ongoing or potential criticism from an environmental ethic perspective. Another ongoing transnational initiative for nature protection headed by the European Commission such as TEEB offers a good illustration that this process is on its tracks.

With 18% from the EU's territory on its shoulders, a territory located in different national political settings, subject to a plurality of legal constellations, property regimes and land use patterns, the DG Environment played the political inclusion card at the expense of clearly defined stands in environmental ethics. This had two further consequences: it opened up new economic opportunities for the economic actors that have the capacity to deal best with the bureaucratic complex at all levels of governance, and it unleashed further environmental conflicts on the ground, either clashes between old forms of nature protection and Natura 2000, as is the case in Galicia, or between stakeholders, as it is common to both cases.

The ability of the windmill companies to convert to their benefit the lack of coordination between the different layers of governance while irreversibly harming the environment in Xistral Mountains is a good illustration. The Galician environmental guards cannot react against the degradation of the peat reserve although it is drying in front of their very own eyes. This is because the companies are backed-up by sound regimes of accountability of ecological responsibility, but also because contesting windmill industry in Galicia is taboo. With an increased share to the regional GDP and a presumptively involvement of politics in the business, environmental guards openly admit that causing trouble to the companies is equivalent to loosing their jobs. In this context, the village communities around Xistral are perfect scapegoats. Agricultural activities in Galicia pay very little to the regional GDP, and the rural inhabitants, due to massive depopulation, bring few votes. Little economic interest and few votes means little political interest for rural problems in Galicia, even when this implies environmental degradation and social injustice. Yet, when it comes to the rigorousness in applying the directives' requirements, the communities need to comply utterly.

People in the Xistral region understand the importance of the Biosphere Reserve but don't understand why Natura 2000 is restricting access only to them; why is it that when the wind power generators are installed in nine cubic meters full of concrete 'nature' is not damaged while when they plow their pastures nature becomes damaged. This is what people consider abusive and unjust and this brings back in their discourse the memories of

dispossession from Franco's period and even before it. In the Galician case, there is no contestation of the scientific value of the protected area, but a contestation of the politics around the coordination of the Biosphere Reserve with the Natura 2000 sites. This is also because the Biosphere Reserve's management plan does not interfere with the local use of the land while the management of the Natura 2000 sites does.

In Vrancea's case, people contest the establishment of the park from a political point of view but also the park's scientific legitimacy. The political dimension is related to the double movement of property restitution laws and to the nature protection laws. No later than six years after the re-establishment of their collective property rights, people in Vrancea experience new restrictions in access due to implementation of the Putna Vrancea Natural Park and the Natura 2000 sites. Severe or not, the new restrictions in woodcutting and construction of houses clash with people's sense of property[142]. People claim that no consultation took place between the village assemblies and the park administration prior to the implementation of the protected areas. The state environmental department representatives confirm: due to 'racing' towards complying with the EU environmental acquis in the wake of the adhesion, no consultation took place in any region of Romania. This is considered by the people as unjust, and, as in the Galician case, it brings back memories of dispossession from the communist regime and even prior to it.

In Vrancea, the scientific legitimacy is contested by opposing local knowledge to the environmental scientific one with regard to nature protection. This local knowledge laces vernacular knowledge and that of soviet forestry. As illustrated in the fourth empirical part, strong environmental degradation occurred in Vrancea from the end of the nineteenth century until the late 1950s. The massive reforestation program undertaken by the communist regime in the early 1960s led to the necessity of establishing a forestry school in Vidra village and consequently, to an important number of forestry personnel in the Vrancea region. One can talk about the formation of a true tradition in forestry in the past fifty years in Vrancea. This forestry personnel – forestry rangers but also forestry engineers, claimed a tradition in managing Vrancea's forests and a better knowledge of it. The Romanian forestry school followed the soviet principles by which the age for cutting the trees is about thirty years greater than in the western school of forestry. Also in the soviet forestry school, the reforestation is mainly natural, and small plantations are allowed. Due to the high degradation of the soil, the reforestation campaigns in Vrancea were based on plantations, most of the time

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[142] A felicitous term used by Monica Vasile (2007) for explaining the emotional attachment to common property in Vrancea. See also Vasile 2008.

without using local species. But in the aftermath, reforestation only took place in a natural way.

The consequence of these management techniques was that nature protection was constantly an integral part of the everyday forestry duties of the rangers and engineers. Moreover, due to the fact that the great majority of the forestry personnel were from the region, the vernacular knowledge of the natural environment got knitted with the scientific soviet principles breeding a *local environmental patriotism*. When the park personnel claimed rights in the management of the forest based on a 'modern' knowledge and more innovative techniques following the Natura 2000 directives, they were immediately contested, even subject to mockery.

Further on, the data showed how in both Vrancea and Galicia the present environmental conflicts are backed-up by conflicts over meanings concerning nature and consequently concerning nature protection. The two cases are a good illustration for how struggles for accessing natural resources are conflicts over meanings. We have noticed that both in Labrada and Păuleşti the village assembly is a complex local institution which, following the uses of the common land, transcends the geographical limits of the village. In both cases, the village assemblies use a shared meaning of the natural valuables in defending their access to the resource. The memories of dispossession, the customary forms of access, and customary forms of negotiating the boundaries of the properties all come into power when external challenges appear.

With regard to collective decision making, we need to keep in mind that *the village assembly is not the place for decision making*. I showed, in written and in the ethnographic film, that the village assembly is not the arena where rational decisions are taken, but merely an arena of debate and persuasion where people openly voice their problems, accuse each other, show-off and ultimately learn the meanings and uses of their land. The decisions concerning the common property and the use of the land are taken in a more informal way and in informal settings like fiestas and taverns. A process of informal dissemination of information and persuasion of the collective-decision making process occurs nevertheless within the village, but not in a bureaucratic manner. The village assembly is an institution that regulates the morals within the village but also the economic behavior of its members. People want to preserve the rules that they are accustomed to in decision-making and which are based on a shared understanding of the natural and human environment. This shared understanding is a dynamic nevertheless, but is a dynamic which corresponds to their rhythm of life, to their

lifeworlds. The regulation of ownership is something that people in Păuleşti and Labrada believe that they are all responsible for, not as atomized actors, but as a collective body. The absence of clear environmental ethical stands and clear recommendations for the management of the protected areas from the Natura 2000 program do not correspond to the tradition of nature protection from Galicia and Vrancea. The unclear environmental stands from Brussels are blurred even more in the confusing postsocialist Romanian society and the chaotic Spanish environmental decentralization. The political inclusion of all aims surrounding natural environment led to an ambiguous discourse in Brussels which turned into the common claim in the two regions that "we don't understand what Natura 2000 is about", and also made room for suspicion. When suspiciousness is backed-up by evidence of mismanagement of the areas considered protected, Natura 2000 acquires an oppressive dimension.

In both Vrancea and Galicia, the memories of dispossession are the linchpin in articulating local forms of resistance and in contesting the legitimization of the protected areas. Yet, the memories of dispossession simultaneously bring back memories of resistance as well. Both forms of memories are 'nourished' by local elites and /or by local and external cultural brokers. But there are two aspects which do not fit with the memories of former forms of dispossession and resistance.

First is the magnitude of the impact that the nature conservation policies have on the ground nowadays. The collective resistance forms in the present conflicts are influenced by demographics. The demographic decline in Galicia is part of a broader trend that characterizes the western rural areas. When not transformed into dormitories of conurbation areas, the villages are menaced with disappearance. As described, Labrada makes no exception, and it is easy to understand that local resistance, mobilization and decision-making differs from Păuleşti which has a population about ten times larger.

The second aspect deals with the ability of rule-takers to identify the cause of their problems. While during the oppressive dictatorial regimes the cause for people's dispossession was easily recognizable and therefore easier to oppose, today people have difficulties in understanding where 'the evil' is. Who is responsible for the restriction in accessing their resources? How is it possible that while still being entitled with property rights they are not consulted when new uses are established on their lands? In Vrancea, people consider the park responsible and some have complained to the park administration. The park administration told them that their hands are tied since the park is legally constituted and, in addition to which, superposes two Natura 2000 sites, which in their turn are also backed-up by

the European Commission's legal decisions. In Galicia the communities around Xistral were menaced with expropriation by the local government if they disagreed with the already installed wind farms and with the already fixed prices. While the Biosphere Reserve does not interfere with local use in case of Labrada, the Natura 2000 site is limiting the peasants' access to pastures.

The forms of resistance range therefore from ignorance of the laws, creative compliance, to official petitions. But these forms of resistance, although coherent in their formulation, are disparate and desperate when compared with past ones which had more the character of a conspiratorial social movement. This is for reasons mentioned above, namely the different magnitude of the policies on the ground and the diffuse authority in nature protection. In Vrancea, one form of resistance is the recently created GAL Ţara Vrancei. The association has as official aim the negotiation of more lax access to the village communities and a mediation of the European protectionist discourse towards the village communities. For the moment, no concrete action has been taken by the board of the association and there is little confidence that something can be done to broaden the access of local people to their properties.

In Xistral, the lack of coordination between the different layers of governance is more visible. Who is responsible for the bad implementation of Natura 2000 in Xistral? Brussels? No! It delegated the responsibility to Madrid. Madrid? No! All nature protection competences are delegated to the regional level. The regional government - *Xunta de Galicia*? No! The implementation process is a continuous make-up of Management Plans that change in accordance with the political regime from Santiago de Compostela. I described in the empirical part concerning Brussels what the answer of the director of Natura 2000 program was for this problem: people shall make petitions to Brussels (which, in the Galician case, they did but it never reached the DG Environment address) but, on the other hand, there are only 12 people working in the DG Environment for Natura 2000 and they cannot do everything. Not to mention that the ability of local peasants and farmers to write petitions to Brussels is actually nonexistent and, without the help of Henar and D.V., the petitions would never have been written.

It is difficult to say, from a ground level perspective, when the present conflict situation started. This is due to the fact that people in both Galicia and Vrancea see a permutation of an ongoing conflict which spans about two centuries. Maybe people in Păuleşti and Labrada do not know the chronology of the conflicts presented hereby very well, but this aspect is not

important, neither for them, nor for the present study. What is important is that they perceive a cyclical attempt of deprivation, through different means, under different governance regimes, but with, for them, the same outcome: more restricted access to their land in the name of some 'strange' external aspirations to 'improve', which brought and brings only problems to their everyday lives. Therefore, the present environmental conflicts are not new; they are only one episode in a complex political process involving property relations dynamics over natural resources.

Nevertheless, the outcomes of the feudal and authoritarian political designs were much more predictable than the transnational ones and, consequently, the resistance at local level had more the character of an insurgent movement: in everyday working practices or veiled in everyday speech. In present day Vrancea and Galicia, actors' capacities to oppose what they consider unfair and/or unnecessary in their lives dwindles in a downwards spiral with every new layer of governance added in managing their common land.

Chapter 28 – 'The Aquarium' and 'the Globe'

For understanding how the present transnational governance for nature protection impacts at local level, I will use two ideal-types of governance regimes and their interconnection with the meaning of natural valuables and the political action. Throughout the present study, the access to natural valuables and the political action at the local level have been the two major arenas subject to scrutiny. Let us keep in mind that this study focuses on the consequences on the ground of transnational governance, and that the two ideal-types are nothing but methodical tools. These two *analytical exaggerations* will help us organize the mechanisms by which natural valuables and political action become modified in their encounter with the increased legal complexity of the transnational governance model.

The see-though governance ideal-type, is characterized by a reduced area of application of the rules and regulations; small number of actors involved in the governance process; a reduced number of rules and regulations; a reduced possibility of their interpretation; a commonly shared understanding of the rules and regulations and a unitary language of conversation between the actors involved. This ideal type is portrayed in this study with the traditional village commons governance regime. Yet, this ideal type can be also exemplified by an association of households, small, compact or diffused organizations of any kind. Internet based communities, such as a blog community which shares a defined virtual space for discussions would also be a suitable example. A suitable metaphor for this ideal-type would be *'the aquarium'*.

The opaque governance ideal-type, is characterized by a huge area subject to its rules and regulations; a very large number of actors involved, some of whom possibly being partially visible or totally obscure; a large number of rules and regulations; an increased possibility of interpretation and diffused understanding of them together with a plurality of idioms involved. This ideal type corresponds in this study to Natura 2000 program. However, other examples can be the TEEB (chapter 9.3.). A suitable metaphor for the opaque governance ideal-type would be *'the globe'*.

As the empirical parts show, the villages of Labrada and Păuleşti are not isolated entities. Centuries before the arrival of Natura 2000 in Păuleşti and Labrada, the villages' governance regimes were subject to permanent connections and influences from the overall geopolitical equation to particular institutions such as "the unique trader", in Vrancea, or *foro* in Galicia. On the other hand, the transnational governance regime, Natura 2000, is the result of a long

tradition in green liberal thinking. As showed in the first empirical part, nature protection *as such* is a transnational phenomenon which was closely connected with broader political ideologies that transcended by far the borders of national states.

Both the *see-through* and the *opaque* attributes of governance are openly spelled out by the actors in the field. In other words, the village commons governance regime is *transparent* for people in the village, but, *opaque* for somebody from outside it. However, for elderly people, for example, new dynamics in the governance regimes at village level are in their view opaque, for these dynamics do not fit with what the *obştea* they used to know before the communists came into power; or how *monte*, as a governance regime, functioned before the law of *Montes Veciñais en Man Común* (1968), or even before Franco. Young people with high expectations and urgent needs in accessing the common resources of the villages also sometimes perceive the village governance regime as opaque.

In the other sense as well: Natura 2000 is *opaque* for the people in the villages, with no exception, and even for local enforcement actors such as park administration, rangers and forestry engineers. In both Vrancea and Galicia, the later category of actors, although enforcers, openly complain that they do not understand what Natura 2000 is about, precisely because it is not addressing clear management prescriptions and has no clear defined environmental ethic stands. The effective translation of Natura 2000 at local level, therefore, plays an important role here. Yet, Natura 2000 is clear for the DG Environment bureaucrats and Brussels based NGOs, although not always. As pointed out in the first empirical part, strong negotiations between DG Environment and other departments of the European Commission make room for interpretation, confusion and blur the statements that the DG Environment officials initially rely on. Therefore, Natura 2000 becomes *opaque* even for them.[143]

In both 'the aquarium' and 'the globe', the actors involved have conflictive interests, inherent to social life. However, these conflicts, as noted in the previous chapter, are different in their making, in their leaven so to say, as in their outcome. A two-by-two table of contingency helps in visualizing the interference of *see-through* and *opaque governance* with *natural valuables* and *political action*, the two categories under concern in this study.

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[143] This is why, in conceptualizing these two ideal types I avoid the concepts "high complexity" and "low complexity".

Figure 15: The Aquarium & the Globe

Governance models/outcomes	Natural valuables	Political action
'The Aquarium' - The ideal-type of *see-through governance*	I.	II.
'The Globe' - The ideal-type of *opaque governance*	III.	IV.

28.1. The natural valuables in 'the aquarium'

Natural valuables in 'the aquarium' are built in multiple socionature networks (socionatures). As previously explained (chapter 3.2.), socionatures imbricate *interactive* (human) and *indifferent* (non-human) actors. Socionatures are essentially historical and essentially unpredictable structures where the indifferent actors operate erratically (Callon 1986; Latour 1993; Gellert 2005). The role of *o toxo* and *a xesta* or of the 2D national round for Galician and Vrancea's local economies are illustrative empirical examples in this regard. *O toxo* and *a xesta* played a crucial role in maintaining the *agro-sylvo-pastoral* system in Galicia and preventing land degradation and fires. The 2D national road is a crucial element in the conflict around tourism development and nature protection in Vrancea.

In 'the aquarium' governance model, the interactive actors (human-actors) do not search on purpose to extend the register of natural valuables. Rather, the permanent and recurrent interaction with the natural milieu in 'the aquarium' defines the natural valuables. This interaction is taken for granted and changes within it are subject to local negotiations. Yet conflicts between various claims in 'the aquarium' exist nevertheless. These local conflicts around the use of the natural environment break with the common understanding of natural valuables and play an important role in expanding or diminishing their register. But, unlike 'the globe' mode of governance described below, these modifications of the register of natural valuables are simultaneously followed by adjustments in their use. As a result, new socionatures are created by re-embedding the new meanings of natural valuables in the uses that the actors undertake. The easiness of these adjustments comes from the permanent negotiations of the new meanings within 'the aquarium'. In other words, local actors, by negotiating the use of the natural valuables in 'the aquarium', are in control of the meanings of the natural valuables that they use.

As the Galician case illustrates, the distinction between what *monte manso* and *monte bravo* means was permanently negotiated among the local actors. Local demographic pressures pushed the reconsideration of what *monte bravo* implies for uses. *Bravo* in local idiom means 'savage'. Young families were allowed to use this 'savage' part of common land for establishing their households and therefore the land changed it use for it was not designated only to pastures anymore, vital for the local economy. The new *barrio* was previously considered to be still in *monte bravo*, although inhabited, but as soon as the new generations re-claimed the rights to live in the households of their parents, the place changed its meaning and became an integral part of the village.

Clashes between claims play therefore a catalytic role in 'the aquarium'. They show the difference between what Luhmann called *repetition* and *connectivity* of how one gets "from one elemental event to the next" (Luhmann 1995 :36). Whereas Luhmann's question sends us in the lions' den of institutional change, a provocation that I decline for the moment, it makes us aware that the break with *repetition* towards a new *connection* can be smooth or not. In 'the aquarium', this break is smooth because changes of the meanings of the natural valuables are closely linked with changes in use. This study shows the situation when the local conflicts were caused, in different historical periods, by increasing the gap between the meanings and uses of natural valuables. This dynamic repositioned the actors 'in the aquarium' with regard to the natural valuables: they valued differently or they valued other aspects of the natural environment in a different way than they previously did. Illustrative examples are to be found in all three historical époques described in this study and have been exemplified at length in the concluding chapters of parts III and IV.

Consequently, natural valuables in 'the aquarium' are part of the socionature networks due to an intimate link between changes in meanings and uses that the interactive actors undertake with regard to the natural treasures. The permanent dynamic of the socionatures is to be seen in as a dialectical relation between meanings and uses. Moreover, in 'the aquarium' local actors control the meanings of the natural environment. As similar studies have shown, controlling the meanings of natural surroundings turns very quickly into political action (Peters 1984, Peters 1987, Moore 1993, Berry 1993, Fortmann 1995).

28.2. The political action in 'the aquarium'

Legal space, seen as the totality of norms, rules, laws and any regulatory forms, is a governance resource in itself. Leaving aside for the moment the issues of coherence and authority within legal webs (Moore 1978, von Benda-Beckmann 2002, Streeck and Thelen 2005, Bavinck and Woodman 2009), the issue at stake here is how actors make use of this

resource. The bundle of rights mentioned above is a regulatory web part of the legal space in 'the aquarium' and is used for ordering claims and counter-claims with regard to the natural valuables among the local actors. This legal web is not homogenous but diverse, it is inconsistent and with no clear boundaries. A *barrio*, for example, within the village of Labrada has different rules for making the *rozas*, or organizing *fiestas* than other *barrios* within the same village and using the same *monte*. Yet, the way the local actors learn how to use this resource is something that occurs in their day-to-day activities, within the processes of socialization, it is part of their *lifeworlds* (Habermas 1987).

When claims and counter-claims occur in 'the aquarium', the time between action and reaction is minimal and it bears a minimal amount of additional resource. This is primarily due to the relatively small physical or virtual space between the actors. As described above, the actors that animate an 'aquarium' are located in proximity. Second, action and re-action in 'the aquarium' are facilitated by the use of the same idiom and the same *langage*, seen as the overall capacity of expressing oneself (de Saussure [1913] 1995). Both the idiom and the *langage* used in communication in 'the aquarium' comport minimum ambiguity. In other words, the *channel of accountability* (Mulgan 2000: 568; Buchanan and Keohane 2006: 415) within the legal space of 'the aquarium' is evident for the local actors.[144]

This does not mean that all local actors in 'the aquarium' have the same ability in using the resource of the legal space. There is a wide repertoire of strategies and techniques at the disposal of local actors in 'the aquarium' for defending personal interests using the legal space and for creating pressure towards modifying it. For modifying the legal web of bundle of rights, these strategies and techniques connect to other legal webs. For example, for creating pressure within the local village council for changing the voting procedure in Păuleşti, a strategy that ultimately would favor the entrepreneur-candidate, some local actors allied following kin relations and reciprocal economic services, but also broader political views as they were all sympathizers of the social-democrats. This nucleus of actors, although very strongly anchored in the local politics and economic affairs, and with good abilities in using the local web of bundle of rights, failed to impose its point of view. This was because, while creating pressure, the local actors reactivated previous strategies and techniques and tried to adapt them. The adaptation occurs in a perimeter delimited by the history of past

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[144] Although I borrowed from Mulgan the notion of channel of accountability, the way I use it here is in a less sophisticated manner. I refer to accountability in the understanding of the early ethnomethodologists, when a social action can be considered as accountable "to the extent that its witnesses find it non-random, coherent, meaningful and oriented to accomplishment of practical goals." (Weinberg 2006: 1). Consequently, the channel of accountability is more for a visual depiction of the mechanism accountability of rules and laws in a governance regime than an analytical concept as such.

attempts. The historical modulation of political action in 'the aquarium' confers strength to counter-claims (for a complete illustration see *Stronghold 2000* min 12-5).

Therefore, the strategies and techniques that sustain the political action in 'the aquarium' are embedded in wider social manifestations. Keeping up with the wider societal transformations at the local level contributes to the overall *transparent* character of the governance regime, while stepping out increases mistrust, misunderstanding of the ongoing debates, lack of participation in local political action and increases the *opacity* of 'the aquarium'. However, being well connected in 'the aquarium' is not enough for encountering success in political action. The counter-claims need to have a historical validation.

History in 'the aquarium' is not an amorphous entity that sits on the throne and governs the spirits, to use Ortega's felicitous formulation, (Ortega y Gasset [1914] 2004: 183). History is alive for it is in permanent re-making and re-interpretation. Rejected and placed as a refugee at the same time, the collective past in 'the aquarium' is part of the collective present precisely as the past is not bound to a typecast.

In 'the aquarium', history is operated by cultural brokers but approved collectively. The cultural brokers are the vehicles of history and they can be locals or not. The cultural brokers tend to stereotype the past, in one way or another, but the collective body of local actors is very little sensitive to fairytales for it is their past under concern, something that in some way they have all participated in, and with it, the legitimization of present actions. In the Păuleşti case we find an episode that is very telling, that of the professor's discourse in the village council bringing into the mind of people the long tradition of common property in Vrancea. In Labrada, the president of the *communidad* evokes the atrocities during the Franco regime also in the village assembly. The pathos of speakers is sanctioned by the people gathered. And this is not because the people have little knowledge of historical facts or little interest in history. People at the local level sense that history matters for the present, and while the present is still under construction, history is re-constructed as well, in a direction that might be contrary to their aspirations.

Last, but not least, in the aquarium's political life the external claims to access the natural valuables are treated differently than the internal claims. Both examples of common property regimes used in this study gravitate around two principles: land-based (and not kin based) rights to use the natural valuables, and the permanence of residence. The external claims to access the resources as a result of marriage, professionals moving in, or the presence of ethnic minority groups, are subject to local negotiations. Some may acquire the rights, others not. Therefore we encounter what Weber called a "double ethic" (Weber [1905] 2003:

57), or a double standard with regard to the outside-claims to attain economic opportunities within a defined social group. Weber explains how the capitalist economy destroys this mechanism of protecting in-group interests by claiming that no distinction can be made between in-group and out-group morals in economic affairs. However, both the Romanian and the Spanish states account for this peculiarity in their legal systems. The ever-increasing layering of governance towards 'the globe' ideal-type trespasses the guarantee that the national states offered to the 'double ethic' principle in these cases.

28.3. The natural valuables in 'the globe'

'The globe', that is, *the opaque ideal-type of governance*, confronts two major tensions with regard to nature. First, the sundry and ever increasing number of the actors involved in decision-making and the limited carrying capacity of nature. Second, the tension between the rationality of the human mind and the unpredictability of natural settings (Horkheimer and Adorno 2002 [1944]). For surpassing these two major tensions, decision-making relies primarily on the scientific measurement of natural valuables. Unlike in 'the aquarium', the evaluation of the natural environment is quantifiable. The unpredictable variables are not part of the calculi and so human activities become dismantled from socionatures, for the agency of the erratic *indifferent* (non-human) actors is out of the formula. Consequently, the natural valuables in the *opaque governance* ideal-type become resources for satisfying human needs. As Leiss explains, "[n]ature (…) appears to scientific thought only as a collection of bodies in eternal lawful motion, and the social reflection of this scientific version is the idea of a set of natural laws of economic behavior (…)" (Leiss 1972: 150).

When the head of TEEB, the former Deutsche Bank director Pavan Sukhdev, says that "the economic invisibility of nature must end" (chapter 9.3.) he refers to, in the terms of this study, a perfect mapping of the natural valuables, the completion of the register of natural resources. The opaqueness of nature in 'the globe' is detrimental to economic profitability and to decision-making. This dark-side of nature can be brought to light through improved investigation. Investigation contributes to meaning-change or meaning-creation of the natural valuables. But at the same time, investigation is separate from uses in 'the globe' ideal-type. Unlike in 'the aquarium', changes in meanings or meaning-creation of the natural valuables are not intimately linked with the uses. The investigation of nature and the completion of the repertoire of natural resources is the task of scientists. The scientific investigation of both human activity and the natural environment is invested with meaning. However, the scientists are not the only ones that create or change meanings of the natural valuables in 'the globe'. Those who use these resources contribute as well. But unlike in 'the aquarium' model, the

users and the investigators are not the same actors, are not part of the same social and geographical spheres. In 'the globe' ideal-type we encounter therefore an ever-increasing gap between meaning creation and use.

In these conditions, local actors, that is the actors that are close to the place of extraction of the natural resources, are increasingly excluded from accessing the resources first by not participating in the meaning-change process. The control of the meaning is no longer their business. The 'true' meaning of the natural valuables is coming from outside. The local actors try to internalize the new meanings or they try to oppose them. We can recapitulate the example of the *monte bravo* and *monte manso* up to the end. The distinction between *monte manso* and *monte bravo* in the local understanding was permanently negotiated among the local actors. Yet, with the state law from 1968, the law of *Montes Veciñais en Man Común*, the distinction is abolished and the *monte* started to have other value as the Spanish state attempted to regulate the local use of the land. In Labrada, local people started to seize the new value of the *monte* and made attempts to individually enclose parts of the monte *bravo*. Conflicts erupted in the village, some of them being still ongoing in court, like in the case of the Xoxa family. The same happened when the wind-energy companies re-mapped the *monte* and the local inhabitants started to divide the common land among the villages with GPS precision with the intention of not losing the payoffs that the companies provide for each windmill planted in the soil. These would be examples that deal with internalization of the new meanings. Examples of resistance to new meanings abound in the two cases studies. We can briefly call to attention the resistance against the meanings created by reforestation polices in Galicia during Franco and against Natura 2000, which are common in the two cases.

But, there is also a third situation; namely, when resistance is not successful. In this case, we witness major changes in the demographics. The case of Galicia is again outstanding. When resistance against reforestation was not efficient, people left their villages to make their living elsewhere. It was *fame negra*, a black hunger, as Avo remembers, for the control over new meanings and the imposition of new uses left the people without their basic means of production, their pastures. The civil war also had its impact together with the overall economic and geopolitical isolation of the Spanish state. Fifty years later, the rangers prohibit the mowing of *toxo* and *xesta* for nature conservation reasons, in the name of the Natura 2000. In the meantime, new, external uses occupy the common land of the village of Labrada, the windmills. The windmill companies are encouraged by the politics of the local government while the same local government discourages the agricultural use of the land. The overall

context of the EUropean market and environmental integration plays its role as well. But the outcome is the same as in the time of Franco, more people leave the villages of Galicia.

In conclusion, in 'the globe' ideal type of governance, the meanings of natural valuables are opaque to the local actors for there is a gap between the meaning-creation process and the uses. The supremacy of scientific meaning-creation of natural valuables empowers external actors to value differently the natural setting and to control the process of meaning-creation.

28.4. The political action in 'the globe'

In 'the globe' governance regime, the chess board of decision-making is opened to everyone. Ultimately, every social actor, every human being, can make claims and contest claims. At the same time, we consider the legal space in 'the globe' a resource as we did in 'the aquarium' model. The bundle of rights that links natural valuables and local actors in 'the globe' is part of this legal space, and constitutes as well a resource. Yet, the bundle of rights is vey loose. How actors use this resource is the core issue for understanding how political action at the local level modifies in 'the globe' ideal-type of governance.

As noted in the theoretical part, one of the inconsistencies when neoliberalism meets transnational governance is that while neoliberalism preaches deregulation, it demands the multiplication of regulatory actors, which, by their inter-connection and superposition create a web of rules and regulations at global level with no precedent in history. This legal space is dominated by what Habermas called *juridification* [*Verrechtlichung*], by the increase of "formal (or positive, written) law" (Habermas 1987: 357). The "juridification of the communicatively structured areas of action" (ibid: 356), implies highly abstract means and forms of communication. Habermas highlights that through juridification ongoing societal problems are turned into purely bureaucratic conundrums.

The communication within the globe governance regime is not only multi-lingual, but requires a special *langage,* that is, as explained above, a sum of abilities for expressing oneself. This *langage* in 'the globe' is far too complex to be acquired in a relatively short period of time and logistically too composite to reach locations where technological infrastructure is poor. As a consequence, *the communicatively structured area of action* is too abstract, too complicated and too opaque for the local actors.

Making and contesting claims in 'the globe' is not an easy task, one needs to learn how to do it. This learning process is unevenly diffused. While in 'the aquarium' learning how to use the resource of the legal space is a matter of everyday socialization, in the globe, it is the task of experts. These *external epistemic agents* (Buchanan and Keohane 2006: 430) do

not possess all the abilities or all the information either, but bits of it. As Buchanan and Keohane explain "[t]he fact that the information held by external epistemic actors is dispersed will make it difficult for institutional agents to know what is known about their behavior or to predict when potentially damaging information may be integrated and interpreted in ways that make it politically potent." (idem). While this argument is used by the above mentioned authors for showing the virtues for strengthening democratic behavior with the help of fragmentary knowledge and the absence of a concrete seat of authority in global governance, I think that the same argument can function the other way around as well.

The fragmentary knowledge and the lack of a visible seat of authority are increasing the opaqueness of 'the globe' governance model for the local actors. Learning how to use the legal space in 'the globe' and the effective use of it is not part of their *lifeworlds* anymore. People do not possess the strategies and the techniques for controlling the legal space as they do not have the control over the meaning-creation or meaning change any longer. The new strategies and techniques for using the legal space do not rely on the embeddedness in broader spheres of the social life, like in 'the aquarium' model, but on their abstract sharpness that is to be effective in fragmentary circumstances. Moreover, defending claims and counter-claims in 'the globe' needs no historical validation. As the data in this study shows, the historical argument in defending the traditional land use is less powerful than the scientific one for protecting nature, although traditional land use included practices that protected the land from degradation and preserved the endangered species nevertheless.

During the feudal and authoritarian governance regimes, the channel of accountability was more *transparent* for the local people, both in Vrancea and in Galicia, than is the present transnational one. But what is more important is that a clear seat of authority was part of people's everyday lives, of their *lifeworld*. The past multi-layer governance regimes empowered people with a consciousness of everyday resistance towards the no less unjust policies, precisely because it gave them somebody to blame. Strategies and techniques of resistance were built having a target in front of their very eyes. But in 'the globe' ideal-type of governance, *the channel of accountability* lies in obscurity and echoes with indifference the calls of those looking for a reference point of authority. Local actors in Vrancea and Galicia, despite their rights in engaging in policy-making as non-state actors, lack the means in pursuing these actions.

Conclusion: When multi-level governance hits the ground

Monday, March 5th, 2012. International media reports new ecological disasters in Spanish Galicia: the *montes* burn, again. *Le Monde*, the *France métropolotaine* edition, makes on the first page a parallel between the economic disaster that hit Spain in the context of the ongoing world crisis and the devastating fires in Galicia. The article quotes Galician officials that deplore the situations by saying that the fires are caused by the unusual lack of precipitations over the past months, as well as "vandalism" (Morel 2012: 8). It seems that Galician people have not failed to remember the organized arsons during the Franco regime. The officials lament how nature is not helping the Galician government, but is working against its policies. I picked-up the phone and called Henar to see what the situation in Labrada is. I asked her if there are fires at the moment in Xistral. "Here there are no fires, for here we still have *monte*-cleaners, remember?" she answered alluding, with a beautiful *retranca*, to the role of horses in cleaning the *monte,* but also to the illegal cutting of *toxo* and *xesta*. Yet, she has other burning news: the *Xunta* of Galicia came up with a project of extending the Natura 2000 in the Lugo department from 40% to 45%. "This will ruin us!" Henar says. "I saw the plans: all villages, all *montes* around Xistral will be in Natura 2000." On the 12 of March is the deadline for making legal complaints against this public project. Henar made three: as president of the *Comunidad de Labrada*, as member of the farming association *San Cidre*, and together with *Labrego*, the Galician agriculture syndicate. But she is very pessimistic because the *Xunta* is not the only one who decides the extension as the project came from a Brussels initiative via Madrid. "Here we say that the high politics go sluggish (*las cosas de palicio van despacio*). But, all this is very strange (*extraño*). I don't understand who wants us to perish?"

It is a question of time to see if Henar's claims will be effective, as well as to see the effectiveness of *GAL Ţara Vrancei* in negotiating more loose access to the forests located in the two superposed Natura 2000 sites. Yet, it is clear that the multi-level governance program of Natura 2000 faces a triple-deficit: of acquiring a prime place on the international, national and local political agenda, of implementation and of legitimization. This triple deficit is often conceptualized in the literature on multi-level governance as a byproduct of the transition from government to governance which is to be counterbalanced in a positive way by the opportunity of all actors involved to rise and contest claims and to undertake an active role in an opened policy-making environment. Unlike in the 'big government', the 'big multi-level governance' promises a governance space where the competences are shared among all actors

in such a way that everybody has a voice and that no exclusive visions shall be imposed. This study looked at *how do the local actors' part of the EU multi-level governance regime for nature protection use this open chess board of policy-making as resource for attaining their aims*. By taking the example of nature protection, this study showed, from a comparative historical and ethnographic perspective, that multi-level governance negatively impacts local actors who do not possess the abilities to use the resources of the legal space of this new mode of governance. The empirical findings show three main consequences at local level of this state of art: a limited capacity in reaching the ultimate seat of authority of the multi-level governance regime; a preference for using ad-hoc techniques for attaining the aims; and a longing for the govern-centered mode of governance where the accountability map was easier to draw.

People from Labrada and Păuleşti have a phantasmagorical representation of Brussels as a seat of authority, and of the EU in general. Brussels is so far away from them that it barely exists. But, when it comes to issues that cause everyday problems to their lives, this 'unreal' authority becomes more real than ever and needs to be addressed somehow. In the absence of efficient conductors that would eventually carry their message to Brussels, people protest with their mouths shut in obscurity. People in the two villages tend to break the new regulations and solve eventual problems afterwards in 'the old way'. The example of the president of Obştea who broke into the protected zone to get the wood vital for the people in the village is an illustrative example (Chapter 25.3). He risked a 40.000 euro fine for the entire village instead of using the opportunity of multi-level governance for making his voice heard. Why? First, he broke into the protected area because he had the support of the village. Second, because the new space of governance is too complicated for him and the people in the village to deal with in a short period of time. And third, because he knew that he endorses problem solving capacity at local level. He solved the problem by using regional political networks where everybody knows that "justice is in Heaven and not on the Earth". This extreme form of creative compliance is to be found in Galicia as well, as people break into the protected areas for making the pastures vital for their local economy. There are no signs of regret because they also see that justice is not on Earth for the windmill companies can do whatever they want in the protected areas, while they are the only ones where the EU environmental regulations apply.

At the same time, people know that these forms of creative compliance are very risky for it is hard to anticipate the next move coming from this disembodied spirit of power, from this phantom-like authority called Brussels. This is also why in both cases we find a longing

for the state-centered forms of authority. By saying that during Franco or Ceauşescu it was better, people want to say that the evil was easier to locate, to learn about, and ultimately to fight. The state-centered form of authority, even though highly repressive, was predictable and people could easier calculate the outcomes of their collective or individual forms of resistance. As the data shows, in a state-centered governance regime, being colonial or national, the gap between the rights people endorse and the means for attaining these rights was smaller. In contrast, in this EU multi-level governance regime this gap is larger.

From the Brussels's perspective Natura 2000 is multi-level governance regime which needs permanent adaptation but which is based on solid democratic grounds of non-exclusiveness and effective sharing of competence at all levels. In the cases presented in this study, Natura 2000 functions as a peculiar top-down governance regime where the top is hardly visible and where the national, regional and local traits distort the initial purpose of the directives. Vrancea and Galicia are peculiar cases of regions very rich in natural resources but where skillful and culturally rooted cultural brokers that would eventually undo the knotty multi-level policy chain are missing. On one hand, the participation of Brussels based NGOs in nature protection policy-making is not enough for making the voice of the local people heard. On the other hand, the local NGOs, such as *ADEGA* in Galicia, or *ACB* in Vrancea, have too little expertise and resources in climbing up the policy chain and are too flimsily rooted in the local everyday social conflicts in order to attain a functional cultural brokerage. This climate tends to advantage the consolidated transnational, as is the case in Galicia, national and regional, and in the case in Vrancea, economic interests. As a consequence, at the bottom level of the policy chain, this multi-level governance arrangement appears to the local people as opaque, a governance space where they do not find themselves.

These empirical findings contrast with most recent arguments in international regime complexity studies which state that despite the fact that local actors lack the means to work in the labyrinth of new governance regimes, ultimately, these 'weak' actors will create novel institutions, and "over time powerful actors will have to deal with the reality of parallel institutions that they cannot control" (Alter and Meunier 2009: 22). Most recent studies state optimistically that due to the diffuse authority that international regime complexity offers, any social actor can make and contest claims, using the advantages of an opened chess board of regulation. This advantages may come from the very experimentalist features of the political interactions (Overdevest and Zeitlin 2012), or due to a strategic use of organizational forms and collective action frames (Dobusch and Quack 2012). But not everybody in this world

knows how to play *chess*. Eventually, everybody can learn, but maybe there are people who would prefer *darts*, who like to see the target. Even for those who would like to learn, or have no alternative, learning requires time and resources. The two ideal types, 'the aquarium' and 'the globe', sketched in an exacerbated manner the way actors positioned at various levels in this multi-level governance regime do not have the same skills in using the governance space as a resource for attaining their aims. This calls for a more effective authority which would ultimately watch the distribution of this resource and who would keep running mechanisms that would eventually ensure equitability.

When looking at governance as such, we notice that no matter how abstract a governance model would be it hits the ground in the end. And at ground level we encounter spaces filled with history and memory – human history and environmental history, collective memory and spatial memory. This is another dimension that most studies in multi-level governance tend to elude. Unlike the empirical and normative approaches to environmental governance which keep counting on the transnational peculiarity in nature protection, this study takes a critical perspective and shows how *locality* matters in transnational governance. In these studies, the protected areas are merely abstract categories of a multi-level governance regime, which may function well in some respects and not so well in others. This study wants to bring a different aspect to the forefront. It shows that the protected areas are actually part of intersubjective *socionature* networks animated by living and defunct, but no less important, human and non-human actors. Past forms of resistance to previous attempts to 'govern from outside' the village commons were based on the ability of the local people to make use of these socionatures in defending their claims. The meanings of the natural environment that the people were operating with in their everyday life were meaningful in their resistance. Nature protection operates with new, abstract, desk-made conceptualization of nature: nature as biodiversity, nature as capital, nature as an equilibrium model that is in great danger of being destabilized by human action.

All these scientific presumptions *are not true* at the village level. In the villages studied human activity is part of the dynamic of the natural environment. This embedded human activity in socionature networks does not fall into the equation of scientific ecological knowledge, and therefore it needs to be cast aside. Nature needs to be protected, but *from whom*? From a human activity that shaped it in the past millennia, or from new external economic incentives? What harms the environment, the plantation windmills in Xistral or the making of pastures that people used to do since forever? What is more dangerous in Vrancea, getting fuel-wood from areas that people always used to for this purpose, or the plantation of

villas and ski slopes by the post-socialist nouveau riches? We see therefore that in multi-level governace *locality* is the 'last battlefieled' where struggles over meanings are fought. This study showed the importance of taking the dynamics of meaning-creation at the ground level seriously into account when analyzing trasnational or multi-level forms of governance, for here we see better how striggles over resources are actually struggles over meanings.

What distinguishes the present capacity of local resistance from the past ones is that nowadays local people have lost control of the meaning of the natural environment where they live. Past attempts of dispossessing them from their means of access to their resources used 'brutal' forms of usurpation of property or access rights. These forms of usurpation were made in the name of an oppressive political regime, colonial or dictatorial. But the meaning of the natural valuables was not very abstract. The natural valuables, wood in most of the cases, acquired new importance such as for ship-building or for timber. But wood remained wood and a tree was a tree for the people in the village as for the central state officials. For Natura 2000 a tree is not a tree anymore, it is a segment of a complicated biodiversity chain that only scientists and eventually politicians can understand, and that local people, through their ignorance, can harm. Therefore, people in the villages need to change the use of the land, their understanding of the land and to learn new better ways to use and to think about their natural environment. This is the same attitude we encountered in colonialist times.

The fires that now, while I write these lines, ravage the *montes* of Galicia are not the consequences of lack of rain. Lack of adequate rainfall also occurred in the past. What is burning in the *montes* now are the highly inflammable bushes that the local famers are not allowed to cut without permission. It is a very practical way to clean the *montes*, exactly the same as in the past when the planted eucalypts ruined their pastures. What is happening in the *montes* now is the consequence of decades of permanent attempts to change the local use of the land. Natura 2000 is only the last in a long series. Yet, it follows the same logic as the previous ones, a logic deeply rooted in the green liberal thinking, a logic that ignores broader social and ecological consequences, a logic that permanently transforms nature from 'waste' into a resource and disentails local socionatures.

The conceptualization of nature in transnational governance is as much linked to broader political concerns as it was in the past when it served the cause of national identity building. The data in this study showed that nature protection is about anything but 'nature', and that programs in protecting nature cannot be conceived outside broader political aims and ideologies. Natura 2000 is suffocating under its own colossal dimensions trying to pacify

EUropean integration and economic and nature protection aims at the same time. At local level, it leads to dispossession, social inequality and environmental degradation. As the Indian tribes in Yellowstone counted very little in the establishment of national parks, so do the local farmers and peasants to the Natura 2000 transnational governance program. At the end of the ninetieth century and the beginning of the twentieth, the national parks served other means than protecting nature. They were part of a larger project of the national identity re-building in the US, Spain and Romania. Can EUropean identity be built in the same way using cross-border forms of governance? We do not know yet. The fact is that not everybody knows and not everybody wants to play multi-level governance political chess. This study opens therefore further prospects for the perils of democracy in transnational and multi-level governance regimes.

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Annex I: Setorial Plan of the Windfarms in Galicia. Source: www.xunta.es

PLAN SECTORIAL EÓLICO DE GALICIA
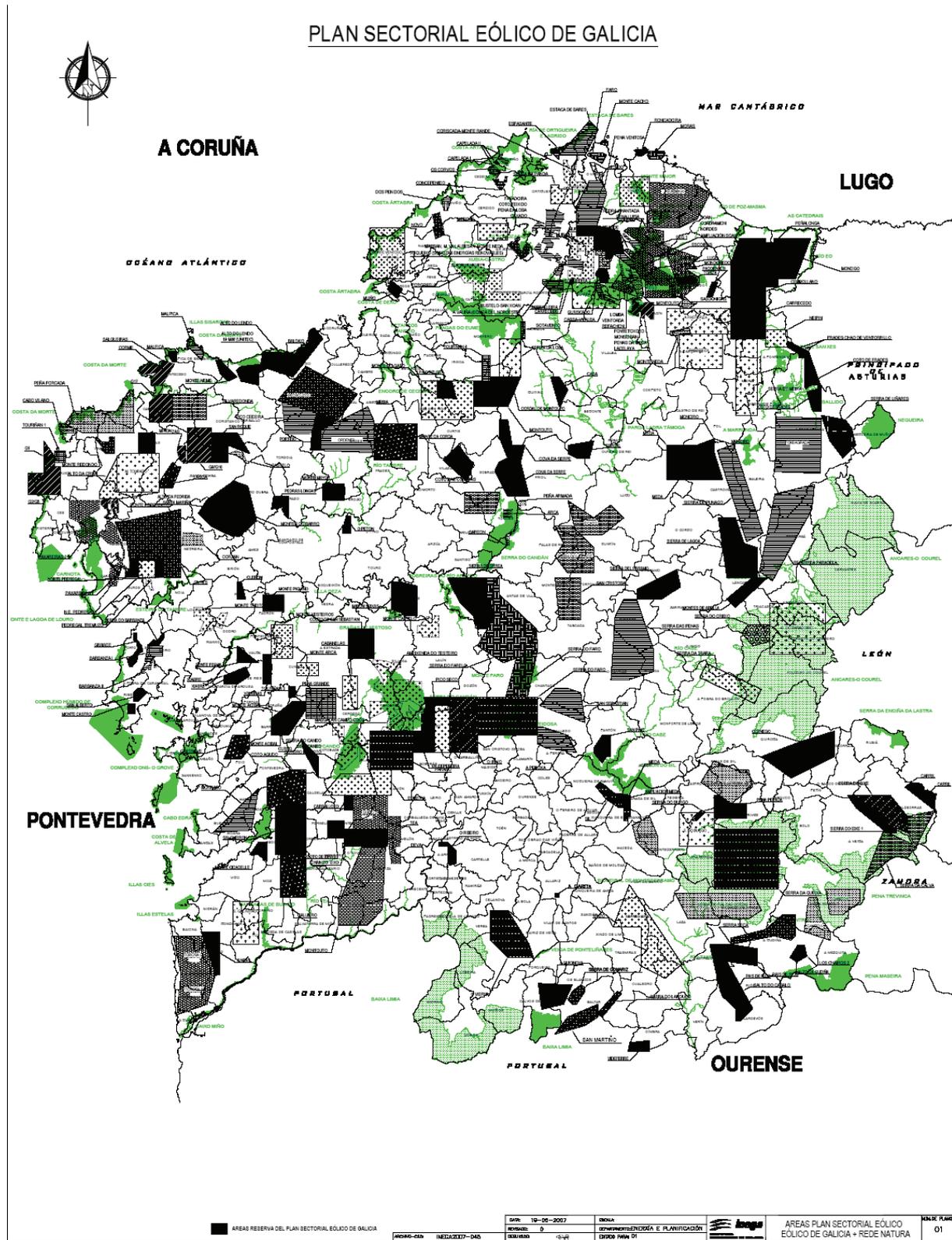
Annex II: List of the interviews

A: Conducted in Brussels and quoted in this document.
1. Official 1, Natura 2000 responsible, DG Environment, February 10th, 2010, 82 min.
2. Official 2, DG Environment, February 12th, 2010, 56 min.
3. A.A. 1, EEB NGO, February 15th, 2010, 25 min.
4. P.A. 1, WWF NGO, February 8th, 2010, 50 min.
5. W.F., EEB NGO, February 5th, 2010, 43 min.
6. A.A. 2, EEB NGO, February 22, 2010, 62 min.

B: Conducted in Galicia and quoted in this document
1. Avó, peasant, int. 4, November 6th, 2010, 24 min.
2. C.E. II, Lawyer, October 22, 2010, 38 min.
3. R. GMA 1, Official Environmental Guard, November 26, 2010, 42 min.
4. Xesus I, peasant, December 2, 2010, 55 min.
5. Dourino II,peasant, November 22, 2010, 16 min.
6. Modesta I, peasant, Ocotber 12, 20120, 31 min.
7. T., V11, farmer, October 28, 2010, 40 min.

C: Conducted in Vrancea and quoted in this document.
1. Culiţă Huşcă, forestry worker, interview 01, December 2003, 65 min.
2. Niţă Coforea, I, local entrepreneur, May 20, 2011, 39 min.
3. Praznicel I, peasant, April 2004, 44 min.
4. C. 80 years old, peasant, interview December 2003, 70 min.
5. F.R. interview 01, professor, April 18, 2011, 47min.
6. Bogdan I, local entrepreneur, April 20, 2011, 40 min.
7. I.P., RNP official, interview 1, May 21, 2011, 47 min.
8. Vali Popa, II, forestry engineer, May 12, 2011, 68 min.
9. Interview 01 of president of Obştea X, local entrepreneur, June 5, 2011, 37 min.
10. R. 83 years old, peasant, interview made in April 2004, 44 min.

Annex III: Stronghold 2000 – The ethnographic film of the present study.