

THE PASTURE WAS NEVER EMPTY · CHAPTER FIVE

Thursday at the Apostles' Door

Chapter Five of The Pasture Was Never Empty

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Santa Anna, A. (2026). Thursday at the Apostles' Door. In The Pasture Was Never Empty (ch. 5). Luminous Prosperity Inc. https://doi.org/10.5281/zenodo.23989532
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Published by Luminous Prosperity Inc. for Haute Lumière. Author ORCID 0009-0008-3244-0306.

DOI 10.5281/zenodo.23989532 · this record's page: business.hautelumiere.life/library/the-pasture-was-never-empty/05-thursday-at-the-apostles-door/

Please cite as: Santa Anna, A. (2026). Thursday at the Apostles' Door. In The Pasture Was Never Empty (ch. 5). Luminous Prosperity Inc. https://doi.org/10.5281/zenodo.23989532

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A NOTE BEFORE YOU READ

This work is offered for education and leadership development. It is not legal, financial, accounting, investment, medical or psychological advice; take the advice of a qualified professional who knows your circumstances. Companies and events are described from the public record as the author understands it; characterisations are the author's analysis. Examples are illustrative, and no particular outcome is promised to any reader.

ABSTRACT

The Door of the Apostles is the Gothic entrance on the side of Valencia's cathedral. On most days it is a door. On Thursdays, at noon, eight farmers in the black smock of the huerta take their seats in front of it. Each has been elected, for a term of two years, by the farmers who share one of the historic irrigation canals that draw water from the river Turia across the irrigated plain around the city. The canals are called in turn, and anyone with a complaint against a neighbour is heard. Usually nobody has one. When somebody does, the parties speak for themselves, in Valencian, without lawyers and without paper. The procedure is summary and entirely oral. A person complained of is summoned up to three times; if he does not come, the case is decided without him. The tribunal decides on the spot, and its decision is final: there is no appeal. In most weeks the whole session is over in a few minutes. If Thursday is a holiday, the tribunal sits on Wednesday instead.

CHAPTER FIVE

Thursday at the Apostles' Door



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Noon, on a Thursday

The Door of the Apostles is the Gothic entrance on the side of Valencia's cathedral. On most days it is a door. On Thursdays, at noon, eight farmers in the black smock of the *huerta* take their seats in front of it. Each has been elected, for a term of two years, by the farmers who share one of the historic irrigation canals that draw water from the river Turia across the irrigated plain around the city.

The canals are called in turn, and anyone with a complaint against a neighbour is heard. Usually nobody has one. When somebody does, the parties speak for themselves, in Valencian, without lawyers and without paper. The procedure is summary and entirely oral. A person complained of is summoned up to three times; if he does not come, the case is decided without him. The tribunal decides on the spot, and its decision is final: there is no appeal. In most weeks the whole session is over in a few minutes. If Thursday is a holiday, the tribunal sits on Wednesday instead.[36]

This is the Water Tribunal of the plain of Valencia, the *Tribunal de las Aguas*. In 2009 UNESCO inscribed it, together with the Council of Wise Men of the plain of Murcia, on its list of the intangible cultural heritage of humanity. UNESCO's account describes it as "eight elected administrators representing a total of 11,691 members from nine communities", and places the origins of both courts in the al-Andalus period, between the ninth and thirteenth centuries; both are recognised under Spanish law.[37] The documentary record that historians can test is younger and more modest, which is the honest way to put it: the irrigation communities of the *huerta* and their customs are attested after James I of Aragon took the city in 1238 and confirmed the water customs he found there. Thomas Glick's history of medieval Valencian irrigation, published by Harvard in 1970, is the standard account of what the documents can and cannot show.[38]

Whichever date one prefers, the tribunal has done the same work, in the same place, on the same day of the week, for centuries. Elinor Ostrom used the Valencian *huertas* as one of her principal long-lived cases in *Governing the Commons*.[39] Chapters 2 to 4 set out her principles, their limits and the house's reading of them as loops. This chapter shows them working.

The claim of this chapter is practical: a commons is governed well when its smallest disputes are settled fast, in public and cheaply, because that is the loop on which all the others depend. The Thursday session is the visible part of an arrangement that runs all week.

What the tribunal is part of

The tribunal is not the government of the *huerta*. It is the conflict-resolution arm, principle 6, of a larger nested system. Each canal is run by its own community of irrigators, who elect officers, set the turns by which water is taken, employ guards who watch the channels, and share the cost of cleaning and repair. The tribunal sits above them, and settles what crosses between members of a canal and what the canal's own officers cannot settle.

Read against the eight principles, the arrangement is almost a diagram:

- Boundaries (1). Water rights belong to land within each canal's area. Who may take, and from which channel, is known.
- Local rules and proportion (2). The order and timing of turns are set canal by canal, and change with drought. Contributions to maintenance follow the land irrigated.
- Collective choice (3). Each canal's members meet and change their own ordinances.
- Monitoring (4). Guards walk the channels; and each farmer waiting for his turn can see whether his neighbour took too long, which makes monitoring a by-product of irrigating.
- Graduated sanctions (5). Penalties are set by the canal's ordinances and scaled to the offence.
- Conflict resolution (6). The tribunal, every Thursday, oral, local and quick.
- Recognition (7). The tribunal's jurisdiction is recognised by the state.
- Nesting (8). Canal communities inside the *huerta*, the tribunal over them, the river basin authority over the whole.

Santa Anna's *Ecstatic Economics* describes principle 6 in words that could be a caption for the Thursday session:

> *Disputes are resolved quickly and locally, without expensive legal processes that only the wealthy can afford.*[40]

Here is what that sentence means in economic terms. A dispute that costs nothing to bring and is settled within a week is brought early, while it is small. A dispute that costs months and a lawyer is brought late, or never, and grows in silence until it breaks something larger. The Thursday session is cheap enough that grievances never need to accumulate.

What the case cannot show. The Valencian *huerta* is one case, in one culture, with a river, a climate and a history that no other place shares. Its longevity shows that the arrangement can last; it does not show that copying it elsewhere would work. Ostrom chose it because it lasted, which is the selection problem Chapter 7 takes up. It has its own exclusions: water rights go with land, so those without land have no voice in front of the door. And the tribunal's public, oral form depends on a community small and settled enough that a farmer's standing among his neighbours is worth more than winning a dispute. All of that is part of why it works, and part of why it is not a template.



The harbour gangs

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The harbour gangs

The second case is younger, colder and less ceremonial. Along the coast of Maine, lobstermen from each harbour fish their own stretch of water. For much of the twentieth century no statute gave them that stretch. The boundaries were held by custom, by what the anthropologist James Acheson, who studied them from the early 1970s, called harbour gangs.[41] Their claims were unrecognised by the state and backed, when it came to it, by surreptitious violence against the gear of outsiders.

In 1975 Acheson published "The Lobster Fiefs" in the journal *Human Ecology*. He distinguished two kinds of territory: *nucleated* areas, where exclusive rights were held loosely, and *perimeter-defended* areas, where they were held tightly. The difference in how firmly the boundary was kept, he argued, changed how hard the water was fished, with strong biological and economic effects. It is one study, of one fishery, from the early 1970s, and it shows an association rather than a cause. Acheson's longer account, *The Lobster Gangs of Maine* (1988), should be read for the detail. But the direction fits the logic of the principles: where the boundary held, the overuse that Gordon's model predicts for open access was checked.

The case also shows the boundary's darker side, the subject of Chapter 3. Exclusion protected the resource and it protected incumbents, and the sanctions, though they began with warnings, could end in the destruction of a newcomer's traps. A leader studying the case should keep both halves in view. What the case adds to Valencia is principle 7 seen from the other end: an informal arrangement the state did not at first recognise, which the state could later choose either to replace or to build on.

Santa Anna's book names the choice, in its account of what the principles describe:

> *a form of economic governance that is neither market nor state — neither the privatization solution of the right nor the regulation solution of the left.*[40]



A commons at work: the cloud budget

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A commons at work: the cloud budget

The two historic cases are instructive and remote. Most readers govern something closer to home. What follows is a composite, built for teaching: no single real firm, assembled from the kind of arrangement many technology firms run. Every figure is set for illustration and is not drawn from any filing or study.

A software firm of sixty engineers in six teams shares one monthly cloud computing budget of $40,000. Any engineer can start a server or a test environment with a click. The bill arrives at the end of the month. For two years nobody has owned it.

This is Gordon's open-access fishery with a credit card. Each engineer who leaves a large test environment running overnight takes the whole convenience and bears one sixtieth of the cost. In the composite, the bill has drifted to $52,000 a month, and the finance team's response has been a quarterly email asking everyone to be careful, followed by a freeze when the overrun becomes embarrassing. Both responses are what Chapter 3 called the outside rule: imposed without the users, felt as arbitrary, and quietly worked around.

The engineering lead runs the Commons Inventory from Chapter 2, then the Principle Audit from Chapter 3. The audit finds no boundary on the resource (1B), no monitoring the users can see (4A, 4B), and no first response short of a freeze (5). Collective choice (3) is absent; the budget was set by finance. These are the dotted arrows on the Loop Map from Chapter 4.

What the firm does over six weeks, in the order the Loop Map suggests:

Week 1 · Shorten the sense loop. A shared dashboard shows each team's spending from the previous day, visible to all sixty engineers. The delay between overuse and someone knowing falls from a month to a day. Nothing else changes yet.

Week 2 · Draw the boundary. The budget is divided among the six teams in proportion to what each used over the last six months, with a small common reserve for experiments. Each team now has a resource with an edge. This is principle 1B, and also 2B: what each team takes is now tied to an allocation it can see.

Week 3 · Give the users the rules. Each team decides its own practices within its share: which environments shut down at night, who can start large machines. One team chooses an automatic nightly shutdown. Another, running long experiments, does not. This is principle 2A, rules that fit local conditions, and principle 3.

Week 4 · Agree the first response. The six team leads agree a graduated response to overruns, written on one page: the ladder in the tool below. The first rung is a message from a colleague, not a manager.

Week 5 · Create the Thursday. Fifteen minutes every Thursday, the six team leads review the dashboard together. Disputes between teams, a shared database whose cost each claims is the other's, are settled there, in the room, in minutes. This is principle 6, borrowed without embarrassment from Valencia.

Week 6 · Nest it. Finance sets the firm-wide ceiling and the quarterly review. The teams govern inside it. Principles 7 and 8 together: the outside authority sets the outcome and leaves the method.

In the composite, the monthly bill falls back to about $41,000 by the third month. The figure is illustrative. The structure is the point: no new tool did the work except the dashboard. The loops did.

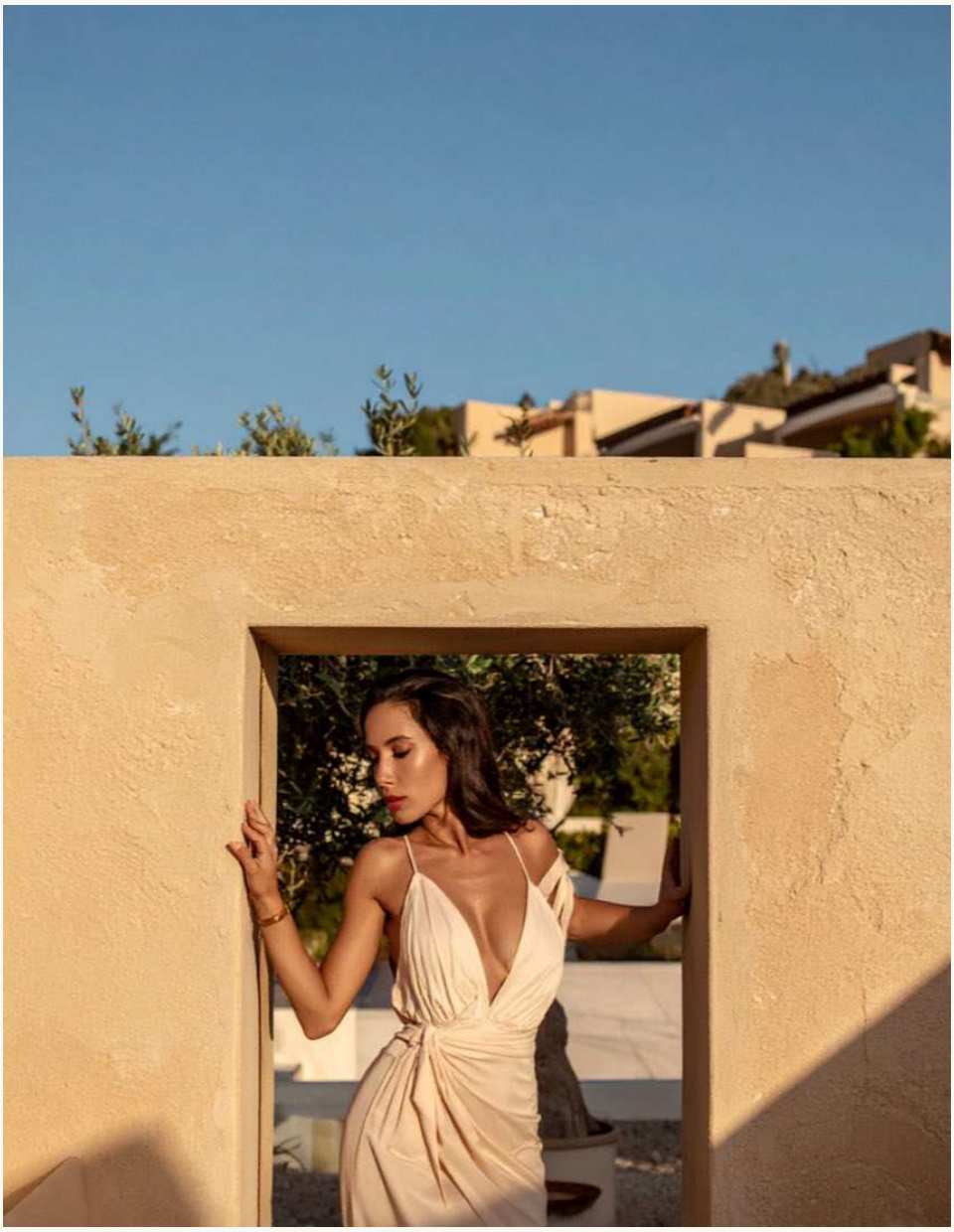
The book's account of graduated sanctions names the purpose the team leads were trying to keep:

> *The goal is to maintain the community, not to destroy the violator.*[40]

The first time a team overran, in the composite's fourth week, the response was a colleague's note on the Thursday call: *you were over yesterday, do you know why?* They did. A long test had been left running. It did not happen again, and nobody's name was mentioned outside the room.

The same structure works at a kitchen table, and Chapter 11 is given to it. One of Alpha's instruments, the Stakeholder Map, is a useful first step for a leader whose commons has more users than anyone has written down, and Chapter 8 sets out the full thirteen-week version of what this composite did in six.

At noon on Thursday in Valencia the last canal is called, nobody answers, and the farmers in black rise. The water goes on flowing to the fields.



The Tool: The Graduated Response Ladder

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The Tool: The Graduated Response Ladder

A one-page agreement for any group that shares a resource: a team, a set of teams, a household. Write it with the people who will use it, not for them. It takes about forty-five minutes. Principle 5 is the subject; principles 3, 4 and 6 are the supports.

Part A · The resource and the line (10 minutes).

The shared resource:

What counts as overuse, stated so that anyone can check it from information all users can see:

How users will see it, and how often (the sense loop):

Part B · The ladder (20 minutes). Five rungs. Write what happens on each, who does it, and when the next rung applies. Keep the first two rungs between peers.

RUNG	WHAT HAPPENS	WHO DOES IT	MOVES TO THE NEXT RUNG WHEN
1 · Notice	A private word: "you were over; do you know why?" No record.	A peer who saw it	The same overuse happens again within _____
2 · Name	Raised at the regular meeting (the Thursday), as information, with the person present.	The person, or a peer	It happens a third time within _____, or the explanation does not hold
3 · Repair	The person proposes how they will make it good (time, money, a fix), and the group agrees it.	The person, agreed by the group	The repair is not made by _____
4 · Restrict	A temporary, stated limit on the person's draw on the resource, with a date it ends.	The group, or an officer accountable to it	A further breach during the restriction
5 · Review	The person's access is reviewed by the group, with a route back written into the decision.	The whole group	(End of ladder)

Part C · The protections (10 minutes). Agree and write:

1. Every rung applies the same way to everyone, including the person who leads the group.

2. A person can always ask to be heard at the next regular meeting before rung 3 or higher takes effect (principle 6).

Records are kept only from rung 3, and only for months.

The ladder itself is reviewed every months by everyone who uses the resource, and anyone may propose a change (principle 3).

Part D · The regular meeting (5 minutes). Name the day, the time, the length (fifteen minutes is enough for most groups) and who attends. Most weeks it will end in less. That is the sign it is working.

Sign it, all of you, and put it where the resource is used.

A note on method

The cloud-budget firm is a composite built for teaching; every figure in it was set for illustration.

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