

# Rural commons in eighteenth-century Hungary

## Introduction

Historical research on collective use and ownership of land in Hungary (*földközösség*) started in the 1880s when Friedrich Teutsch described collective landownership as a typical institution of his nation, the Transylvanian Saxons.<sup>1</sup> Among the ensuing studies, an article by Károly Tagányi published in 1894 is still a valid and very informative overview but limited on the use of cultivated land.<sup>2</sup> Since then, the topic has frequently been dealt with in the context of rural history and anthropology yet it has never been at the centre of scholarly interest, and thus no systematic and comprehensive study has been published so far.<sup>3</sup> The generation of historians who started their work before the Second World War, namely Jenő Berlász, Ferenc Maksay, István Szabó and Imre Wellmann, produced important results in the economic and social history of eighteenth century rural life in Hungary, also including the question of collective land use.<sup>4</sup> This subject was specifically summarised by János Varga in 1952,<sup>5</sup> in an era when political and ideological interests determined scholarly publications. Collectivism was a central aim of the Communist regime established in Hungary in 1948, which thus also needed historical argumentation. After the fall of the Iron Curtain, the ideological determination disappeared, and historical research on Transylvania was revived too.<sup>6</sup> Before this, István Imreh and Zsolt Trócsányi had conducted historical research on Székely village communities and peasants' conditions.<sup>7</sup> Historical anthropology, the history of everyday life and especially micro-history raised historians' interest in small village communities, and produced very specific, unique and interesting results, like the studies of Gyula Benda and more recently that of Lajos Für on the conflicts in the village Bercel, the home village of the famous writer and Hungarian Noble Guard, György Bessenyei.<sup>8</sup> More recently several articles dealing with the topic from different points of view, and a book on collective land ownership of the Székely in Transylvania have shown that research on the history of rural commons in early modern Hungary does not lie fallow.<sup>9</sup>

The aim of this article is to summarise the main results of earlier and recent research, and to identify different types and functions of collective use of agrarian resources. The geographical scope of analysis is limited to cases in eighteenth-century Hungary, Croatia and Transylvania.

## The problem of property rights

In eighteenth-century Hungary, nobody had exclusive property rights to land. Each piece of land was subject to multilayer ownership. The king, the local jurisdiction, the landlord and

his kinship, the local community, and the holder, tenant or occupant of land all had certain rights on and could dispose of the same piece of land. The king was the supreme proprietor. He could present land to anybody and withdraw it from anybody. The king – or to be exact the St Stephen's Crown – was the ultimate heir of any land. After the Great Turkish War (1683–1699) the Habsburg government treated parts of Hungary, which were liberated from Ottoman rule, as newly re-conquered territory, and strictly controlled former landlords' claims, redistributed or withheld land. The result was the emergence of new members of the landed elite and a big proportion of state-owned land managed by the Court Chamber (*Hofkammer*).<sup>10</sup> Later, especially by the peasant decrees of Maria Theresa and Joseph II, the government intervened in the relations of landlords and peasants for protecting *urbarial* peasants' land as the basis for state taxation. The local jurisdictions, like the counties, the free royal towns and the different autonomous districts had extensive autonomy in setting rules and making decisions also in issues concerning land and landholders. Landlords were mostly seen as the possessors of land with no regard to the aforementioned holders of certain property rights. However, not only did the king and local jurisdictions set limits to landlords' property rights but the landlord's kinship also had specific rights, known as *aviticitas*, which secured the kinship's property rights on ancient property (*res avitae*) in contrast to the newly acquired, and thus free, disposable property (*res acquisitae*). Disposition over the latter was again limited in certain ways, for instance by the obligation to provide for any issue, especially female, by securing them a certain inheritance (*quartalitium*) in kind or money. In many cases, the landlord was a collective body. The biggest landlords in Hungary were the state and Catholic Church institutions (archbishoprics, bishoprics and monasteries). In many cases 'private' landlords formed collective bodies too, for instance if the heirs left the estate undivided and managed their possessions together (*condominium*) or if several landlords were forced to manage their possessions jointly (*compossessoratus*). The latter case was tightly linked to the communities. Communities, villages or the so-called market towns (*oppidum*) could hold land and intervened in property rights through their regulative authority. The actual cultivator, the holder of land, held the undermost layer of property rights. The basic unit of cultivation and production was the holding (*sessio*) comprising the house-ground (*fundus*) and access to land resources (*appertinentia*) in the community area, which most importantly included ploughland and meadows as well as pastures, forests, wetland and waters. Some of the holdings, belonging to the estates of a landlord, were obliged to provide services to the landlord and were thus *urbarial* (derived from German *Urbar* or *Urbarium*), while many other holdings were free of or freed from such obligations. In the latter case the holder had strong property rights, but even in the former case the holder was in possession of the holding, which was also part of the inheritance.

Within this institutional framework of criss-crossing multilayer property rights there was hardly any land held exclusively in individual property. Holders of different property rights could try to intervene any time and raise claims. Different rights concerning land were derived from different documents or even from non-written memories, and an official land register was lacking. In large areas of Hungary, earlier under Ottoman rule, the specific Ottoman institutions of land ownership and land use further weakened exclusive property rights.<sup>11</sup> Thus, the property rights of any piece of land could be disputed, litigations and juridical actions, sometimes continued over decades and generations, were numerous not only between aristocratic and noble possessors but also communities and commoners.<sup>12</sup> Although

the term *dominium purum* was known, the modern understanding of individual property, especially in regard to land, had not yet developed. Generally speaking, collective ownership of land prevailed in eighteenth-century Hungary.

However, considerable institutional changes also took place during this century.<sup>13</sup> Authors of juridical, economic and agricultural literature set and clarified specific rules for landed property and its management. In addition, legislation and regulation became more detailed and precise, especially during the reigns of Maria Theresa and Joseph II, without, however, upsetting the traditional system of rights and laws. This happened only a generation later, during the first half of the nineteenth century, when intensive, careful work was done to build a new institutional framework. While in 1715 an Act of Parliament (Article 69) reset and strengthened the basic rules of *compossessoratus*, nearly a century later, Article 21 in 1807 formulated complex rules of maintaining forests, allowing the division of forests between the co-owners. Again, Article 12 in 1836 allowed and regulated in detail the proportional division of all collective resources.<sup>14</sup>

The little village of Szent Iván (*Cserhátszentiván*) near to the now famous World Heritage village of Hollókő in Nógrád county, mainly consisted of noble smallholders. In 1734, the community issued the first village regulation with carefully formulated rules for the management of common land, pastures and forests, listing the specific care of oak as being the most important for pig fattening. Two generations later, in 1817 a new, second village regulation was issued where no more rules had to be formulated concerning common possessions since all pastures and forests had meanwhile been divided between possessors.<sup>15</sup>

## Land use, cultivation and management

Changes in regulation and land use practices occurred in parallel, from common towards individual possession and use, during the eighteenth century. In the villages of Heves county (Ivád, Mikófalva, Bükkszék) even ploughland was commonly used at the beginning of the eighteenth century, while by the beginning of the nineteenth century meadows and even forest were divided and used individually.<sup>16</sup>

The types of land use varied with population pressure, environment and natural resources, and within the different patterns rural commons were managed differently.<sup>17</sup> Population pressure is a function of population density and trade; exports raise population pressure by adding extra demand to that of the local population. While population and thus population density grew considerably in Hungary during the eighteenth century, the steamboat and railway age trade remained quite restricted because of the unfavourable geographical conditions of transportation. With increasing population pressure the value of resources rose, and this change had considerable effects on the control of resources. Depending on population pressure and subsequently the changing value of resources, the following three constellations are observable in eighteenth-century Hungary: (1) low population pressure and open-access to collective resources, (2) rising population pressure and regulated use of common-pool resources and (3) high population pressure and individual use of rural resources.

Since population pressure differed very much throughout eighteenth-century Hungary, the above-mentioned three constellations are observable at the same time in different regions of the country. In the following sections I describe the main characteristics of these con-

stellations. The first and the second constellation are typical within different ecological and socio-economic settings. Further research is needed, however, for explaining why some regions, like the Székely villages in Transylvania or parts of Switzerland, did not enter the third constellation, and why common use and possession of natural and rural resources persisted. Most probably, the reason lay in the fact that on the one hand the fragile natural and rural resources in these regions required more collective efforts for maintenance, thus members of these communities were much more obliged to cooperate, and on the other hand these communities were very closed and avoided a further increase in population by excluding newcomers.

## Free use

At low population pressure anybody could freely occupy land. The surrounding territory of a village, though under the control of the community, was regarded as a free natural resource, which could be used by anybody according to his need and capacity: 'cui quantum libet et quantum potest, secundum qualitatem suae facultatis potest arari'.<sup>18</sup>

On the Great Hungarian Plain, population was relatively scarce after the long Ottoman occupation and people lived in bigger market towns with vast territories partly used for herding. Land for cultivation and for keeping livestock, storage and other economic activities was freely and individually chosen at different plots scattered around the market town.<sup>19</sup> This still happened in the 1730s in the area of Nagykőrös. In Debrecen, Hajdúböszörmény or Hajdúszoboszló a second house-ground in the surrounding territory beside the house-ground in the market town was set up for extending the limited space of the prior place, and thus, a kind of 'double house-ground system' (*kétbeltelkűség*) developed. In Kecskemét and Nagykőrös, where the so called 'field garden farming' (*mezei kertés gazdálkodás*) emerged, the freely chosen plots were bigger and were used not so much as extensions of the house-ground but for different agrarian activities, primarily for intensive cultivation, for keeping livestock and storage. This process was observable in other regions too.<sup>20</sup> In the course of time, these places became temporary and later permanent residences and were thus called 'lodging' (*szállás*) and later 'farmstead' (*tanya*), forming the typical settlement structure on the Great Hungarian Plain since the nineteenth century. In some way, however, this process came under the community's control and support. Since peasant communities and market towns did not have the right of land ownership (*incapacitas*), while nobles and ennobled (*armalis*) inhabitants did, members of the community of Nagykőrös in the eighteenth century bought land from deserted landed property (*praedium*) in Pótharasztt to create new gardens. As population grew and more land was necessary for cultivation, further unused pieces of land were occupied and involved in production. Farmers from Pótharasztt, for example, started to use the abandoned territory of a deserted neighbouring village, probably even without paying any rent for it. As partible inheritance would have diminished farmsteads, the community council ruled in 1817 that farms should not be divided in smaller parts than 20 or 25 acres (ca. 10 hectares).

Vast unpopulated areas (*preadium*), the territories of villages abandoned during the Ottoman rule, also attracted settlers who received specific collective privileges in using these lands that became the basis of their newly formed communities known as *preadialis*. The abbot and landlord of Szekszárd, for instance, granted settlers with the free use of several *preadia*

in 1711 and again in 1719 and 1764. These rights were further extended in 1768 in a contract on renting land, fishing waters, producing and selling of liquor (*pálinka*) and running the town's butchery and mill.<sup>21</sup>

## Forest clearings

With a growing population during the eighteenth century, the need for areas under cultivation grew too and reached previously untouched natural areas, specifically forests. In many cases, appropriate plots were occupied and cleared in those parts of Hungary and Transylvania where vast forests covered sparsely populated mountain areas.<sup>22</sup> Everybody could occupy and clear a piece of land, set up his house and small parcels of arable land in order to secure his existence. In this way 'scattered' hamlets were very often formed, and the population was not concentrated in villages.

The Kővár District, a privileged territory around the castle of Kővár, was part of the so-called *Partium* first transferred in 1541 to Transylvania, then between 1693 and 1733 to Hungary and, finally, between 1733 and 1848 (the reunification of Hungary and Transylvania) again to Transylvania.<sup>23</sup> Along the river Lápos, wide forests, mainly consisting of oak, covered the country, and population was relatively scarce. According to a landowners' conscription in 1803, land use in some of the villages (Remete, Butyásza, Szelnitze, Ilonda Pataka) was in a primitive state. The inhabitants of the villages were in the majority privileged, mainly noblemen, lesser gentry, each of them owning house-ground (*antiqua sessio*) and using land resources around the village. The ratio of land use was fixed and could only be changed by the community. On the one hand, however, inheritance could change this ratio, since each part of a divided holding was still considered as usage entitlement of a full holding. This was because it was not the size of the house-ground but the capacity of the labour force that was the benchmark of land use, so that holdings were measured with the quantity of seeds to sow (*köblös*). On the other hand, if no heir or heiress was present, the village community appropriated the holding. Since forests were ample (*rengeteg erdő*), inhabitants were free to occupy and clear land. The villagers believed that their 'noble privilege' allowed them to clear land. Even strangers arrived in large numbers, set up holdings and used the surrounding land and its resources accordingly. By the beginning of the nineteenth century, however, some conflicts were beginning to arise from this free usage of collective resources. A nobleman (Ursz Dragos) was criticised by his fellow villagers for occupying too much land (60 *köböl* or acres). In addition, a miller was accused of having cut down too many trees for his watermill. It was not the village community, however, but the royal fiscal officials who tried to stop and punish the clearing activity and preserve forests that they regarded as a natural resource in service of the king.

## Controlled use

Where population density was rising or natural resources were not easily accessible for subsistence, regulations were necessary in order to secure the most vital resources for any member of the community. Even if enough land was available, some regulation and coop-

eration was necessary to avoid conflicts between cultivation, herding and other branches of rural economy. Differences in the quality of soil, topography and other environmental characteristics also had to be counterbalanced by community regulations.

In several villages, for instance in the Érmellék and Sárrét region, a part of the land was defined as the community's ploughland, but cultivated in individual parcels.<sup>24</sup> After some years, those parcels were abandoned, and another part of the community area was designated for cultivation. If the village territory was smaller or located in a less fertile area, pieces of land outside the village territory, e. g. of the nearby unpopulated *preadium*, were used and eventually rented for cultivation. In a regular rhythm of six or seven years, new parts of land were repeatedly cultivated and in the meantime used as meadow or pasture. This alternation of crop growing and grassland pasture (ley farming) was very typical in eighteenth-century Hungary.<sup>25</sup> A clear account of this kind of land use in Szovát in 1715 is given in a contemporary Latin description.<sup>26</sup>

As population increased, two and three-field crop rotations developed in the second half of the eighteenth century.<sup>27</sup> The land appropriate for cultivation was now divided in two or three parts that were ploughed and alternately sown for growing crops or left untilled for fallow. In these systems of cultivation much more cooperation and control was necessary for sustaining *Flurzwang*, the obligation to cultivate each parcel of the field in the same manner and at the same time for avoiding potential damages to crops. The community decided which parts of land and what kind of crops had to be cultivated, and assigned parcels randomly to members of the community by drawing lots and rotation. They were thus obliged to work together. Similar systems are known as the English common field system, the Scottish run-rig farming, and the Irish rundale system, where small plots of land were distributed regularly between cultivators for ensuring their equal share of better and poorer land. Cropland but also meadows for hay production were not only assigned to, and worked on by community members in this way. Other natural resources, like pastures and forests, remained accessible for any member of the community thus giving possibilities for extra income and eventually an increase in wealth. Forests offered timber and fire wood, fruits and berries for free, and even some hunting and herding, mainly swine in autumn, was an important common-pool resource. Wetland, ponds, lakes and water streams were of similar importance offering fish and other provisions to gather, catch or hunt, as well as cane for construction. Pastures were undivided and open for horses, cattle and sheep or swine regardless of the owners' status in the community. These common-pool resources were especially important for those members of the community who had only little or no ploughland, e. g. the urbarial peasants classified as *inquilinus*, but could accumulate considerable wealth by herding or entering the 'wood business'.

## Stricter regulations

With high population pressure, food production (mostly grain) had to be extended at the expense of herding and forests. A very careful and detailed analysis of obtainable maps of a village territory (Bonyhád, István-major in county Tolna) has revealed that this process accelerated at the end of the eighteenth century and in the first half of the nineteenth century. The surface of forests, for instance, shrank from 66 per cent in 1782 to 9 per cent in 1858 while in

the same time ploughland expanded from 13 per cent to 51 per cent.<sup>28</sup> With such a considerable reduction of common lands (forests, pastures and meadows), much stricter regulations including restrictions and exclusions had to be applied. Not only did the community try to defend itself against outsiders or strangers, but conflicts within the community also arose resulting in stricter rules of access based primarily on wealth and social status.

Landlords and the state also entered this process of growing regulation. On 22 December 1769, Maria Theresa issued her famous decree of forest regulation in Hungary, and the following year she commissioned the Academy of Mining (*Bergakademie*) in Selmecbánya (Schemnitz, today Banská Štiavnica in Slovakia) with the instruction of foresters. The growing number of literature specialised on agriculture reached the Habsburg Monarchy and Hungary.<sup>29</sup> Landlords and their officials made use of the new ideas and methods by setting up new rules to modernise rural economies. These ideas of technological change were also driven by profit seeking. Growing population pressure increased competition for natural resources, and landlords in addition aimed at higher revenues and became aware of the economic value of common land. Landlords now applied rigorous forest regulations permitting only minimal use of the forest for their peasants. Pastures were divided: On the one hand, separate sections were assigned for horse, cattle, sheep and swine, and on the other hand, the sections used exclusively by the landlord were designated, too. In addition, the state supported these processes with increasing regulative activities and fostered change in all aspects of rural everyday life. The urbarial regulation issued by Maria Theresa in 1767, which did not however reach Transylvania, as well as the first cadastral survey under Joseph II deeply affected the traditions of land use in Hungary. During both regulations, parcels of land were assigned in the official documents to the momentary individual user, regardless of joint cultivation or parcel rotation among cultivators, while standards of rural economy were also established, e. g. classification of land according to soil productivity, classification of peasants according to land size, standardization of measurement units (surface, volume) etc. During the period in question, landlords, the counties and the state burdened the communities with a series of new administrative tasks and destroyed the traditional self-government of the communities.<sup>30</sup> The leaders of the communities, judges and notaries, were now less and less the representatives of their villages, but became the local officials of the state, the county and the landlord.

## *Compossessoratus*

Stronger communities and consequently rural commons were mostly present in villages inhabited by the lesser nobility, those ennobled without land donation, the *armalis*, and those whose land diminished to a minimum called *curia*, and who were thus called *curialis*.<sup>31</sup> Often they received their noble privilege collectively by merit, in exchange for fulfilling important tasks, like the maintenance of a fort or castle, or brave military services during the Ottoman wars. In this way, the territory of their village became noble land, but undivided, and thus owned, managed and used collectively (*compossessoratus*). In these communities, the institutions managing common land were the most developed. Decision-making and administration were clearly and strictly defined, regulations and contracts were set up, often controlled and approved by the county administration. It is interesting to note that a certain form of social distance was kept in these villages or market towns, and consequently separate

community regulations were set up along different social groups like the nobles, the better off (*agilis*) and the landless commoners (*inquilinus*). Since common property, including the *iura regalia* of keeping inn, mill and butchery, was of greater value, these communities also had several employees, in some cases even a midwife, and all economic activities were regulated in detail. Ploughland, even if in communal ownership, was mainly cultivated individually, though under strict regulation, but meadows, pastures and forests were used collectively. The latter were much more restricted, for instance in Kocs, the eponym of coach (*kocsi*, *Kutsche*, *coche*), strangers were not allowed to use common meadows, pastures or forests while they could possess ploughland within the boundaries of the community. The community of Szabadszentkirály tried to go even further in extending property rights as it claimed the inheritance of an heirless *compossessor*, though in this case the attempt failed as it clashed against royal rights (*caducitas*).<sup>32</sup>

Noble *compossessoratus* was even stronger and more developed in Transylvanian Székely communities. Here the community was free to decide on property in abeyance, so for instance the community of Andrásfalva (in Marosszék) in 1717 sold a house-ground after the owner died heirless.<sup>33</sup> The environment being more rigid and the economy more fragile, complaints and conflicts over smaller issues, mostly on exclusion from common meadows and forests, occurred very often; the community leadership or the higher authorities of the region (*szék*) were responsible for local conflict resolution.<sup>34</sup>

## Fishery and wetland agriculture

Waters were very important resource systems in eighteenth-century Hungary. The country not only had large rivers like the Danube and Tisza, and lakes like the Balaton, but the plain areas were often flooded and most of the time covered with water. Wetland was the essential basis of living in most parts of the Great Hungarian Plain where herding, fishery, hunting and gathering in moor (*pákászat*) were the main economic activities, which all vanished after this territory was drained in the nineteenth century.<sup>35</sup> Since the Middle Ages travel journals and descriptions of Hungary frequently reported on the wealth of the country and cited, among other things, the popular topos that rivers contained two thirds water and one third fish (or even the other way around).<sup>36</sup> Thus, fishery, including also the catching of turtles and crabs, was one of the most common and valuable sources of food and income.

At low population pressure, no regulation was necessary, and all these natural resources were used freely. Landlords, however, discovered early the value of fishery, and especially the ecclesiastical estates, which needed recurrent supplies of fish, regulated fishing-activities. The archbishop of Kalocsa for instance rented out all fishery rights between 1723 and 1726 to one person, who then sub-rented the single catching places (*halásztanya*) operated normally by six or seven fishermen. In 1730 the estate management, however, directly contracted such entrepreneurs.<sup>37</sup> In 1770, a strict regulation was issued which prohibited fishery in general and allowed communities to catch fish only in the nearby ponds for a rent in kind of half the catch of valuable species.<sup>38</sup>

Different rules applied, however, for permanent or regular catching places and for occasional fishing grounds in ponds and lakes: The noble community of Madocsa and Bölcske (county Tolna) rented out all catching places in 1803. However, a meadow which also con-

tained a pond with fish was rented separately since the pond was not permanent but temporary, and the meadow was no integral part of the community land.<sup>39</sup> In this case, the different categorisation of catching places and the parallel existence of individual and collective land use can be observed.

Along the large rivers of Hungary, like the Danube and Tisza, a specific kind of land use developed, called wetland agriculture (*ártéri gazdálkodás*) and described in detail by Bertalan Andrásfalvy.<sup>40</sup> In these areas springtime floods filled deeper places with water and fish, which then were prevented from returning to the river by the closing of gates (*fok*). In this way ponds and lakes were formed, where fish could be caught easily. Afterwards these places could be used as pastures, or better, as meadows producing hay for the winter. This wetland agriculture, which also included some grain production on drier plots, needed very careful community management and collective efforts, like the opening and closing of water gates, securing of livestock before water flooded the grazing grounds, decisions on the use of different plots for grazing, hay production or eventually crop cultivation, and the provision of access to the different resources for all community members.

## Vineyards

Wine was another important good of consumption and trade. Vineyards, however, represent a very specific case where exclusive individual use prevailed under strict community control. Vineyards were established on all appropriate plots in village communities, in market towns and primarily in free royal towns where burghers tended to invest specifically in wine production. In this way some royal free towns and market towns became centres of distinguished wine-producing regions. Because of the high investments needed to establish vineyards, the great value and the necessity of skilled labour, vineyards were relatively small, and they were always owned and cultivated individually. A vineyard was the most freely disposable property of urban peasants.<sup>41</sup> However, vineyards were placed jointly on appropriate places, mostly hills where most of the community members claimed access to smaller or bigger plots. In the establishment phase of a vineyard, done mostly by clearing, those who wished to participate formed a community (*hegyközség*).<sup>42</sup> This community, often in cooperation with the neighbouring vine hill communities, set strict and detailed rules known as vineyard statutes (*Weinbergrecht*).<sup>43</sup> Thus, in the case of vineyards, the two extremities, the individual use and free disposal, as well as the strict collective regulation and control, could meet.

## Outlook – individual use

By the beginning of the nineteenth century, collective use started to disappear and individual use prevailed. Forests, pastures, meadows and ploughland were now on the way to being divided up among their former entitled users. Growing population, increasing demand for food and expanding trade gave further stimulus to the intensification of rural economies. In parallel, institutional change became stronger and faster, finally reaching its apogee in the Revolution of 1848. Economic issues, including questions related to rural commons, were often disputed at the sessions of the Estates General after 1825. Land regulations followed,

for instance in Gyoma between 1818 and 1832 with the result that 14,000 acres of common pastures were lost, as the inhabitants complained in 1836.<sup>44</sup> In the course of the abolition of ‘serfdom’ with the acts of the 1830s and the revolutionary acts of 1848 all sorts of rural resources were rearranged. In consequence of the abolition of urbarial bondage property rights, rules of ownership and use were newly defined, and – what most affected rural commons – cassation (*commassatio*), the actual division and unification of each owner’s land, was performed. Finally, from the 1850s onwards, privatised landownership was re-established in the modern cadastre and land register.

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