

Territoriality and kinship in early Europe. The Romanian case and the theses of Henri H. Stahl

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Abstract: *The paper proposes a critical approach of Henri H. Stahl's main theses about the evolution of Romanian rural communities. The author considers Stahl's explanation within the broader debate about early property forms in Europe, focusing mainly on the particularities of ownership and social organization in Balkans.*

Keywords: social history, Medieval Europe, Balkans, common property, kinship, social structure, community

Cuvinte-cheie: istorie socială, Europa Medievală, Balcani, proprietate comună, rudenie, structură socială, comunitate

Introduction

My intention in this article is to integrate different bodies of literature concerning common property in early Europe, as related to social structure, in order to understand the place of Henri H. Stahl's theses on Romania in the writing of the social history of Europe.

Although the text is in danger of becoming too dense and too long, I consider that it is useful to discuss some of the theories which revolve around the theme of medieval communities in Europe before proceeding with the reading of H. H. Stahl. These theories provide the frame of the debate in which Stahl (non intentionally) participated as a source. I first refer to Russia and Western Europe, based mainly on the work of Jerome Blum, in which medieval communities were organized primarily on the basis of territory. The territory principle is associated usually with civility-political decisions, equality, democracy, communal tenure. Then, I refer

to the Balkans, where communities followed the 'blood' principle; social structure revolved around the kin group and the descent line. The blood principle is associated with decisions based on family status, inequality between clans, lineage-based property regimes.

The other set of literature that I am referring to comes from social anthropology and treats the issue of corporate communities and communal tenure. I was struck by the resemblance of Stahl's theory to that of Eric Wolf (they were both Marxists) and I think that considerations from these approaches might illuminate or render problematic Stahl's theses about mountain communities.

Foreign scholars base their descriptions about Romania's organization of early¹ communities almost entirely on the work of two Romanian scholars: that of Henri H. Stahl (1939, 1958, 1969, and 1980) and of his son, Paul H. Stahl (1986, 2000). This is also due to the fact that some of their works were written directly in French, and to the interest

that Daniel Chirot showed in translating and popularizing H. H. Stahl's work. For example, an article of Daniel Chirot (1976), published in an influential book, is taken as a prime source for the social history of Romanian communities by social scientists on the Balkans such as Maria Todorova and Karl Kaser.

The work of the two Stahls converge in stating that early Romanian population was organized in communal villages, on the territorial principle and that the property regime of *obștea* that could be found at the beginning of the XXth century is a survival of the 'true' archaic order, hence a proof of it. Unlike other studies of the social history of the Balkans, which reveal how organization evolved from kinship-based to territory-based, they try to explain the reverse process, namely how villages of the XXth century which emphasized a kin-group ideology and organized their common property along descent lines are in fact a later stage, which came after the territorial type.

These ideas are taken for granted as long as there is no challenge or alternative. Unfortunately, from my knowledge there seems to be no interest from the part of contemporary Romanian scholars to consider debating or teaching H. H. Stahl's ideas *in extenso*. The step that I intend to take here is to give a synthetic and critical assessment of Henri H. Stahl's main theses, after refreshing the memory of the reader with different parts of the picture as they lay in the literature of property and social structure in Europe. I choose not to develop into detail the debates between Romanian historians in which he took part, mainly for practical reasons: the article would lose focus, and it would become too long.

In the first part of the paper I focus on the historical accounts of medieval Europe and Russia, by introducing the heated debate risen in the second half of the XIXth century on the topic of early rural settlements, known as the issue of 'primitive agrarian communism'. Here, I also follow the aspects of organization of village communes in Medieval Eastern Europe and the issue of the *mir* in Russia.

In the second part I present the main studies about communal tenure from the perspective of social anthropology. These studies place this type of property regime in its ecological and political context, by linking it also with corporate community governance, inheritance systems and demographic processes.

The third part brings in the black box of the Balkans. An important body of literature was dedicated to this area, as it remains controversial. It is mostly known to the Romanian public through the lens of French scholars, given the influence of Paul Stahl. In this paper, I remain distant to the French and instead focus on the school of Graz, which has done eminent research by combining history with anthropology. I present the issues of patrilineages and the *zadruga* in order to shed light on the inheritance systems and on the understanding of property rights in this area, not forgetting to stress on differences inside 'the Balkans'.

The fourth part, which takes actually half of the paper, is dedicated to the work of H. H. Stahl. It is to be taken as an interpretative account since I take the liberty to follow my own understanding of certain issues and to raise a few critical points.

Common property in history : agrarian communism, *mir*, *zadruga*, *obshchina*

It is commonplace thinking nowadays to conceive the land and forest commons as belonging to the past, to a sort of precapitalist order, or, where they still exist, as survivals, as markers of underdevelopment and 'primitivism'. This is happening merely because of the prevailing neoliberal ideas, bounded to individual-based conceptions. However, scholarly works all around the world, from different disciplines, have already dismantled the stereotypes regarding the commons. These works show that „primitive agrarian communism” is not the first stage of human settlements; the commons have not yet

disappeared and common property regimes can be very functional and rewarding.

The nature of earliest rural settlements was a lively debated topic in agricultural and social history, especially in the XIXth century ideologies that were attempting to reshape the modern world. It all begun with a history of the German *mark*, written by Justus Möser in 1768. He claimed that the early Germans settled as free men and joined together in associations for the common use of the forest and pasture that made up the mark (Blum, 1982, 621). Then, in 1854, Georg von Maurer published a book (*Introduction to the History of the Mark, Farm, Village and City constitution, and the Public Authority*) about the mark as a proof that the earliest German populations were living in agrarian communism, meaning 'corporative freedom, equality of ownership, and self-governing association of free men' (*ibidem*, 622). These ideas spread to England and the United States and the scholars that promoted them were called Germanists or Teutonists – among which very influential historians of that time. They asserted that the Anglo-Saxon conquerors of Britain brought the social organization form of the mark with them. Moreover, it was discovered that, on the other side of the world, in Russia, the agrarian communism survived in the form of the *mir*. In this way, what was supposed to be a specificity of the Germans, exported to England, had risen also into the world of Eastern Slavs and it was not going to stop there. While traveling to India, Sir Henry Sumner Maine observed that Indian 19th century villages were perfectly resembling the mark and thus concluded that, because of the geographic isolation and economic backwardness, primitive agrarian communism still survived here (*ibidem*, 624). Hence, the theory about the original form of property in Germany had transformed into a universal law saying that social evolution everywhere began with communal ownership and use of land (Blum, 1971, 158).

All these theories were proven wrong, mainly by archeological excavation of Iron

Age settlements (first century A.D.), which revealed that in the Netherland and in England 'primitive agriculture had begun with small, individual fields, with nothing to indicate communal ownership or use' (*ibidem*). Jerome Blum believes that even if agrarian communism might have prevailed prior to this period, there is no evidence to reach this conclusion. However, it was shown that the German *mark*, the Russian *mir*, the South Slav *zadruga*, as had their origins 'not in the ancient past, but in far more recent times' (*ibidem*). Research showed that German marks were established in the XIIIth century, the Russian *mir* dated only to the XVIth century and the *zadruga* in the XIIIth and XIVth century (Blum, 1982, 625). Some scholars argue even for more precaution, for example Maria Todorova has argued that historical documentation is not sufficient to prove the existence of the joint family or *zadruga* before the XIXth century. She finds the theory that the *zadruga* is a phenomenon of the XIXth and XXth centuries more reasonable than the assumption of its long-term existence (Todorova, 1990, 63-64).

Nevertheless, despite scientific evidence, the discredited theory of primitive agrarian communism lives on in scholarly writings, because of its adoption by K. Marx and F. Engels in late XIXth century. In his seminal book from 1884, *Origins of the Family, Private Property and the State*, Engels stated that primitive agrarian communism was, beyond doubt, a universal law. Since then, faithful Marxists still take it for granted to develop further assumptions.

After demythologizing the theory of primitive agrarian communism, which might be the ideas that resist more to the test of 'scientific' enquiry?

The more holistic theories of Jerome Blum draw a path with multiple stages for the evolution of communities in Europe (1971, 158-159) stage 1) the patriarchal family group of several generations living as a single household – the land belonged to the family and depended upon the labour force (resembling the Southern Slav *zadruga*); stage

2) disintegration of extended families and division of land among the constituent conjugal families; stage 3) groupings of these families on the territorial criteria, not on kinship, in *territorial communes*; the groupings were determined in some cases by the free will of peasants, and in some other cases by landlords or rulers, which wanted to create a larger unit for taxation and to hold better control (Blum, 1982, 625; Stahl, 2000, 60); they differed widely in names and periods when they were established, in size of membership and in covered area of land, some included a number of villages or twenty isolated households; each member could have its own holding, but all members had the right to use communal resources, such as forests, meadows and rivers inside the boundaries of the territorial commune; the commune acted as a corporate body concerning management of common land, it was guardian of law and order, it elected officers to supervise application of regulations and to conduct the day-to-day affairs of the commune; stage 4) due to food and land shortages, there was need for closer cooperation and thus, the emphasis shifted from the more loose territorial commune to the more dense *village-commune*; this change coincided with the introduction of the two or three-fields agricultural system, which involved the parcellation of land into strips and its distribution among households; this operation required communal cooperation and gave birth to communal organizations; property rights was one important reason for forging communal institutions – the need for protecting collective rights in common pasture and forest, to keep strangers from using the commons, and to prevent enclosures as private property.

Village community in Western Europe and Russia – emphasizing territoriality

Concerning this latter stage, of the village commune, I believe that its European characteristics are best summarized up by Jerome Blum (1971), by comparing situations from all over Europe.

Concerning its temporal existence, he appreciates that: „The village community as a corporate body managing communal resources, directing the economic activities, and supervising the communal life of its residents first emerged in Europe during the later part of the Middle Ages and spread across the continent in the succeeding centuries. Its disintegration began in the eighteenth century and completed itself in the nineteenth and twentieth centuries.” (Blum, 1971, 541). Although historical description accounts for a degree of variability, there are many resembling traits of these medieval communities, acting as institutions. Usually, its main role was to coordinate the farming activities of the villagers (*idem*, 542). Concerning the common holdings, the community determined how they were to be used, who could use them, and how much use each villager could make of them (*idem*, 543). Conflicts were solved and regulations enforced by the *community assembly*². In villages in Switzerland, Lithuania, Austria and Germany the community had the right to hold its own court, presided over by village officials, while in XVIth and XVIIth century Russia and England a jury of villagers directly participated in the lord's court (*idem*, 545). However, these assemblies were not an ideal direct democracy, because many of the villagers had little or no voice in the management of a community; sometimes active participation in the decision-making process was established on the basis of certain criteria (*idem*, 549); for example, in Austrian, German, Danish and Swedish villages only the heads of the households who had holdings above a certain size qualified for this position, while in Switzerland and Hungary smallholders had equal right to vote in the assemblies (*ibidem*). The meetings apparently were sometimes disorderly and even rebellious affairs. I will pick up an example from northern Russia, a well-documented village assembly from 1870s, to offer an image of what was normally going on: „Anyone could attend and speak. [...] No one presided at the session. Instead, [...] there was much small-group discussion;

people spoke at the same time, freely interrupted one another, and engaged in heated arguments accompanied by the usual insults and epithets, [...] so that the meeting was often reduced to a confused, unintelligible din.” (*idem*, 555). Similarly, reports from XVIIIth century France told about violent outbreaks, and of tumultuous sessions at which the loudest and most belligerent persons often won the day.

Another essential aspect of community-life is the degree of practiced closeness, the permissiveness for newcomers. Concerning this aspect, medieval communities were not uniform, their attitude and practices toward newcomers being determined mainly by pressure on the common lands and demographic saturation of inhabited areas. In many German villages for example, the newcomer could settle only after an affirmative vote of the general assembly. In Saxony, the newcomer had to buy beer for a communal drinking party, or, as a less pleasant solution, in Austria, Switzerland or Savoy he had to pay an entry fee, if he wanted to use communal lands, such as pastures (*idem*, 551). On the other hand, in Russia, communities welcomed new settlers, because they had a low rate man-land and these newcomers helped meeting the financial obligations towards the seigneur (*ibidem*).

The community usually acted as an intermediary between the individual and the state or the seigneur, especially where the peasants' obligations were imposed as a global amount upon the village as an entity (mainly in Central and Eastern Europe). The village itself could act as a corporate juridical body and go into court and usually held collective responsibility.

In the end of the article, Blum concludes that „the old village community was not a citadel for democracy and egalitarianism. But neither was it a slough of injustice and inequality.[...] Judged within the context of its time and its mission, however, it performed its function with a reasonable degree of success” (*idem*, 576).

The Russian mir and obshchina

Concerning the Russians, Jerome Blum believes that the emigrated Slavs who settled here left their tribal organization for a more territorial commune before the Kievan Period (IXth to XIIIth century). He believes that the more patriarchal large families have changed into larger territorial associations, named *mir* or *verv* (Blum, 1953, 778). *Mir* was a generic name for „an organization of village-based peasants [...] physically it coincided with one particular settlement or village” (Grant, 1976, 636). Following Robert Redfield's terminology, it was a little community, an administrative, juridical, economic, fiscal and social unit. Alternatively, it could have been used as a word meaning the assembly of peasant householders, which met for decision-making concerning the commune (*ibidem*). The words *verv* and *mir* appear to date from at least the XIth century and may have been in use much earlier; it remained in permanent usage up to the XXth century; however, this does not mean either that the social realities to be found under this name remained unchanged, or that there was a uniform set of practices which distinctly identified all Russian *miry* (*ibidem*).

Another word, covering almost the same reality as the *mir*, was *obshchina*. It was usually used interchangeably with *mir*, but it also had its own meanings: in narrow usage, it was a landholding group of peasants, thus a specific type of *mir*, or only a part of the *mir*; in loose usage, *obshchina* connoted an idealized peasant community characterized by egalitarianism (*idem*, 437). In the first meaning the land could be periodically redistributed among the members of the group and thus, *obshchina* was conceived as the „repartitional commune”. Russian researchers demonstrated that repartitional land communes arose in the XVIIIth century as a response to fiscal policies of Peter the Great (Pushkarev S. G. 1976, review by Atkinson 1978, 82). However, Grant suggests that *obshchina*, with its connotations related to the content of what was popularly named as *mir*, was „invented” by the Russian intellectuals, the

Slavophiles, about the year 1840 (Grant, 1976, 651), to denote a *mir* with collective, reparitional land tenure.

Tribe and patrilineage in medieval Balkans – emphasis on genealogy

The region of the Balkans remained up to a certain point unveiled into detail to historians and historical anthropologists, mainly because of the mixture of influences and patterns to be found under the etiquette of *Balkans*. However, several scholars have struggled with the sources and were able to offer a broad and comprehensive view on family structure and social organization in different areas of the Balkan region (Hammel 1968, 1972; Todorova 1990, 1993; Halpern 1956, 1972; Kaser 1994, 1996; Brunnbauer 2002). Concerning this area, the discussions have been concentrated around the existence of complex families, generally termed as *zadruga*. Why introduce the *zadruga* debate in this section? I have three reasons for doing so: first, it illuminates what Blum thought to be the first stage of social organization; secondly, it offers an image of the Balkan area, in which Romania is supposed to be a part of; third, it describes the alternative for corporate village communities of medieval Western Europe and Russia, described above, the alternative to civil, territorial communities being kin-based groupings.

Indeed, the joint family system of the South Slavic *zadruga* is considered to be a functional alternative for organizing social life in medieval times. Unlike Western Europe that emphasized territorial organization in village communities, as described above, Eastern Europe seems to have developed forms that emphasized descent groups.

Social structure: tribes and lineages

Although findings about the joint family type are quite fascinating for a social anthropologist, I will try to keep this information as

limited as possible and to concentrate upon basic remarks on social organization and property issues.

Mosely's field research in the late 1930s presents a clear picture of the regions where joint family households could be found in the early twentieth century³, confining the *zadruga* to the western Balkans, especially to the mountainous regions. The most eastward border of *zadruga* distribution is considered to be the western Bulgarian mountains, the Rhodopes (Todorova, 1990, 18-19), but variability is shown even among the mountainous communities of the Rhodopes (Brunnbauer 2002).

Older theories, now outdated, saw the joint family either as a particular Old Slavic institution or as a result of the Byzantine taxation system (Gavazzi, 1982, 100-102, *apud* Kaser, 1994, 251). Later findings show that the joint family was not ethnically determined and the idea of an Old Slavic heritage has been discredited (Mitterauer, 1980, 62-66, *apud* Kaser, 1996). Hammel suggests considering the Balkan joint family as result of the impact of legal and fiscal institutions, ecological variables, and preexisting social patterns (Hammel, 1980, 244, *apud* Kaser, 1994). He suggests also that the *zadruga* might be a stage in the whole process of a family life-cycle. Thus, we have to consider the joint family as an ongoing process of emergence, fission, and reconstitution. Joint families have their origins in nuclear families and can again divide into nuclear families (Hammel, 1972, 370). Mitterauer stresses the ecological factors. He notes that the distribution of joint family households is more or less confined to mountainous, remote regions, where a cash economy and wage work played a lesser role. A pastoral economy and slash-and-burn agriculture in particular might have promoted the emergence of complex family structures.

Now, turning from household composition to *social structure*, the presence of joint families is usually associated with their embeddedness in larger patrilineal social groups, which might be tribes or clans

(Brunnbauer, 2002, 329). Thus, the generally dominant pattern of social organization in the western Balkans was patrilinear, based on agnatic descent-based kin-groups (*idem*, 348). According to Halpern, Kaser and Wagner (1996, 434), the agnatic kinship ideology was centered upon a named male ancestor; his sons were regarded as founders of sub-lineages, and their sons of smaller segmentary lineages. Such lineages became prominent because of lack of larger state structures in isolated areas and therefore, tribal autonomy was subject to changing political conditions. If a patrilineage resettled in valley areas, it could become synonymous with all the households of a village, or a specific part of the village, such as a quarter of a village, a *mahalla* (*ibidem*). A patrilineage commonly owned a territory of the kin-group, mainly forests and pastures. Furthermore, patrilinear descent-groups evolved in two types of social structures (*idem*, 435). In the northern part of Western Balkans, namely northern Albania and Montenegro, tribal organizations emerged, which is, from a territorial point of view, a more loose aggregation of patrilineages, under a ruling chieftain, as an effect of the Ottoman conquest (*ibidem*). The smaller unit of a tribe is the descent-group, named *vllazni* or „tribe feet” or units, *cete* (Stahl, 2000, 43). The members of a tribe have a strong conscience as a kin-group, using an important number of common symbols, as well as the myth of the founding father of the lineage or of the tribe (Halpern, Kaser, Wagner, 1996, 435). Sometimes, they are able to recite the names of their paternal ancestors twenty generations backwards (Hasluck, 1954, 25, *apud* Stahl, 2000, 46; Halpern, Kaser, Wagner, 1996, 436). The belief in common ancestors and in consanguinity is very strong, providing true charters of identity (*idem*, 436), but analyzing the credibility of these beliefs might reveal the fact that the groups are not really consanguine (Stahl, 2000). Organizational and conflict issues, such as problems regarding property, blood vengeance, were settled in assemblies, *kuvend*, at different levels, tribe, clan or

even assemblies of tribes. In these assemblies, there was a clear hierarchy of tribes and clans and several persons had special functions, usually obtained through inheritance (Stahl, 2000, 51-58). There survived more than 60 Albanian tribes at the beginning of the XXth century (Durham, 1928, *apud* Halpern *et al.*, 1996, 435).

In the southern Balkans, more segmentary lineage systems formed the social structure. The tribal organization disintegrated during the XVth century. The *zadruga* was mostly prominent in this area and it was reinforced by the creation of the Habsburg military frontier.

By contrast, in Eastern Balkans, namely in the Bulgarian Rhodopes, the descent-group pattern of organization is not present in the XIXth century, but rather the „village community as a territorially defined social group” (Brunnbauer, 2002, 347). Here, under the influence of this territorial pattern, patrilinear ideology was replaced by more cognatic (bilateral) relations (Halpern *et al.*, 1996, 435).

Property issues in the Balkans

Concerning property in the specific context of the Balkans, I want to briefly address a few questions: is there a dominant model of inheritance or property rights distribution for Eastern Europe; if there is, how can we explain it; how do we conceive „private” property and communal property related to specific social structures, such as descent-groups and joint families?

Little is known about actual inheritance and property practices in the Ottoman Balkans before the XIXth century, according to Brunnbauer (2003, 184). However, findings of several scholars converge to certain conclusions.

Regarding „private” property, a very widespread (although not exclusive) pattern of inheritance in eastern and southeastern Europe was based on equally partible male inheritance (Kaser, 2002, 375). According to Kaser, this form was rooted in male-centered division of labor, pastoralism and

slash-and burn economy (*idem*, 390). Clearing woodlands and working in the forest is related to male inheritance, because „access to the soil was a male privilege” (*idem*, 286), hence land *use* is necessarily associated with land *rights*⁴. In similar ways, pastoral activities were carried out only by men, because the mountains were not a safe environment for women, as for example in the Alps, where herding was done equally by men and women (*ibidem*), as security was provided here since the Middle Ages. In the Balkans, herding was tied to carrying weapons, hunting and fighting animal thieves; thus, it can be concluded that the specific division of labor assured male monopoly on property and inheritance all over the Balkan area.

In areas where *zadrugas* predominated, the rule of male inheritance is dominant as well, when *zadruga* fission was at stake (Mosely, 1972, 23). For the case of joint families, Mosely relates the male focus to the maintenance of joint family itself; he provides a functional explanation, saying that by excluding women from inheritance of real property and agricultural equipment, the *zadruga* gives consistency to the large household (*ibidem*): „When a wife brings her own land [...] to her husband’s household, her position within that household is naturally quite different from what it was when she brought merely her hands and her marriage outfit. When several wives bring different quantities of land, strong pressure arises for the division of the *zadruga* into its component families” (*idem*, 26). Mosely appreciates that the change in the customs of land inheritance is a central factor affecting the continuance or dissolution of the *zadruga* (*idem*, 27). In the *zadruga* „private” property was actually the property of the group. However, the Balkans were not uniform regarding the „corporate character” of property inside patrilineages. In some areas property division among heirs occurred quite seldom, while in others more often. Brunnbauer stresses on the economic determinacy of property division between heirs. He shows that in communities where households did not depend

essentially upon land, but were practicing labor migration, the father’s property was divided at the time of his sons’ marriage, making thus the fission of households possible. By contrast, among the nomadic and transhumant herders of western Balkans, which were dependent on land, property was often not divided even after the death of the household head; thus the large household owned its lands as a corporate group (Brunnbauer, 2003, 191).

Each family group had also access to *communal lands*. In the description of Vucinich’s family in eastern Herzegovina, it is attested similarly to Netting in the Alps, that „the physical arrangement of rural communities remained almost unchanged from medieval times” (Vucinich, 1972, 163), in the sense that arable and grazing land was divided among families, while they also made use of common pastures and forests, which were not owned by the villages, but by the Ottoman state and the feudatories.

In eastern Balkans, villages owned communal lands. The village as territorial units gained more authority as descent-groups diminished theirs (Brunnbauer, 2003, 197); it exerted control over land privately cultivated by individual households, deciding where to grow crops and where to lie fallow, in similar ways to Western Europe and Russia. They were better integrated in the Ottoman state than the patrilineages of Western Balkans; the state officially acknowledged the village as a primary unit; because of that, these regions faced „fewer security problems” (*idem*, 196). However, the state was not the mere provider of security, but the territorial organization of the village itself, by strengthening bilateral and proximity relations. Brunnbauer does not make clear in his article the tension between village and Ottoman state in relation to security, which seems to be the principal function of social organization in both territorial units and descent-units. He stresses on the encompassing integration with the Ottoman rule, but he deploys the mechanisms of the village when he describes improvements in security. I take the liberty to understand his thesis in the following way: as long as the

Ottoman state guarantees the village as a unit and emphasizes its authority, the village itself has important powers concerning its members and its lands; otherwise, when people are autonomous to organize themselves and nothing is imposed upon them from above, they rather develop powerful descent-groups as instances of authority, in order to fulfill the function of security. The dismantling of the Ottoman Empire brought, as he suggests (*idem*, 198), the weakening of the role and authority of the village community and the decline of communal land, which was transformed into private land. In Bulgaria for instance, communal land diminished by two thirds from 1897 to 1938. Nevertheless, this coincided also with the demographic transition in the Balkans; population grew and so did land pressure.

It seems that scholars agree that both eastern and western Balkans were practicing partible male inheritance concerning privately-owned land, while this inheritance pattern was more important in the maintenance of large families. However, both notions of privately-owned land and inheritance have to be untangled, in relation to social organization. Sometimes, privately-owned land can be understood as joint property of large families in which division of land – the process of inheriting – occurs seldom; this is more the case where populations are organized in autonomous descent-groups, thus lacking security assured by the state, which depend on land use for their economic activities. In other cases, private property can be understood as property of the nuclear family, in which division of land occurs in every generation; this occurs mainly in the cases where territorial villages are the basic organization unit, which are well integrated in the state structure.

Concerning communal lands, both types of social units seem to make use of it, whether they also have ownership rights attached to use, in the form of village lands, as in the case of eastern Balkans, or not, as in the western part.

Anthropological theories of close corporate communities and communal tenure – focus on Europe

Related to the territorial community in Europe one very interesting topic is that of relations between community control and property rights. For shedding light on this particular topic I will draw on anthropological work concentrated mainly on the Alps' region in comparison with other mountainous regions of the world.

In anthropology, as well as in history, many scholars subscribed to the 19th notions of progress from ancient tribal communism to clan holdings and then to individual ownership (Morgan, 1963, *apud* Netting, 1976, 136). Historical studies demonstrated that no irreversible linear process of change existed concerning European land tenure, and anthropologists agree with this stance. Nevertheless, even when scholars admit the actuality of the commons, „the common property resource debate is largely caged in a nostalgic discourse revolving around the desire to retain the remnants of the organic social relations of the (ideal-type) *Gemeinschaft* in a contractually organised (ideal-type) *Gesellschaft* characterized by commodification, abstraction and alienation” (Brouwer, 1999, 2).

Anthropological theories concerning communal tenure and corporate communities developed from the analyse of communities from the Alps (e.g. Netting 1972, 1976, 1981, Cole and Wolf 1974, Viazzo 1989, Layton 2003), or by analyzing worldwide communities (e.g. Wolf 1957, on Jawa and Mesoamerica). Anthropologists writing on communal tenure reject completely the thesis which holds a presumed evolutionary process from early stage of communal tenure and egalitarian access to more recent private individual ownership. Neither do they accept theses stating that the close corporate community is a survival or a tendency toward conservatism (Wolf, 1957, 13).

Anthropological research brought comprehensive studies which place communal tenure in its historical and ecological context and show that in certain societies individual and communal rights coexisted over long periods of time, thus they should not be seen as separate temporal sequences (Netting, 1976). Moreover, they believe that the persistence of communal rights is linked to contemporary ecological (Netting, 1976) and political functions (Wolf, 1957).

The functionalist theories of Netting and Wolf are in a certain respect different, the first emphasizing the ecological adaptive function, while the other emphasizes the political functions that communal tenure linked to corporate communities fulfill in contexts of external pressure.

Eric Wolf – the close corporate community

The concept of *closed corporate peasant community*, proposed by *Eric Wolf* (1957), defines a structural relational construct of peasantry, one of the seven types of peasantry that he proposes. This type of communities maintain communal jurisdiction over land, restrict their membership to outsiders, enforce mechanisms of redistribution or destruction of surplus wealth, and reinforce localocentric attitudes (Wolf, 1957, 2-6). Judging the occurrence of certain types of communities in their historical setting, Wolf believes that „the kind of peasant community appears to respond to forces which lie within the larger society to which the community belongs rather than within the boundaries of the community itself” (*idem*, 7). The causes for the development of close corporate communities from Mesoamerica and Central Jawa may derive from conquest and from the will of dominant forces in seizing resources and concentrating population. Similar communities may however arise also from internal colonization, as the case of the Russian *mir*. In all cases are important the external constraints which give birth to a defense, in the form of closed corporate communities. Thus, these communities

are formed from the dualization of society into a dominant entrepreneurial sector and a dominated sector of native peasants (*idem*, 8). Wolf believes that even the capitalist state provides the possibility for such communities to arise, since it is also a dual society (*idem*, 13). However, their number is declining because of internal pressures for inequality linked up with internal demographic pressure, which makes equal distribution and repartition of land impossible. Social stratification is seen to weaken communal defenses (*idem*, 14). Thus, this type of community is most likely to cease maintaining continuous closeness and equality; this is mainly why many closed corporate communities disappeared in the 19th century (Wolf, 1986, 326). The closed corporate community is an initial response to outside structural, mainly political causes, such as colonization or political oppression, but in the end, total closeness and forced imposition of equalitarian values being impossible, the larger society transforms community individuals, which destroy the core of the community type from inside.

Robert Netting – ecological determinism

Robert Netting argues that in the case of alpine communities of Western Europe, outside domination was not so threatening; communities were to a large extent autonomous, and continued over large periods of time to make their own corporate decisions affecting their own economy and resource allocation (Netting, 1976, 137). He implies that the communities which he studied owe very much of their social situation to the alpine environmental parameters. Netting’s ideas were not as utterly dismissed as other works of ecological anthropologists or supporters of the ecosystem approach because of the long-recorded historical data that he meticulously assembles quantitatively in order to test his hypotheses.

He suggests that the type of communities he studied in the Alps may be more related to *environmental conditions* and subsistence

requirements (*ibidem*), than to political constraints. Being more oriented towards coping with environmental vicissitudes, the system of property rights will reflect the manner in which resources are exploited; actually land use determines land tenure (*ibidem*). Furthermore, land use is determined by environmental factors, such as altitude, slope gradient, and water supply (*idem*, 140). Stability in technological conditions and equal distribution of wealth also determines high stability in land use. Internal problems, such as enclosures, which would have increased social differentiation, were reduced because they did not seem to offer substantial economic benefits because of soil poverty and difficulties with labor input (*idem*, 144).

The maintenance of land tenure patterns, integrating private with communal property rights for over 500 years, seems also to be related to a set of convergent contextual factors, such as freedom from political domination, unchanging technology, fixed community boundaries; these factors can ultimately be confined to rigid environmental constraints. Furthermore, Netting's theory relates communal tenure and the close corporate community to a set of demographic characteristics, in other words to social institutions. This kind of community is expected to cause high rates of village endogamy, to prevent immigration and to slow down permanent emigration, to delay and restrict marriage in order to control fertility, in other words demographical closure (Viazzo, 1989, 277). Thus population adapts homeostatically to the type of resources they are making their livelihood of, closely approaching autarky. Thus, we have a circular causality between land use and demographical parameters; they reproduce one another providing high stability.

In the same line with Wolf, Netting's theory opposes the evolutionist view of common property as a survival, and private property as the inevitable sign of progress. Nonetheless, unlike Wolf, he rejects the idea that peasants from close corporate communities were simple victims of outside political forces, but argues for the fact that peasants

themselves are actively developing institutions and equilibrating their demographic behavior so as to efficiently adapt to hostile environment, which is not an external, but a local condition.

Both theories on communal tenure and close corporate communities provide an image of closed and isolated mountain community, and do not challenge the view that the uplands were backward (Viazzo, 1989, 12). However, they show how mountain population adapt and respond to structural incentives, to different types of vicissitudes, they change or resist change according to their own ways. Both theories stress on the necessary processual and historical approach.

Pier Paolo Viazzo (1989) formulates a critique to Netting, based on his own fieldwork in Alagna, a community near Netting's Törfel. He appreciates that among ecological anthropologists there is a tenet that upland communities are somewhat different, more preservationist, or backward. It has been even suggested that „an upland cultural ecotype can be identified which cuts across the culture areas and linguistic zones which have traditionally been used to classify populations in Europe” (Cole, 1977, 117). He says that implicit in Netting's thesis is that „what is ecologically adaptive or economically rational must therefore be inevitable” (Viazzo, 1989, 280). This inevitability is questioned by his study, which shows a different pattern of social institutions and demographic properties, situated in a similar environmental setting. He also points out to the ambiguity of the notion of communal tenure (*ibidem*), which can in fact exist under different forms; various types of rights can range from communal to individual, like access rights based on membership in an association, but individual management, as in the case of Alagna. Hence, his idea is to regard close corporate community as a variable to be enquired, rather than as a constant in alpine social organization (*ibidem*). In line with Viazzo, to overcome this limitation, McCay and Jentoft (1998) call for „thick” descriptions of specific property relations. They consist of a „careful specification of

property rights and systems of resource use and their embeddedness within discrete and changing historical moments” (McCay and Jentoft 1998).

Another critique formulated against Netting is that communal systems have actually occurred in many ecologically different settings, thus it cannot be considered as an adaptation to high altitude (Layton, 2003, 101). Or, the vice-versa in the terms of Rhoades and Thompson (1975), Netting is guilty of ecological particularism (1975, 536); and for other environmental conditions the researcher has to search for other causes. Their own study is aimed precisely to understand communities from particular difficult mountainous environments; they conclude that indeed this type of community, all over the world (Alps, Himalayas and Andes), because of its exposure to dramatic ecological conditions, preserves mixed land tenure – individual in lowlands and communal in uplands – and corporate political institutions. However, their stance is that the ecological approach in anthropology is most appropriate where the impact of natural environment is most dramatic and direct (*idem*, 548), having thus a limited applicability.

Besides the ecological perspective on communal tenure, the **institutionalist perspective** also had great influence on anthropological studies, emphasizing the role of social relations objectified in social institutions. I refer here to the work of Elinor Ostrom (1990), and in anthropology the book by James Acheson and Bonnie McCay (*The Question of the Commons*, 1987). They argue that communal tenure works, thus implicitly it is maintained, when there is cooperation and reciprocity and where there exists monitoring and prevention of free-riding intentions (Ostrom, 1990, 184-188).

These requirements are met in communities with spatial proximity between households, nucleated villages, as opposed to scattered hamlets, found for example in the *bocage* regions of France, an issue discussed by Bloch (1966, *apud* Layton, 2003, 103).

Robert Layton – agency in history

Robert Layton (2003, 1995) argues that persistence of collective management and corporate governance exist not for functional or diffusionist⁵ reasons, but mostly for historical reasons, that is by historical events and decisions, which enact human agency. He analyses historically the conditions which led on one hand – in France and Switzerland – to the persistence of collective governance and, on the other hand – in England – to the dismantling of such governance. He finds two main causes for maintenance of corporate governance: system of inheritance and administration of collectively-owned land. Partible inheritance and shared democratic administration of common land would lead to persistence, while unigeniture and governance restrained to specific individuals would lead to dissolution.

The problem that systems of inheritance have to face is land fragmentation in times of population growth, which would lead to severe impoverishment of farmers. Partible inheritance was maintained in the mentioned areas in times of population growth, without generating severe fragmentation, by additionally imposing the rule of celibacy of the co-heirs, only allowing one son and one daughter to marry. Thus, the community devised rules and enforced these rules in order to reduce population pressure and to prevent uneconomic division of the farming plots (Layton, 1995, 713). In this system, the co-heirs remain land-owners, and the emergence of landless rural poor is prevented.

In England, since the XIIth century, primogeniture was imposed because feudal landlords saw in the partible system a threat to the productivity of their fiefs, as Goody (1983, *apud* Layton 1995) and Faith (1966, *apud* Layton) have argued. If further fragmentation would have been going on, the plots would have supported only the subsistence of their tenants and no profits would have been made for the lords. What bond can we see between this issue and administration of common lands? In England it seems that rights to common lands were only granted to

the farm-land owners, thus administration of collectively-owned land remains in a few hands. Furthermore, in England, the administration and governance of the villages were handed to the manorial court, an elected jury, which turned villagers against each other and thus dissolved corporateness. By contrast, in the French and Swiss examples, village assemblies were very powerful, as we have also described in the previous sections. Layton argues that this democratic governance was mainly due to the will of the communities and its maintenance was particularly sustained where communities were tough enough to impose themselves in interaction with authorities. He uses the expression „villagers have had the institutional means and the political will” (*idem*, 720).

Layton’s work shows how agency of socially informed actors must be taken into account when dealing with long-enduring processes; he argues that such agency-derived strategies can have recursive effects in generating patterns of interaction beyond any individual’s control (Layton, 2003, 110). His analysis from the historical perspective shows how communities and other agents, such as landlords are vested with certain will, which is played in interaction; the result of such interaction can be the maintenance or dissolution of certain institutions, or the change of „customs”, such as inheritance patterns. His explanation or his suggestion of historical approach in order to understand how certain patterns emerge and further shape social processes resists the test of ecological particularism, but is however dependent upon quality and quantity of available data and documents on long spans of time.

All theories presented above share the ideas that communal tenure and in a lesser degree corporate community governance are not to be treated as survivals or as relics from a previous social order, but as functional and actual forms, serving the best interests of people related to them and being worthwhile protecting and maintaining them.

Nevertheless, they differ in explaining why these two „structures” exist and maintain.

Wolf gives a political explanation, stating that close corporate communities formed as a type of resistance against external political pressure; Netting offers an ecological explanation, saying that mixed type of tenure as well as cooperative governance is the result of adaptation to harsh environmental conditions in upland communities; Layton stresses on the comparative historical approach assessing through the analysis of England compared to France and Switzerland that a crucial role is played by human agency, embodied in historical events, which makes more stable patterns to emerge; among these patterns, the type of inheritance, partible or impartible, is very important. The theories also stress on equality in wealth and similarity in interests inside the communities with communal tenure, approaching community more or less as a uniform body, submitted evenly to external factors. Wolf directly addresses inequality, and finds out that as inequality begins to arise, the close corporate community weakens to its dissolution.

Henri H. Stahl and the Romanians – between territoriality and descent

It is now time to consider the ways in which Romanian population was organized. I base my description mainly on the work of Henri H. Stahl, by integrating his data in broader frameworks of interpretation, in the light of theories and analyzes presented above. However, I believe that his empirical findings might have turned into other types of interpretation. He used mainly the works of Marx and Engels as theoretical apparatus, which led him to certain conclusions about the evolution of property forms and its explanation; in brief – a linear evolution from total communalism to individual property, a change which has been steered up by social inequality determined from both inside and outside the communities.

As I have mentioned in the introduction, mainly all foreign studies which treat

Romania's organization of early population base their descriptions on the work of two scholars : that of Henri H. Stahl (1939, 1958, 1969, and 1980) and that of his son, Paul H. Stahl (1986, 2000). Their main thesis is that early Romanian population was organized in communal villages, on a merely territorial principle and that the property form of *obște* that we can find at the beginning of the XXth century is a survival of the „true” archaic order. By contrast with Jerome Blum's theory and also by contrast to other studies of the social history of the Balkans, which demonstrate how organization evolved from kinship-based to territory-based, they try to show how villages of the XXth century which emphasized a kin-group ideology and organized their common property along descent lines are a later development of the territorial type and the descent conscience was brought up artificially as an ideological justification of processes of unequal division of property rights.

In the context of the Romanian historiography, he participated actively in the controversy concerning social classes at the beginning of social formations on the Romanian territories. The controversy took shape as a heated dispute between the „aristocracy thesis” (*teza aristocratică, teza boierească, teza latifundiară*) and the „peasant thesis” (*teza țărănească*). The first, sustained by C. C. Giurescu and R. Rosetti, argued that a class of nobles, defined by property, not by vassalage, existed from early on (Vth-VIIIth century), while the latter thesis, authored by N. Iorga and N. Bălcescu, argued that the process of enserfment begun only in the XIth century ; until then, a class of free landed peasants was organized on the basis of freedom and equal property rights. Stahl's theory is meant to sustain the „peasant thesis”, by making an important contribution to the study of free peasantry.

H. H. Stahl was primarily concerned with contributing to the writing of the Romanian social history, which, he believed, „was not written yet” in 1938. Thus, his work is dedicated to illuminate topics such as the „origins of social life” (Stahl, [1938] 2002, 113); social institutions and classes in the

Middle Ages ; the effects of capitalism penetrations in rural communities. Probably the core issue, around which all the others emerged, was the social organization of early Romanian populations. He was the adept of the agrarian communism thesis, demonstrating the archaism of territory-based communal ownership on the basis of „surviving” *obști*, free communities in Vrancea Mountains. His approach followed the retrospective method of projecting into the past from present empirical observation combined with document analysis, a method that he called „social archeology” (Stahl, 1958).

He has chosen Vrancea as his fieldwork because, in his opinion, it was the most archaic region of Romania, a „social fossil” and not an exceptional case (Stahl, [1938] 2002, 119). He conceived this region as a surviving link in the evolutionary chain of social organization, on the basis of which he could generalize about the original state of Romanian communities. As arguments for the archaic character he brought the fact that it was the only region that had 100% free villages, inhabited by *răzeși*, and its equalitarian, non-genealogic character, concerning property and administrative issues. Moreover, he has chosen the village of Nereju as the center of his preoccupations, because, from all the villages of Vrancea, it had the less formalized way of dealing with property, resembling mostly the archaism that H. H. Stahl had in mind. The *obște* in Vrancea also gave him the possibility to document and analyze the process of penetration of financial capitalism in local communities, through the operation of timber extraction and commoditization. Moreover, his research was aimed to show the ways in which legislation and formalization of norms can lead to dissolution of old and fundamental village institutions.

The sociological campaigns that he led in 1927 and in 1938⁶ were exceptional in terms of amount of gathered data. In between and further on he did fieldwork on his own, researching also other villages from Vrancea and the local archives. In my opinion, his empirical approach would qualify for being termed as „anthropology at home”. I find his empirical data and analysis very good

and useful for further research ; despite of that, I find his interpretations forced to fit a Marxist framework, an issue to which I will come back in later sections of the article.

The archaic village of Vrancea – refutation of the „founding ancestor” theory

Henri H. Stahl sticks to the idea that territorial communal villages are of „archaic origin” and their formation as a whole is not confinable to common descent. His theory was expressly built in order to refute the more popular theory of the eponym hero, or of the founding father, which asserts that the actual village is nothing more than the result of the growth of the initial family that settled on a waste territory ; eventually the name of the village comes from the initial ancestor. On the contrary, Henri H. Stahl believes that tribal organizations dismantled and gave birth to more territorial units, which were not essentially based on lineages. The lineage conscience came up only later on, when divisions of land had to be made.

The founding father theory is based mainly upon popular legends of village formation. These legends might have two principal themes : 1) the occupation of an empty territory by a man, a group or a family, considered as the village’s ancestors ; 2) the donation of land made by a king, a *voievod*, to his soldiers (Stahl, 1958, 55-57). If these themes

are taken as historical facts, we might have two logical consequences : 1) the territories were unpopulated until their (late) foundation and 2) there is an evolution from individual property to common property. These two implications have ideological connotations. The first implication might sustain theories that place the Romanian ethno genesis late in time and which argue for the preeminence in these territories of populations with extra-local origins (e.g. Hungarians, Bulgarians). The second implication refers to the evolution of property rights and emphasizes the liberal ideology of individual and genealogy-based rights as preeminent upon collective rights. The pursuit of H. H. Stahl’s work is dedicated almost entirely to the dismissal of this second implication. He argues that one should not analyze hermeneutically the content of the legends, but rather the social context in which they appear and are circulated and the social functions that they fulfill.

Starting from this point, he builds his theory in the following way :

Step 1 : He assumes that in his times one can observe two types of villages : the one from Vrancea, which he catalogues as „archaic” or *devălmaș*, practicing equalitarian joint possession over certain lands, and the one from elsewhere, notably from northern Wallachia, the „evolved” type, in which revenues from common lands are unequally distributed, along shares attributed on a genealogic basis. Based on multiple criteria, he constructs a bi-polarity, which could be summarized in the following way :

Table 1. Differences between the archaic village and the evolved village

	<i>Archaic village</i>	<i>Evolved village</i>
<i>Social structure</i>	Equalitarian	Unequalitarian
<i>Population</i>	Native	Native mixed with newcomers
<i>Property</i>	Mainly joint, small number of private tenures	Increasingly individual
<i>Basis of rights</i>	Nativity	Contract
<i>Economy</i>	Natural	Exchange
<i>Agriculture</i>	Mainly „slash-and-burn” techniques	Intensive
<i>Goal of economic activity</i>	Use	Revenues (profit)

Step 2: By using the retrospective method, which he named „social archaeology” –projecting backwards from the present and using documents when it is possible – he tries to reconstruct the history of the „Romanian peasant community”, as termed by Blum (review to Stahl, 1980, by Blum, 1981). He puts the joint village from Vrancea on the position of „initial” autonomous communities

of free-holders. Furthermore, he translates what he was experiencing on the field as the contemporary processes of enclosure, unequal access and distribution of shares into common lands, on the position of past processes that led to the formation of the evolved village. I have represented his retrospective demarche as follows :

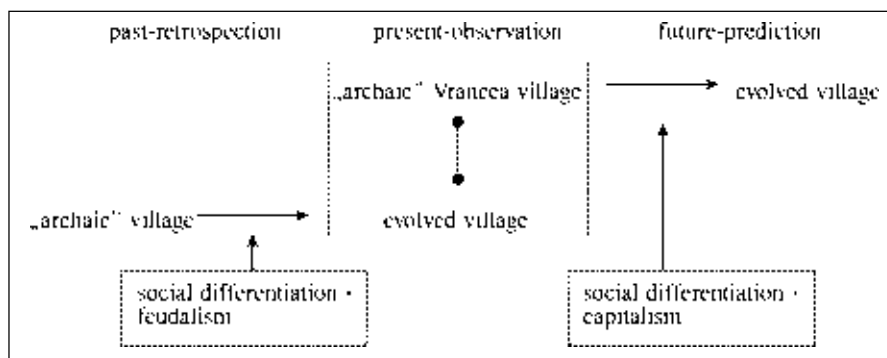


Figure 1. Summary of H. H. Stahl's approach

The village from Vrancea was described by Stahl as the most equalitarian village to be encountered at the beginning of the XXth century, although it was already being a victim of capitalist penetration of market, which led to internal social differentiation. However, for Vrancea this differentiation processes dated back to no more than 50 years ago, as the recollections of its inhabitants could bring up. By contrast, for some other Romanian villages, the process of transformation into the evolved type dated back to the XIVth century, to the processes of feudal enserfment. Even the remaining free villages, in the Southern Carpathians, suffered from this evolution earlier than Vrancea, manifested preeminently in the unequal distribution of property and in the unequal sharing of common lands, on the basis of descent-lines. An important question arises here: why this preservation of Vrancea? H. H. Stahl invokes two types of reasons: 1) geographical reasons: isolation and dominance of forest lands over arable lands; 2) political reasons: the existence of a powerful

regulatory confederation of villages, which maintained economic privileges and a relative autonomy of the region (vol 2, 229); 3) the combination of political and geographical reasons: Vrancea found itself at the margins of the Empires and under no direct rule. Reasons 1 and 3 are only mentioned, but no real analysis of their influence can be found in Stahl's work. For the second reason, Stahl offers a rich documentation of one case in which the confederation of Vrancea stopped the attempts of enserfment at the beginning of XIXth century in a trial that lasted for sixteen years. The confederation is the democratic representative of the villages from Vrancea. Stahl proves that the village was ruled by its *obște*, its democratic institution, constituted by the general assembly of villagers. At an upper level, representatives from each village-*obște* gathered in a valley-*obște*; representative from each of the three valleys of Vrancea formed the big *obște*, the confederation. Romanians knew however such forms of autonomous territorial organization for other regions,

too. In the XVIIIth century a Romanian scholar asserts that there were three peasant republics, one was Vrancea, the other Câmpulung, in the north eastern part of Romania and the other Tigheci, now in the Republic of Moldova (Cantemir, [1716]1998, 184). Similarly, there were other territorial structures which have undertaken organizational tasks, as the „countries”, *țări* (e.g. *țara Oltului*). One can trace today the importance of these supravillage authorities, considered as to be quasi-statal, (Stahl, 1986, 47) by observing the spatial organization of villages in such a manner that each village has access, directly or along special corridors to each of the economic categories of lands (*ibidem*). Henri H. Stahl puts a great weight on these confederations in his thesis, believing that they represent a relic, hence a proof, of older tribal organizations. Moreover, he believes that this confederate character of Vrancea was preserved into the XXth century in the appearance of correlated anticommunist resistance movements (Stahl 1981, Rostas 2000).

At the village level, the territorial „archaic” community resembled perfectly the characteristics of other medieval communities in Europe, as described by Blum and shown in a previous section. The community had control over all village issues, having as an administrative and conflict resolution mechanism the village assembly, described by Stahl as democratic and equalitarian, vaguely gerontocratic (Stahl, 1958, 9). By contrast to the above described Balkan societies, in the description offered by Stahl of the archaic village, there was „no room” for the lineage. Membership in a particular kin-group or a special position in the lineage had no special significance in administrative, property or ritual issues of the community. In Stahl’s opinion, kinship gained „force” only in the course of evolution; an evolution which he considers as being the result of property assignment processes and of increasing inequalities between individuals.

Thus, putting Vrancea as the first moment in his evolutionary chain, he wants to show the prevalence of territory over kinship;

moreover, he tries to minimize the importance of kinship, by confining it to the domain of ideology, of fiction, created in order to justify processes driven by specific interests of an „upper” class.

The evolution of villages, division of communal property

His demonstration of the above-mentioned stance is based upon the analysis of property systems; his main aim is to show that the archaic – equalitarian and communal – village evolved into an unequalitarian and individualized form. These processes are most visible in the evolution of property rights: from stage 1) territorially-based equal use rights over the whole territory of the village and over the more remote rangelands and woodlands to stage 2) more differentiated rights over the lineage’s commonly held arable land; then the rights evolved into differentiated access to the whole village territory, difference made along family lines; finally, in the „last phase”, the remote common rangelands and woodlands were divided into unequally distributed shares, also along kinship lines. He attempts to show that kinship was not actually an organization principle for early Romanian communities, but it became so because of its use as a legitimizing strategy in the course of evolution, or, how Stahl terms it in the course of „decay” of communal villages⁷. Different villages entered this evolution at different times, according to internal as well as external changes, such as demographical pressure, newcomers established in the community, market penetration, and processes of enserfment.

Stahl describes three types of divisions of land along kin lines; these will be named *genealogical joint possession* of the first, second and third degree (in the translation from 1980).

The genealogical joint possession of the first degree can be found inside the same kin group and it has nothing to do with the more general processes of the overarching

communal village. This type of possession arises when a group decides to divide its communally held land, usually arable land, as a consequence of conflict or controversy, resulted from the growth of population to a degree where the territory begins to be „coveted by too many competitors” (Stahl, 1980, 45). Hence, the group will disguise this division under the juridical form of succession, from an (sometimes purely imaginary) original ancestor, the „old man” of the kin-group. In the local terminology, if the territory is divided into three household subgroups with equal rights, we say that the group „walks on three ancestors”, or on three old-men⁸, *umblă pe trei bătrâni* (Stahl 1980, 44). This is considered to be the first sign of decay of the archaic village, but however, the village inside which it is happening can still be called communal and „of archaic type”.

The genealogical joint possession of second degree involves already the whole territory of the village, inside the village boundaries. This system is formed because the kin subgroups began to fight each other and thus, they decide to divide the land into long strips of land, named in different regions *funii*, *curele*, *hlize*, *chingi*, or *sfori* (Stahl 1958, 265), each lineage of the village receiving an equal portion of land, with which the members of the lineage will proceed to further division according to each specific genealogy. The result is an unequal division of land, based mainly on equal partible inheritance, which will make families with less children richer in land. The ultimate owner of the land can be the nuclear family, but in many cases it actually is a two or three generations kin-group. Drawing the family tree, the lineage arrives to a point where it should have an initial father, ancestor of the lineage; each lineage arrives to that point and thus, finding themselves in a situation where each lineage in the village has an equal portion, they assume that these initial fathers of the lineage were brothers, thus it is said „*the village is walking on 3 elders*”, for example

However, in the communal archaic village that he describes, Stahl attests also much **individual tenure** (*stăpânire locurească*), places that were cleared from the forest by the owners. The juridical regime of these tenures is not in contradiction with the communal principle, because it is a temporary use appropriation, based on work invested in the transformation of wild terrain into land suitable for use (Stahl 1958, vol. 2, 178). The community still holds control upon these lands and also there is no concurrence for these private tenements, since there is enough forest to be cleared. Nevertheless, these initially temporary tenements receive a character of permanency, as agricultural technique permits for more intense cultivation, the *stăpânire locurească* becoming *ocină*, which is an inheritable plot, marked by fences (*idem*: 184). Stahl believes that these plots are not yet of the „private property” type, institutionalized by Roman law, but are still under a communal regime; he offers as arguments for the communal character of these individualized tenements the description of popular hostility towards plots boundaries, expressed through superstitions that considers the boundary as a malefic place, where the devil wonders about and where witches prefer to accomplish their magic (*idem*, 185-186). A proof for this hostility dates back to a document from 1693 (*idem*, 186). Here, the community granted somehow the right of the individual to the private tenement, legitimizing this right by the fact that the individual is a good „citizen”, he contributes to the tribute and „participates together in all hardships” (*idem*, 188). Thus, property has to be granted by the community and only by participation in community life, a person is entitled to land within its boundaries. Furthermore, if somebody had a private tenement on the territory of another village, if he had not contributed to the tribute paid by the respective village, he was evicted from that land; or, if newcomers contribute to the tribute, they become entitled to have plots in the village (*idem*, 189, 192). These practices show the prevalence of a civic conception of

land appropriation, linked to the territorial community, in opposition with the conception based on blood, kinship and inheritance⁹. Nevertheless, in time, as the plots become permanent, the correlation between money paid and land is used by the individuals contrary to the initial sense, as to oppose the community, following the reasoning „I pay more money, I have the right to more land” ; this was equivalent with buying the land from the community (*ibidem*). Furthermore, Stahl uses the issue of communally controlled private tenements in demonstrating that the genealogical possession over the whole village territory was definitely preceded by a communal system of property which dismantled. He finds many documents attesting complaints of villagers whose private tenements fell into the land assigned to another lineage (*idem*, 194, 281-285). Thus, this proves that lineages were not naturally attached to specific lands from time immemorial, but another property system preceded the genealogical one, namely a communal tenure combined with scattered private plots, submitted to community rules. Only when there were more concurrent interests on specific terrains, each competitor trying to „grab” as much as he could, the community intervened for an equalitarian distribution of plots (*idem*, 281), by using the kinship criteria. Hence, from this point forward, the village is thought to be „walking” on a specific number of ancestors, and each lineage subgroup (*ceată de neam*) is also walking on a specific number of lineage ancestors, legendary the sons of each village ancestor (following the joint genealogical possession of the first degree). A specific ancestry legend and a whole genealogical ideology are brought up in the process of ancestors’ establishment and of successions and endowments. Sometimes, these ancestors are invented and sometimes they have nothing to do with imagination of real persons, they could be the „monastery ancestor” (*bătrânul mănăstiresc*), for the attribution of a certain strip to the local monastery or the „newcomer ancestor” (*bătrânul străinaș*), for grouping the land attributed to

a group of newcomers. Thus, it is by virtue of necessity and social change that kinship became an organizing principle of property rights. These ideas also show that what was „remembered” as the founder of the village was nothing more than a later invention, as a response to social change, thus the historical truth of how villages were established has to be searched elsewhere.

Finally, in the genealogical joint possession of the third degree, all communal property, including remote mountains for pastoral usage, was „divided” into shares, along descent lines, thus forming a *joint genealogical village* (*sat umblător pe bătrâni*). Just the same as the other two types, it was a system which brought up the kinship principle, so as to legitimize the unequal distribution of shares, in favor of some specific families, which were nevertheless richer than the others.

The ferment of inequality

I want to underline in this section the role played by social inequality in the transformation of property forms described above.

We already saw how inequality is an important point in the discussion about close corporate communities in Europe ; the very function of these communities is to equalize holdings and powers of households, through for example periodical re allotments, democratic village assemblies and cutting channels to the outside world, as described by Eric Wolf ; Netting argues that equality is somehow naturally provided in the ecological conditions of mountains habitat, where enclosures and interest in land is limited by unproductiveness of soil.

Stahl’s argumentation is close to Wolf’s, in the sense that he attributes equalizing powers to the community and he allows for the exterior to play an important role. However, unlike Wolf, who concentrated on the internal processes of *maintenance* of the close corporate community and on the directed action of the community acting as a corporate body „against” its rebellious actors, Stahl is more

concerned with the process of *dissolution* of such corporate communities through the action of social differentiation. What Wolf only suggested, Stahl discussed in detail on the Romanian case.

In an early phase, inequality is understood by Stahl mainly as inequality in land, since land was the only asset to produce a relative differentiation in wealth, apparently trade being developed only later on. Stahl explains that inequality in land in free communities develops by virtue of internal processes of the community itself. He speaks of „potential” and „desire” for private property to emerge. Advancement of agricultural techniques which makes plots permanently cultivable and productive makes the reason for the *possibility* or the *feasibility* of private property. Demographic pressure on land forms the basic incentive for the *desire* of private property. Furthermore, the biological hazard of having more or less children makes some families naturally richer in land than others.

As this point, one might ask what comes first: inequality or private property? Stahl does not directly address this question, but gives elements which can lead us to certain conclusions¹⁰. As we have seen in the previous pages, a special type of private property (*stăpânire locurească*), entirely submitted to community control, existed before any organized divisions of land. Furthermore, division was fulfilled in three stages. Stahl seems to argue, although not directly, that after the first stage of division among the kin group, inequality raised between different kin groups inside the village (exact reasons remain obscure), who had further interest to divide the village territory. Hence, the division of the second and third degree occurred because of inequality between kin groups – the wealthy wanted to get wealthier. In the division of mountains, the shares were attributed according to the proportion of land that the kin group owned inside the village territory.

Thus, even though it seems logical that no land inequality is possible without private property, Stahl makes another argument

stressing that juridical privatization followed raising inequality, which was previously possible because of unequal use rights. He argues that the juridical norm of privatization follows social norms of inequality where the community as a political unit is not strong enough to oppose this privatization. At a later stage, when markets arise for mountain products, such as timber, free villages experience even higher pressure for social differentiation, since some persons find ways other than land to get wealthier. Even Vrancea, seen as the last bastion of equality and freedom, was in peril to surrender because of capitalist penetration in the form of timber companies, which traded use rights with local elites.

Stahl seems to argue that inequality determined enclosure and division of communal land by a sort of greediness of the already wealthy to get wealthier or to stay wealthy (if we take into account division of land among heirs), nourished first from demographic pressure on the village territory, which determines division of the second degree, and then from opening of opportunities by capitalist market penetration, which determines division of the third degree, over the more remote community land, grasslands and forest.

However, it remains rather obscure why the community loses its regulatory power all of the sudden and gives way to inequality. It is rather puzzling to find the answer to this question without being trapped in a tautology. It would seem logical to say that the weakening of the community powers probably finds its explanation in the divergent interests and conflicts. But divergent interests, others than self-sufficiency, can be ultimately confined to rising inequality.

Furthermore, inequality can be translated into private property through the use of the kinship ideology. Stahl underlines whenever he has the occasion that kinship is not an *apriori* principle of property organization, but only a tool in the hand of regulatory bodies to solve conflicts and to reach favorable decisions for the richer kin-groups.

Discussion

From the data provided by Henri H. Stahl, it is visible that Romanian communities resembled more the close corporate community from Western Europe and the Russian *mir* than the kin-groups of the Balkans; in the sense that the village community held powers – held „leveling mechanisms” as Eric Wolf would term it – above the powers of the lineage. Despite the warnings of J. Blum, who argues that the old village community was not a citadel for democracy and egalitarianism, we might conclude after reading H. Stahl that the Romanian villages actually were such „idyllic” fortresses, with no individual will above the village assembly. I believe that his works represent a majestic demonstration of the powers that community had in the medieval history of these regions, especially in Vrancea. Unlike other populations from this part of Europe, where family of the *zadruga* type or the patrilineage were the principal social units, in the corporate villages – as they were documented for Vrancea and inferred for the „evolved” villages from the Southern Carpathians – the political organization of territorial communes did control relations among and between kin groups. I am however skeptic towards a clear-cut categorization of archaic – egalitarian and evolved – nonegalitarian villages. His description of the archaic communes holds a certain degree of romanticism, common for the scholarly line arguing for the primitive communism.

A critique that I would like to formulate regards the evolutionism implied by Stahl’s theory. He assumes that communities follow a pattern of evolution and that we can proceed by analogy, processes observed in certain communities will reproduce in other communities, so that we can infer that Vrancea’s communities will follow the „decay” of *obşte*, of community powers, such as it did in the evolved villages. As I have argued elsewhere (Vasile, 2008a), his own ethnographic data (1939) shows that in Vrancea the „community” was not as weak as he would want us to believe and that popular will – oriented

towards maintaining communal tenure and „old customs” – did actually impose itself over interventions from outsiders. In the evolved villages from the Meridional Carpathians such outsiders did change the course, while „Vrancea” was more obstinate and successful in preventing undesired changes. In Vrancea, as he describes the situation between the wars, existed a full half of the bottle, ‘capitalism’ was not imposing individualism on a large scale and the villages could actually benefit from commoditization of wood for building infrastructure (Vasile 2008b, 126-127). Stahl’s analysis itself demonstrates that groups have a great potential to adapt to necessities and to reorganize according to very diverse criteria; it also demonstrates that diverse forms of property coexist and that kinship-based property coexist with communal property, they are not mutually exclusive and it would be a waste of time to address the question which is more important and which one precedes the other.

The evolutionism that Stahl proposes seems to suggest that communal tenure and the corporate community are necessary an intermediary phase in a linear process, due to a general track set from outside, which might be summed up under the label of „capitalism”. In this respect his theory is comparable to Eric Wolf’s theory, in which the close corporate community is a phase in the beginning of a capitalist society. Then, in Wolf’s examples, the exterior entrepreneur gives way to a reaction of defense, which happened also in the case of Vrancea with the Anonymous Societies and the boyars. Later on, the market favors internal inequality – in our case – the local appropriators (*acaparatori locali*), which ultimately weakens the corporate community.

Nevertheless, the anthropological theories proposed by Netting and Layton reject the linear processes. They state that communal tenure and the corporate communities are „a type” (as opposed to phase) in their own right – determined by certain ecological, political and historical characteristics. Hence, under certain conditions, they might remain stable.

In other words, I am inclined to say that Stahl fails to convince that Vrancea was about to „evolve” at the time when he was studying it, in the direction indicated by other communities. He fails to take distance from his own ideological point of view and to read accurately the data that he was observing. He is too clear cut in his theoretical ideas, betraying his own empiric descriptions and partially failing to acknowledge a multi-faceted analysis of social change, which might have gained weight through prudence. Moreover, he starts from the premise that capitalism necessary makes the corporate community part of the idyllic past.

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Note :

1. I admit the imprecision of ‘early’ ; it would be inappropriate to use any specific period in the formulation, since the authors that I will be referring to are not precise themselves ; the term covers generally the medieval period and before, but again medieval is different from Western Europe to Eastern Europe. I will give the century whenever I am able to further in the text.
2. I will describe in a certain detail how these village assemblies did take place, for the good purpose of comparison with nowadays assemblies. It appears very interesting in our Romanian case how ongoing participation did not change substantially over hundreds of years.
3. He defines three belts : the main belt stretches across the adjacent territories of the Montenegrin and northern and central Albanian tribal societies. Here joint family households were a strong element of the tribal system. The second belt extends south, east, and north from the tribal areas across the mountainous regions of Bosnia-Herzegovina, western Croatia, northern and central Macedonia, and central Albania. Some additional isolated areas were parts of this

second belt (in the western Bulgarian, northern Greek, and southwestern Albanian mountains). The third belt stretches north, east, and south from the second belt irregularly over the plains and rocky valleys of Croatia, Slavonia, pre-1912 Serbia, western and central Bulgaria, southern Macedonia, and southern Albania (Mosely, 1976, 60-61).

4. An argument similar to that of Netting, about land use determining land tenure.

5. Diffusionism assumes that persistence exist mainly because certain models tend to exist by inertia, certain communities tend to imitate models from older times or from neighboring communities, not being aware or rational of alternatives.

6. For readers that are unfamiliar with the sociological campaigns of the Bucharest School of Sociology, led by Dimitrie Gusti, I say a few explanatory words : these campaigns were subordinated to the idea of researching rural Romania in order to improve life conditions in these areas, or what was called *sociologia militans*, sociology for social action ; the researches were carried out in the format of interdisciplinary monographs on multiple dimensions. Many famous Romanian scholars participated and were formed in this School, among which Traian Herseni, Mircea Vulcănescu, Anton Golopenția, Constantin Brăiloiu, Ion Conea.

7. Decay in the sense that a somewhat idyllic equality and communality was broken up, giving way to conflicts and quarrels.

8. In the original Romanian text of Henri H. Stahl, the „genealogical joint possession” system is called directly system of „walking on old-men”, *sistem umblător pe bătrâni*.

9. However, the documents invoked by Stahl in support for this territorial preeminence, linked to monetary considerations, date back only to the second half of the XVIIIth century and to the XIXth century (*idem*, 189-193).

10. His avoidance of clear-cut statements leads to ambiguity in the whole argument, and certain details remain unanswered.

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