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La montagne et la gestion collective des biens :
quelles influences ? quelles interactions ?

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Who Owns the Mountain? The Trajectory of Collective Ownership in Slovakia

Michel Lompech

- 1 There would be more than 2,000 collective property societies in Slovakia (Jakubáč, Maslák, 2019)¹, which must not be confused with the various forms of co-ownership that stem from the history of socialism. Although they could not be immediately repaired in the immense mountain forests, these community assets are part of the agricultural landscape and are understood as translating the systems for distributing rights and resources within a rural community in terms of space. Knowing about their establishment and analyzing their role in local communities are two essential aspects for understanding the Slovakian mountains.
- 2 Recent analyses of the property question that have studied collective property are either from a legal perspective (De Mari, 2016) or a historical perspective (Chouquer, 2018). They distinguish between the regimes of property rights (collective and private) and study how social groups use the concepts of property, usages and usufructs to look to preserve or monopolize agricultural and environmental resources in a region.
- 3 These different terms serve to understand the trajectory of community assets in the Slovakian mountains. Control of the forestry resources in the mountains has always been at the center of issues between social groups, whether these were confrontations between the feudal lords and their serfs in the Middle Ages, class conflicts during the 19th century, or during the nationalization of the socialist era or in current privatizations. In the era of agricultural and social reorganization in decollectivization, community assets took their own specific route. It revealed internal factors of restructuring rural societies, or destructuring them. Several questions followed: how was this community property built up? How did the socialist model incorporate this previous management experience? How is this legal status incorporated into the new property regime? The first step is delve into the archives of agricultural history to research the origins of collective appropriation in the mountains. The transition from

the “forestry feudal system” to capitalism resulted in limited collective appropriation of the mountains, which took the form of uneven sharing of the profits from large foresters and the uses of the forest industry. The next step then looks at the position of these community assets during the socialist era, when everything was collective. Lastly, the role of these community assets in local societies should be analyzed with respect to the major event of purchasing property titles. To anchor these developments in the specific context of local space, these four diachronic stages are supplemented by an analysis of two village examples².

***Urbár* and *urbáriat*, in the pages of agricultural history**

Using serfs to farm the mountain: the *urbár*

- 4 In the regime of land fiefdoms, the aristocracy allocated hamlets on their land to peasant communities. The parishes were divided in two, with the *allodial* belonging to the lord and the *urbarial* combining the peasant tenures located in the *intravilán* (the built-upon area and the gardens) and the agricultural land (*extravilán*). This property regime was set out in the *urbár*, a municipal charter generally dating back to the Middle Ages and organizing land according to villages and hamlets. It therefore originally indicated the list of concessions that the aristocracy, church and landed gentry allocated on their estates to their serfs and their obligations (woodcutting chores, transport, producing coal and shingles). The *urbár* is not exclusive to either the mountains or Slovakia, as it governed the plain and, more largely, the Kingdom of Hungary. The specific context of the mountains means that the establishment of communities using the *urbár* was designed for forestry and that for their survival, they granted servitude that enabled seasonal migration towards pastures at higher altitudes and itinerant agriculture (grazing according to sections, then temporary crops between new planting, cf. Deffontaines 1932).

The *urbáriat*: collective ownership of the peasant community

- 5 The 1848 Assembly abolished serfdom and the labour set out in the *urbár*. The *intravilán* was allocated to peasants and the principle of the division of feudal estates was taken into account. However, the question of using the forest, which was vital for the liberated serfs, remained unresolved, which led to a new *urbarial* patent in 1853. This converted the servitude in the seigniorial property regime into the legal forms of peasant private property and guaranteed communities a space for their independence. The law decreed that wherever serfs made use of servitudes and usage rights, the areas handed down to them should be proportional to their former payments. This followed property transactions that shared the areas according to this principle of proportionality. Each plot was divided into as many parts (plots of land) as there were hamlets in the village. This division was not calculated according to the number of family members or in the hamlet, but according to a fraction of the user rights (1/th, 1/16th, etc.). The pastures remained undivided in a syndicate (pastoral union). One section of the forest was granted to the community. As the forests and summer pastures were allocated in their entirety to a hamlet or village, the peasants created *byvali urbarnici* societies, literally translated as “former *urbár* members”³. These *urbáriat* brought together either an entire village or hamlet and often corresponded to a

restricted group united by links of relatives or the foundation of the farming community. Although these concessions were a recognition of the latter, seigniorial estate remained the majority in the pastures and forest. The larger landowners often ceded the worst wood resources, reserving the best deposits, free from all servitude agreements, and the pastoral area remained largely in their hands. Furthermore, in applying them, these measures unearth the variety of local situations and the details of servitude agreements and practices that have been continued for a long time⁴, with the two regimes of seigniorial ownership and peasant private property being intertwined.

Figure 1

Credit : M. Lompech, 2021.

The urbariat: a mountain institution

- This process of formalizing the *urbátiat* continued up to the brink of the 20th century with registration and cadastral operations. Dividing up private property was unthinkable for the many mountains⁵. On a national scale, the size of the *urbariat* forest was considerable: it was estimated at 271,980 ha in the 1920s (Deffontaines, 1932). The *urbátiat* became an institution in the mountains, allocating pasture area for shepherds, decreeing regulation and employing a countryside ranger. Its general assembly decided plots (on both undivided and private plots), approved the annual accounts, chose the forest ranger, shared out the wood for heating and decided on works. In the 1920s, P. Deffontaines observed misuse of the *urbariats* forests, which is consistent with overexploitation of common forests, despite the obligation to submit a usage plan to the administration. Following the events of 1848, this process of formalizing the *urbátiat* established partial but collective ownership of the mountain by rural

communities. It should be added that there is no community without collective ownership and that the *urbáriat* consolidated the freedoms acquired in 1848.

Development, conflict and dispossession of the *urbáriat* throughout the 20th century

Major owners, farmers and forest rangers in the mountain

- 7 The agricultural property acquired after 1848 ended up being too confined and the mountain communities did not stop growing and wanted to increase the size of their herds, which needed more forage and thus more land. Several local chronicles reported on the demands for clearing, acquisition and renewal of summer pasture contracts. However, although the communities saw their future in the expansion of an agricultural-pastoral system, the “feudal-bourgeois” ownership is transformed at the same time into a “forest complex”, which invested in a new method of production: silviculture and its industrial branch. The political and ethnic tensions in the mountains largely originated in the desire to expand communities opposed by this strategy.
- 8 Czechoslovakian agricultural reforms tried to resolve these property questions. Various decrees created subsidized loans that allowed farmers to acquire forests to turn them into pastures. The most important breeders came together in shareholder groups to purchase land, particularly in the Zamagurie and Horehronie regions. Even though the structure of these member organizations was different to the *urbáriat* and pastoral syndicate, the peasants did not make the difference between them, and ethnologist Ján Podolák highlighted that up to the MID-20th century, the mountain dwellers were certain that their village had “its” mountain, without distinguishing whether it was owned by the municipality, the *urbáriat*, a pastoral union or if it was leased to a large landlord (Podolák, 1982).
- 9 Nevertheless, the tensions persisted because the major forest owners opted for reforestation with the support of the administration. It was a symptom of the Slovak State (1939-1944) wanting to support the farmers by merging the *urbáriat* and pastoral groups in 1939 in order to strengthen the influence of farmers compared to foresters. This measure illustrates the venom of the conflict that opposed silviculture and farming. On Liberation, this measure was terminated, and several regulations (nature reserves, national parks, creation of national forests) accelerated the protection of high-altitude areas: herd were driven out of summer pastures and the mountain largely slipped away from rural communities.

From collective ownership to agricultural collectivism

- 10 After 1948, communist power intensified the loss of community control in the mountain, because from its first trials the “socialist sector” was based on community assets. Marxist interpretation saw foreshadowing of collectivism in the experience of collective management (*urbáriat*, pastoral unions, various cooperatives) and many other methods, proving that the “direction of history” anticipated socialism. However, this interpretation overlooked, on the one hand, the *urbáriat* as a legal entity possessing collective ownership, on the other hand, that ownership was the foundation

of individual associations and lastly, the damages for exploitation using pastoral land. Two dates mark this legislative timeline: 1949 and 1958. The law focusing on *urbárial* pastures was published in 1949 simultaneously with the law on agricultural cooperatives⁶. Its principle was simple: in communes where a cooperative was created, its members automatically joined the *urbárial* and the pastures were transferred to the cooperative. The community asset then merged into the cooperative asset, even if the individual or *urbárial* property was not formally abolished, as only the profit and usufruct were transferred by the act of joining the cooperative (Maurel, 1994).

- 11 This measure concentrated only on pastures, depending on the policy option separating agriculture and silviculture. The 1958 law on the *urbárial* forests transferred collective property to companies in the state sector and considered *urbárial* law to be null and void. This measure brought the mountains into the regime of universal state ownership, passing beyond the rights of rural communities and continuing a logic of industrial monopolizing of timber resources. In a way, this second defeat of rural communities made absolutizes the constraints of the former seigniorial regime (Chouquer, 2018). Without being connected to the villages, the companies of the state wood industry thus managed the resource without compensation. These different stages led to a profound change in the mountain landscape (cf. summary).

Figure 2

Crédit : M. Lompech, 2021.

The renaissance of communal ownership in an independent Slovakia

- 12 After the Velvet Revolution, several measures put an end to agricultural collectivism. The 1991 law required cooperatives to transform their entrepreneurial model (Maurel, 1994). The management of cooperatives had to return the property to its original owners and organize their shareholding. This desire to give owners to companies came into opposition with the dismantling of land property, which was especially accentuated in the mountains, and in turn rebuilt the old structures of collective management – the *urbáriad* and other pastoral unions. The title of *urbáriad* was used again in naming “property companies for owning wood and *urbarial* meadows”, *urbáriad* and forestry co-ownerships, old *urbarial*’s owners, etc. These two statuses of collective ownership were restored by the 1992 law on agricultural uses and the restitution of property ownership. In addition, community ownership prevailed thanks to a liberal policy that put an end to collectivist management. In fact, the agricultural collectivism that had overturned the structure of private property had not totally eliminated the community foundation. It even came out of the transition stage stronger, as in several cases, forest owners outside the original undivided condition went into partnership with the *urbáriad* by acquiring plots for better management of their cultural heritage. However, these were simply associations for natural persons lacking legal character, in accordance with the uncertainty surrounding the collective methods at the start of the transition. The 2014 law on property ownerships set guidelines for their operation by giving them a legal nature. Although there are very many *urbáriad* websites, it was not possible to find any data on the areas owned on a national scale, or a regional estimate of their number.
- 13 Distinguishing forest and agricultural (and property) ownership is required to understand the means of rebuilding the heritage of the *urbáriad*. In legal terms, the user rights on the forests had not been abolished. *Urbáriad* members therefore claim their property in the national forests, but continue to be limited by the ongoing management plans; at least they will be able to see the products of use. In 2017, the visit to the offices of an *urbáriad* was striking (we visited those in Pribylina (1,300 inhabitants, okres Liptovský Mikuláš)), both because the collected documents work towards a powerful effect of feedback and because they make it possible to see a community history, a phenomenon that is all the more remarkable as these archives have been gathered in less than a decade from dormant private collections. Located on the ground floor of a town hall building, the premises flow through corridors and rooms, which hold an improbable quantity of notarized certificates confirming that each have a small fraction of property and stacks of records; here, two computers serve to consult the geodesy department, where communal maps on free wall faces display the forestry plan for the western Tatras mountains. Three secretaries help the president to manage an overabundance of beneficiaries. The search for owners is a long one, as is the identification of plots, and the market is not always flourishing, while it does not take long for a property that everyone considers as belonging to everyone to be looted.
- 14 These *urbáriad* can develop in very different directions. Their size is very unequal, both in terms of the quantity and quality of their resources and the interest of owners. One of the recurring questions is that of knowing whether the *urbáriad* directly exploits the resource or if it delegates the work to external companies. Another is that of

controlling sections, awarding or product sales; all of this is in a context of unauthorized exploitation that ravaged some sectors of the mountains⁷. Does the town hall's publication of the official reports of general assemblies, the publication of bids, the creation of websites that present life in the society, sometimes up to an inventory of the numbered plots, decisions on sections and even photographs of the works carried out demonstrate increased oversight or obscurity disguised as transparency? The question has remained open, although the situation normalized after a decade.

- 15 On the other hand, the 1991 law on restitutions came into application with regard to the pastoral area and the *urbáriad*, in which rural associations (union or co-owner companies) fully cover their rights. There is no doubt that community ownership contributed to slowing the transformation of cooperatives because their heritage represented a certain base for the latter; the majority consensus looked to both maintain the cooperative and rebuild the *urbáriad* and the rights covered on exploiting forest property would enable a financial input that could satisfy everyone and to preserve the status quo. And who else could rent it but the cooperative? Separating the communal areas that are most important to the collective heritage was not obvious. However, it is not always enough to ensure the survival of the company, and, for its part, the *urbáriad* claimed its share during the restructuring by taking and using real estate assets first of all. Since 2002, cooperatives have seen restructuring in their shareholders due to purchases by external investors, property ownership itself being coveted in this “big event”, which works unofficially with rural communities (Maurel *in* Chouquer, 2018; Lindboom, 2019). Due to the higher number of members and the complexity of its organization, the *urbáriad*, is more than capable of blocking greed and preventing the development of reversed tenure, which seems to have been established as a new property regime (Maurel, 2021)⁸. The distinction between the management of assets and becoming a cooperative has still been established in several cases. Once removed from the areas exploited by the cooperative, its summer meadows welcomed new agricultural companies. Two sheep farms that we visited in 2019, one in Liptov (Liptovská Lužná, okres Ružomberok) and another in Horehronie (Bacúch, okres Brezno), use the hayfields belonging to the *urbáriad* and pastoral syndicates. It is groups of individuals that continue using the collectively owned herds and who want to steer clear of the restructuring of cooperative by external stakeholders. Several rural development projects rely on the *urbáriad* structure for funding, the mobilization of natural, forest and human resources. The *urbáriad* rediscovered its strength in local mobilization, the re-appropriation of the “commons” that relies on a resurgence in the “local”.

Figure 3

Conception M. Lompech, realization F. Van Celst, UMR Territoires, 2021

Two paths of the *urbáriat*

- 16 Of the many *urbáriat*, we could presenting Hybe in Upper-Liptov (1,560 inhabitants, okres Liptovský Mikuláš), which has an area of 5,000 ha, the largest in Slovakia, and extends over the High Tatras and Low Tatras Mountains, or study the Rusyn village of Parížovce (24 inhabitants, in the Beskides Mountains, okres Snina), its opposite in many ways, which manages more than one thousand hectares in a devitalized area. The reasoning would them be supported by limited cases. The examples chosen are those of “medium-sized” *urbáriat* in villages in eastern Slovakia.
- 17 Vikartovce (1,882 inhabitants, okres Poprad) illustrates the local differences in the stories of collective ownership. This village is located in a valley in the Low Tatras, on the border of Spiš and Liptov. Established in 1853, the collective ownership of the *urbáriat* corresponds to the partial breaking up of a church fiefdom. The *komasácia* (the proportional allocation of plots) was tedious work and it was only in 1910 that the list of *urbár* members was finally registered in Budapest. At the end of the 1930s, the village had to take from the reluctant Diocese of Spiš the renewal of land rent for 1,766 ha of summer pastures that were essential to its pastoral economy.
- 18 The *urbáriat* increased its actions, such as digging a quarry and installing a hydraulic saw (then transformed into a mill). In 1949, a first cooperative, which brought together fringe members of the rural working class, was established on this land and took over the mill. Despite its rapid collapse, the administration refused to rebuild the mill, insisting that “it had joined the socialist sector”. The 1958 laws changed the order. All of the collective goods (granary, forge, sheep pen, barn) and the fields, meadows and quarry became the capital of the new cooperative. However, although they joined this

new project, the *urbáriat* members refused to sign the protocol that was submitted to them to relinquish their collective forest to the state. Despite this opposition, an establishment in the Košice surrounding area took responsibility for operation. Stripped of all its assets, the *urbáriat* was dissolved.

- 19 It was reestablished in 1991. Its property was 444 ha of forest and 300 ha of pastures, which were divided into 23,056 plots⁹. In 2007, it counted 493 members and 17 employees. The extraordinary fragmentation of its property is explained by family relationships and this base expands again with inheritance processes. It regained its property held by the cooperative, the agricultural land and the mill, which was converted into an inn. The frequency of storms, leading to uprooted trees, brought regular income, making it possible to distribute dividends to members, to subsidize several associations and to provide material support to the commune. The *urbáriat* returned to its traditional building and its inn employed around 50 people. It was a beneficiary of a rural development program, which enabled it to purchase a utility vehicle that it shares with the municipality, equipment and to co-finance road repairs. The storms strip the slope of the Low Tatras and requires a plan for replanting supported by European funds. The *urbáriat* represented a pillar of community life during the deteriorated context of the transition period.
- 20 On these foothills of the Low Tatras is another example, or rather two, in Šuňava (1,965 ha, okres Poprad), with the twin villages of Nižná Šuňava and Vyšná Šuňava, which merged in 1974. They went further into the complexity of local divisions (cf. bibliography).
- 21 These villages fell under the church fiefdom to which they paid their contribution in the form of charcoal. On the abolition of serfdom, the proportional sharing of the *urbáriat* drew apart the villages, with their neighbor Štrba and the large farms. Several *urbáriat* were created, three in Vyšná Š. and three in Nižná Š.. Some prospered: one built a mill and opened a pub, another acquired 96 ha of meadows close to Gánovce (itself near to Poprad) and yet another acquired plain in the neighboring Lučivná. Two *urbáriat* had a family base and two others were pastoral syndicates. The largest operated as a family company in forest management, which was increasingly limited after 1948 in the restrictions of the state sector; it had 3,318 plots owned by 207 owners. 1958 was a death knell: a cooperative was created in Vyšná Š., the pastures were managed by the Nižná Š. municipality, the forests were nationalized and the *urbáriat* were dissolved.
- 22 In 1992, every district reestablished its *urbáriat*, five for Vyšná Š., which came together to unite 184 owners and 530 ha of forest. This new entity reintegrated the *urbáriat* building, which was built in 1940 and housed the cooperative's offices before being converted into a convenience store. Its property limit increased gradually and in 2011, it had 759 ha (560 in forest), for 192 plots and 230 owners. It supports the municipality with a variety of donations (school, church renovation, fire brigade). After contesting the transfer of Gánovce's land to the public domain through a state farm, the *urbáriat* association got back its property.
- 23 Nižná Š. had two *urbáriat*. In the first, in 2012, 394 owners held 236 ha of forest and 68 of meadows; the second, called "team Zaťura", united 280 members and managed an estate of 235 ha of forest and 124 ha of pastures in 2011. Agricultural land was rented to local cooperatives. This *urbáriat* faced difficulty in having its property recognized in the Lopusná valley (Lučivná), where skiing establishments were built.

Considerations on the Slovakian mountain community

- 24 The question of “commons” examines, under the specific angle of becoming collective land, the issue of the connection to land property in Central Europe (Maurel, 2021). Land property is no longer embedded¹⁰ into the matrix of social relations that were those of folk-type societies and the rights that govern it are nevertheless designed as claims made by individuals on material objects. Few disruptions in the history of ownership can be compared to the change that the alternation collectivization / decollectivization produced. Despite its dramatic impact, the “total social engineering” operation (Ch. Hann) that represents the former did not erase all of the continuities, and particularly with regard to the connection to collective property, the local community did not disappear despite the suppression of municipal autonomy, the administrative control of agriculture and the dissolving of the *urbáriad*. The latter was deeply disruptive due to the economic crisis that it caused and raised the dilemma of knowing to what point continuing on from the socialist period could be tolerated and to what point the restoration effort could follow on from the pre-socialist period. During the transition, the reestablishment of the *urbáriad* appeared as community self-assurance; this is the paradox of returning to “commons” in the post-socialist era.
- 25 The old structure of the *urbáriad* allowed local actors to participate in “commons” that worked in the interests of the community¹¹, in response to the means of appropriating the private production system (financialization, shareholders). The common forests are now capital that can serve to support companies or community cooperation – different options that depend on community cohesion. The variety of situations demonstrates the indecision in converting these assets. The pastoral areas, on the other hand, have gone back into the long development of transforming property and agricultural cooperative management rights (Lindbloom, 2019), which explains the more chaotic added value in this aspect of collective ownership.
- 26 Several developments that have been tackled can be seen in other European mountains: the role of transhumance, forest exploitation, the impacts of liberal revolutions on community ownership of the mountain. However, the “second serfdom” (Szuc, 1985) differentiates the peasantry of Central Europe from that of Western Europe by the relationships it establishes with the land, with the ownership and use of the resources of the mountain. In fact, the ownership’s regime of the estate (seigniorial or state-owned) was only partially modified by political upheavals (abolition of serfdom, Czechoslovak independence, socialist regime): the peasant communities never fully owned their mountain.
- 27 Furthermore, compared to the Alpine model (Dodgshon, 2019), where the community management of pastoral and forest areas and the vertical functioning of the mountain system participated in the agricultural-ecological balance and to community exchanges, as the ratios of power between the large farms and the community property established a lack of continuity between the upper and lower mountain, and this structure was never corrected. Several forms of dispossession, whether through the reforestation of summer meadows, the nationalization of the forests and classification as natural parks and lastly the integration of pastures into a new agricultural link, are clear forms of deterritorialization, which broke up the social and environmental solidarity that the communities had built up with their mountains. The

reestablishment of the *urbárat* gives an opportunity to rebuild some of these links, as long as local societies are not too weakened and are capable of bouncing back.

- 28 Lastly, from its medieval origins to the restoration laws, the history of the *urbárat* shows that through its organization, it is connected to the formation of villages in districts, to the establishment of rural society in communities and to relations maintained within the family unit. This explains this continued link that Slovakian society, now primarily urban, continues to have with nature, forests and the mountain.

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NOTES

1. Out of 5,000 Slovakian communes (*obec*), equaling more than a third.
 2. This summary is based on focused readings of articles on ethnology (online encyclopedia www.ludovakultura.sk), the history of agriculture (Collectif, 2001), ovine farming (Podolák 1982, Keresteš 2008, Zuskinová 2018, 2020) and law (Jakubáč and Maslák, 2019) and information in newspapers, supplemented by field surveys in ten mountain villages in Liptov, Orava, Horehronie and Spiš (cf. bibliography). Information on the *urbariats* can be found on the town hall's website or on their own website (e.g. urbariatpolov.sk). Lastly, the thesis by P. Deffontaines (1932, 2019 republication) has remained vital for French readers.
 3. P. Deffontaines translated this term as “*urbaristes*” (*urbár* members).
 4. O. Danglová still collected their memory of the Košecké Rovné hamlet at the start of the 1990s (Strážov mountain range, Považská Bystrica districts), cf. Danglová 1992.
 5. Deffontaines gives the example of the Turčiansky Svätý Martin (now Martin) *urbáriat*, which had 2,000 members.
 6. This is a specific form of legislation as there is no *urbariat* in Bohemia or Moravia.
 7. The example of the Slovak Paradise (*Slovenský Raj*, okres Spišská Nová Ves), in which the forest has been devastated despite being in a national park, indicated spirits.
 8. The *reversed tenure* indicates the situation that limits small owners to renting their goods to large farms.
 9. It's been well read! This information has been taken from the Vikartovce monograph (cf. bibliography), in which the sections on contemporary period were written by historian Zuzana Kollárová.
 10. To use the language of “substantivist” anthropologists (Dupuy, 2008; Hann, 2019).
 11. Taken from the many *urbariat* websites, independent or included on community websites.
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ABSTRACTS

The agricultural landscape of the Slovakian mountains is defined by a particular type of agricultural and forestry community property: the *urbáriat* forestry association. The history of this establishment tells of conflicts between the regimes of property of the estate (public or seigniorial) and peasant property for the control of forestry resources. This article explains how this method of community management has been incorporated into the socialist system and how it has been restored during a transition stage. The vitality of the *urbáriat* is a testament to the strength of mobilisation among local actors.

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Keywords: commons, collective land, collective agriculture, privatization

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