

Borbála Zsuzsanna Török (University of Vienna, Institute of Austrian Historical Research):

The territorialization of common-pool resource institutions in the Habsburg Monarchy

The presentation addresses the history of common resources in the Habsburg Monarchy in the liberal era. Using the management of the Borszék/Borsec mineral water community over the nineteenth century as a case study, it proposes to regard this institution as a building block of the modern state. It counters narratives of decline, generated by a pessimist view on the capitalist transformation of property and rural life worlds. Instead, it asks about the administrative incorporation of premodern forms of property into state territory.

The focus is on the commons and their mineral water resources in the village communities of Ditró / Ditrău / Dittersdorf and Szárhegy / *Lăzarea* making part of the former military border in Transylvania. Here the management of forests, pastures and mountains had traditionally served the financial needs of border guard regiments. In contrast to the codification of common-pool institutions in the Russian Empire (e.g. Don Cossacks) and in similar fashion to developments in the Austrian lands, the two Székely /Secui village communities merchandizing the mineral water and managing the mineral-water spas of Borsec participated in the liberalization of common land over the nineteenth century that began under the Austrian administration. The process intensified after the Austrian-Hungarian Compromise as the Military Border lost its military function and was incorporated into the civil administration.

The new laws did not acknowledge the commons as a legal subject, but as the undivided private property of particular persons. My presentation will show how the liberal property regime transformed the commons into fragile commodities, but did not lead to their dissolution. Moreover, by the fin-de-siecle, the Hungarian state even sought to protect them in the framework of welfare policy legislation. This combined modern profit-oriented economic activities with public functions, while overtaking certain functions of the state.

Discourse, Domination and Negotiation. Economic Writings and Ground Reality of Dissolving Forest Commons in the Kingdom of Hungary

There is a paradox in the history of commons in land-use in the 19th century. For the contemporary mainstream of liberal thinkers and professionals this form of economy appeared as backward and harmful residue of feudal style of entitlements and pre-modern communities. Yet, research into the environmental history of various regions of the planet Earth has revealed that commons were a sustainable organization in economic activity in fields ranging from energy production to fishing and pastures. This paradox holds true for the Kingdom of Hungary, which was evolving into a constitutional monarchy within the Habsburg Empire in the first half of the 19th century and reached a special political compromise with the imperial centre in 1867 following war and retribution.

The legal system creating private property was imposed among the post-war measures 1850s but had a decades-long prehistory. The issue of turning forests into private property was a particularly difficult and lengthy process that did not resolve with the introduction of Forest Law of 1879. My paper contrasts the manifestation of contemporary economic theory in the discourse on forest ownership with the ground situations and ideas that state officials encountered on the ground in the second half of the 19th century. I choose the ground-level cases from two micro-regions that had interrelated economies: the town of Debrecen that had an exceptionally large area under municipal management and a centuries-old system of timber entitlements, and the villages located in the hills in the county of Szatmár (Satu Mare) north-east of Debrecen. This latter area had been an area of resource extraction through mining for centuries but entered into a phase of decline by the mid-19th century.

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Surveys and transformation of property in the Habsburg Empire

The paper analyzes the survey as a particular form of governmental and scientific practice, which developed in the eighteenth and nineteenth centuries. The common object of surveys was to produce systematic accounts of local phenomena, practices and practical knowledge, like proprietary boundaries, customary rights, qualities of animals and lands, air pressure, regional measurement units. They were ordinarily directed by the state and employed a mixture of experts, civil servants, military personnel, as well as local informants. The paper demonstrates how such surveys could be used by the state as an effective technique for changing local social relations, habits and daily life by considering the influence of the Franciscan cadastral survey (cca. 1817-1843) on the 'land relief' or *Grundentlastung* (1848-1853) – the reform which abolished serfdom in the Habsburg Empire and introduced a unitary and exclusive notion of property. Examining the work of cadastral surveyors illustrates how they prepared the ground for the later reform of land property relations by mapping peasants' knowledge of local land features, proprietary and municipal boundaries, agricultural routines and staple products. In particular, I will focus on how cadastral surveyors divided and compartmentalized the landscape into parcels – geometrically demarcated and cartographically represented pieces of land surface. The parcel soon became the only form in which land could figure as an object of property rights, which facilitated the enactment of a unitary and exclusive notion of property. This also favoured the abolition of timber, pasture, and other communal land rights because resources generally no longer constituted an independent object of property. Consequently, peasant rights were mostly redefined as easements, while ownership of forests and pastures was attributed exclusively to former manorial lords. The case shows how the Habsburg Empire mobilized contemporary "science" to materially transform both the environment and the social relations in which people reproduced their life.