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**COMMON (AND COLLECTIVE)
PROPERTY – A HISTORICAL
PERSPECTIVE**

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MENTIONS AND PERCEPTION OF ZADRUGA – PROPERTY IN AUSTRIAN LITERATURE OF THE 20TH CENTURY

Abstract: *Although never the most relevant form of property in Austrian legal and historic literature, the zadruga was present in many works of the 19th century, due to the existence of the property form in the Austrian Military Frontier and the provinces inhabited by the South Slavs. With the dissolution of the Empire in 1918 the topic became less interesting to authors, due to its now foreign nature. Nevertheless, mentions and even dedicated chapters on zadruga – property can be found throughout the 20th century, and the literature holds some value for contemporary research on the topic. This paper will focus on creating a list of relevant Austrian literature mentioning or focusing on the zadruga property form, especially in the Austrian Military Frontier. It will contain works mentioning or focusing on zadruga – property and analyse the context and scope of these mentions.*

Keywords: *Zadruga, Austria, Military Frontier, Literature.*

1. INTRODUCTION

The Zadruga, both as a form of the south Slavic large family and as a form of property has been present wherever there was a significant population of south Slavs. Nowhere was this part of customary law so relevant as in the Austrian Military Frontier, a region of the Austrian, and later, Austro-Hungarian Empire, on the border with Ottoman Turkey. This is owed not only to the Frontiers overwhelmingly Slavic population, but also to the clever way in which the authorities in Vienna used the Zadruga to further their own practical military goals. They moulded the institute in such a way to provide the army with a large quantity of cheap, high-quality troops, while incurring minimal social backlash since the regulation was in accordance with the local customs. It is therefore no surprise that the literature concerning the Zadruga and Zadruga property is not a rarity in sources written during its existence. Especially during the 19th century, the literature is abundant, culminating in the capital work of František Vaniček from 1875 titled “Specialgeschichte der Militärgrenze: aus Originalquellen und Quellenwerken

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geschöpft” (“Special history of the Military Border sourced from original sources and source compilations”) that encompasses the entire history of the Border, the Zadruga included.

The 20th century sees the Border and its Zadruga in a different light. Having been disbanded more than a decade before the beginning of the century it is no longer the topic of research for purposes of legislature and administration nor is it a valid historical topic for the state’s narrative. It has become a purely historical subject to the empire, having some relevance but no practical use. After the dissolution of Austria-Hungary in 1918 the practical irrelevance is joined by a territorial one. Since none of the territories where the Zadruga existed in a significant capacity had found themselves in the new Austrian state, the topic was seen a marginal and exotic at best. Nevertheless, the subject of the Zadruga and Zadruga property can still be found in Austrian works of this period, be it ones written and published in Austria or those written by writers of Austrian origin. This literature, though not as detailed and important as the great works of the previous centuries, give a more contemporary view on the Zadruga. They are therefore relevant for anyone researching the topic today and provide some valuable insights into the source material and the institute itself.

The article will present twelve works of literature from the time period, ranging from sparse mentions to books where the Zadruga plays a crucial role in the works focus. With the first piece being from 1915 and the last from 1997 it covers the period evenly, aiming to show the opinions and relevance of the topic at every point.

2. MENTIONS

In 1915 Otto von Zwiedineck wrote a work titled: “Die handelspolitischen Beziehungen Serbiens zu Österreich-Ungarn” („The trade policy relations between Serbia and Austria-Hungary”). The focus of the piece was on the analysis of the prewar trade relations between these countries and the political and ideological background of the decisions made in this timeframe. The Zadruga is not the focus of the work and holds little importance to the author, serving only to describe the dwindling agricultural production due to the growing number of dissolutions of the family and property form. This remark is to be found on page 401 describing the reduction of the number of livestock due to the lack of grazing land and manpower to sustain the level of operation of larger communities¹.

The lack of works handling the Zadruga in any form before the second world war shows a lacking relevance of the subject in the science, and even propaganda community of the time. Even when a mention is found, such as in the

¹ O. von Zwiedineck, „Die handelspolitischen Beziehungen Serbiens zu Österreich-Ungarn“, *Weltwirtschaftliches Archiv*, 6/1915., 401.

case of Zwiedineck, they are short and used to illustrate or explain a point rather than being the focus of the work. The term is not even explained before being introduced, a practice uncommon for the German speaking world, illustrating the passing nature of the mention.

During the Second World War, with the Germans ones again occupying or puppeting the entirety of the territory populated by the South Slavs, the Zadruga returns into literature. It is present in a book focusing closely on the subject and interestingly in a doctoral thesis on the University of Vienna. Its importance is based on the ideal of a functioning territory with a Slavic population managed by a German ruling class, a concept appealing to the ideology of the time.

The most important author of the period is Rupert von Schumacher. The culmination of his work regarding the Military Frontier is the book “Des Reiches Hofzaun: Geschichte der deutschen Militärgrenze im Südosten” (The Empires Garden Fence: history of the German Military Frontier in the southeast”) published in 1942. Since he dedicated the book to his mother and “her border-German homeland” it is safe to assume that his interest on the topic was not purely scientific and the book is written in a strongly romanticised style full of praise and value judgements. It is a general history of the Military Frontier, containing the description of the frontiers founding, existence, legislature, demographics and abolition, among other things.

The Zadruga and the Zadruga property are present throughout the book, the term used often being the German version – “Hauskommunion”. The mention can be found twenty-four times (two times as Zadruga and twenty-two as Hauskommunion) and the book contains two chapters dedicated to it titled “Die Hauskommunion: das biologische Fundament” (“The Zadruga: the biological foundation”) and “Die rechtliche Regelung der Hauskommunion” (“The legal regulation of the Zadruga”). The Zadruga is mentioned on pages 160, 172, 174, 188-193, 246, 248 and 254.

In the chapters dedicated to the Zadruga we find a description and definition, both of the family structure and the property form of the institute². The author gives special consideration to the regulations regarding the Zadruga in the basic law for the frontier from 1807³. He lists and comments on paragraphs 55-63 regarding the family structure and 64-72 regarding the nature of property within the Zadruga. The topic of the division of the community, mentioned in most of the contemporary literature on the subject, is also present in the work.

In this period the Zadruga can also be found in a doctoral thesis of Margarete Maschauer titled “Die Auflösung der k.k. Militärgrenze – Unter besonderer Berücksichtigung der Stellungnahme Cisleithaniens und des Reichskriegsministeriums” („The abolition of the i.r. Military Frontier – Under special consideration of the position of Cisleithania and the Imperial Ministry of War”). The topic is the

² R. von Schumacher, *Des Reiches Hofzaun: Geschichte der deutschen Militärgrenze im Südosten*, Kichler, Darmstadt 1942., 188.

³ R. von Schumacher, 189-193.

abolition of the Military Frontier in the late 19th century, including the legal steps taken to achieve that goal.

The Zadruga and Zadruga property are mostly found in the introductory chapters describing the organisation and the development timeline of the Frontier. There are several later mentions in the chapter regarding the provisory regulation in the Warazdin Frontier during the abolition. Mentions can be found on pages 3-9 and 95.

The definition of the Zadruga is not present in the text nor is a legal definition of the property type. The author uses the term when explaining the contents of privileges⁴, or of laws⁵ in a manner which predisposes the readers knowledge of its meaning and nature. Given the scarcity of literature about the subject at the time, this may indicate a knowledge of the institute at least among the scholars in the mentoring and grading process within the university.

In 1954 Kurt Wessely published an article titled “Die österreichische Militärgrenze: der deutsche Beitrag zur Verteidigung des Abendlandes gegen die Türken („The Austrian Military Frontier: The German contribution to the defence of the west against the Turks”). The article gives a short overview of the Frontiers history and its cultural significance for the German nation as a whole. As the introduction before the table of contents states, it is meant to help the younger generation of western Germans to get the full picture of the “whole country and nation⁶” alluding to the eastern territories lost after the second world war.

The Zadruga is mentioned in a short paragraph found within the chapter describing the abolition of the Frontier. Wessely notes that the abolition brought an end to the Zadruga as an anachronous institute indivisible from the border itself⁷. The author lists some of the traits of the Zadruga and its property form but doesn't go into detail in accordance with the nature of the article as an overview.

It is important to note that the views Wessely expresses, especially his definition of the German nation and the positive tone in which it is described, were not popular at the moment of publication. Therefore, it is no surprise that the article forgoes details and strong messages in favour of a more descriptive and narrative approach.

A mention of the Zadruga as an institute, but not a detailed description of the property form can be found in the work of Egon Lendl from 1963 titled “Zur politischen Geographie der österreichischen Militärgrenze” (“About the political geography of the Austrian Military Frontier”), a short overview of the border from a geopolitical perspective. It can be found on pages 207, 209-210 and 213.

⁴ M. Maschauer, *Die Auflösung der k.k. Militärgrenze: unter besonderer Berücksichtigung der Stellungnahme Cisleithaniens und des Reichskriegsministeriums*, Universität Wien 1944., 3.

⁵ M. Maschauer, 5,7.

⁶ K. Wessely, *Die österreichische Militärgrenze: der deutsche Beitrag zur Verteidigung des Abendlandes gegen die Türken*, Holzner, Kitzingen/Main 1954., Table of contents.

⁷ K. Wessely (1954), 18.

The Zadruga is mentioned as a part of a specific cultural identity⁸ of the border's population. It is the holder of rights and obligations rather than the individual or the core family⁹. The article is an overview and does not delve deeper into any of the subjects it touches on, with the Zadruga being no exception.

In 1973 the Austrian museum of military history published a collection of papers on the topic of the history of the Military Frontier. This collection of works contains three articles that mention the Zadruga and the correlating property form.

The first of these articles is the introductory piece by Franz Keindl titled "Die k.k. Militärgrenze — zur Einführung in ihre Geschichte" (The i.r. Military Frontier – Introduction to its history"). The mentions of the Zadruga can be found on pages 22-23 and 26.

Considering that the article is seventeen pages long, the full page of text dedicated to the Zadruga, and its attributes is not negligible. There is a short definition of the Zadruga as an institute and of its leadership and property structure¹⁰. Though not detailed it shows an interest not only to use the term as a tool to further the narrative focusing on the general history of the border but to define the institute itself in a scientific manner.

The second article by Kurt Wessely, who was considered one of the experts on the subject and was therefore to be expected in this collection of papers, carries the name "Neuordnung der ungarischen Grenzen nach dem großen Türkenerkrieg" ("The reorganisation of the Hungarian borders after the great Turkish war"). This article, focusing on the economic, administrative and political organisation of the borders has only two mentions of the Zadruga, namely on pages 64 and 67. In both cases these are used to illustrate a point whose focus is not on the Zadruga itself¹¹.

The third paper was written by Peter Krajaschich and is titled "Die Militärgrenze in Kroatien mit besonderer Berücksichtigung der sozialen und wirtschaftlichen Verhältnisse in den Jahren 1754 bis 1807" („The Military Frontier in Croatia with special consideration given to the social and economic relations in the period 1754-1807"). The Zadruga is mentioned on pages 110-112 and 122 but relevant information about the Zadruga property can be found throughout the text in descriptions of the economic and social position of the population. This is especially true of the chapter "Die freibäuerliche Stellung der Grenze" ("The free peasant status of the frontiersmen") encompassing pages 102-110.

The mentions on pages 110-112 are mainly focused on the Zadruga as a family form and the leadership within it, with sparse mentions of the property

⁸ E. Lendl, „Zur politischen Geographie der österreichischen Militärgrenze“, *Der Donaauraum*, 8(JG) 1963, 210.

⁹ E. Lendl, 207.

¹⁰ F. Keindl, "Die k.k. Militärgrenze — zur Einführung in ihre Geschichte" in Heeresgeschichtliches Museum, *Die k. k. Militärgrenze: Beiträge zu ihrer Geschichte*, Österr. Bundesverl. für Unterricht, Wissenschaft u. Kunst, Wien 1973., 22-23, 26.

¹¹ K. Wessely, "Neuordnung der ungarischen Grenzen nach dem grossen Türkenerkrieg" in Heeresgeschichtliches Museum, *Die k. k. Militärgrenze: Beiträge zu ihrer Geschichte*, Österr. Bundesverl. für Unterricht, Wissenschaft u. Kunst, Wien 1973., 64, 67.

form¹². The chapter is focused on the ability of the Zadruga to sustain a family large enough to supply soldiers to the military. The mention on page 122 handles the ability of frontiersmen to leave the Zadruga in order to pursue tradesmen positions¹³.

Another doctoral thesis which touches upon the topic of the Zadruga was written in 1974 by Anton Massak. It is titled “Die k.k. Militärgrenze und das Vermessungswesen” („The i.r. Military Frontier and measurements “). Although the work focuses mainly on the measurements used in the frontier there are numerous mentions of the Zadruga. These can be found on pages 9,32,49-50,109,118-119,173 and 189.

On pages 49-50 the author gives a reading of the Statuta Valachorum that regulated, among other things, the property rights of the frontiersmen. He focuses on the rights of the Zadruga and its leader in this regard¹⁴. The mention on pages 118-119 focuses more on the Zadruga as a family structure¹⁵. Both accounts are more detailed than the ones in previous works.

Maybe the most important author of the period regarding the Zadruga is Karl Kaser. Two of Kasers works are relevant to this topic: „The Balkan Joint Family: Redefining a Problem¹⁶“ an article handling mostly the sociological side of the Zadruga with focus on its family form and “Freier Bauer und Soldat: die Militarisation der agrarischen Gesellschaft an der kroatisch-slavonischen Militärgrenze (1535 - 1881)“ („Free peasant and soldier: The militarisation of the agrarian society in the Croatian-Slavonian Military Frontier (1535-1881)“) which is a capital work analysing all aspects of the Military Frontier including the Zadruga, which plays a large role in the book.

The article has sparse mention of the property aspect of the Zadruga, and it mostly focuses on the complex family form and its prevalence in the south Slavic regions with an emphasis on Lika. Kaser uses the statistical method, mostly based on available archival data, which separates him from the other authors. This is a symptom of his more American oriented style of research, based on a scientific method more usual in the natural sciences.

The book has various references to the Zadruga throughout the text but also encompasses an entire chapter focused on the Zadruga – part two, chapter five (pages 525-598). It is therefore the most extensive work in the Austrian literature on the institute in the 20th century. It begins with a complex definition and explanation of the context within which the Zadruga existed and the traits of the institute. It focuses on all aspects of the Zadruga, from the family structure and

¹² P. Krajaschich, „Die Militärgrenze in Kroatien mit besonderer Berücksichtigung der sozialen und wirtschaftlichen Verhältnisse in den Jahren 1754 bis 1807“ in Heeresgeschichtliches Museum, *Die k. k. Militärgrenze: Beiträge zu ihrer Geschichte*, Österr. Bundesverl. für Unterricht, Wissenschaft u. Kunst, Wien 1973., 110-112.

¹³ P. Krajaschich, 122.

¹⁴ A. Massak, *Die k. k. Militärgrenze und das Vermessungswesen*, Universität Wien 1974., 49-50.

¹⁵ A. Massak, 118-119.

¹⁶ K. Kaser, „The Balkan Joint Family: Redefining a Problem“, *Social Science History*, 18/2 1994, 243-269.

comparison to the other east European complex family forms, to the property type and variations regarding this complex issue¹⁷. The chapter also contains a detailed overview of statistical data regarding the Zadruga in the various parts and periods of the frontier including charts detailing the number of families living in the complex family structure and their property where it is available. Throughout the text Kaser introduces the legal background that influenced the Zadruga and comments, in a fashion similar to an ex-post analysis on this influence and the changes on the ground as traceable through the data. This method is also used to tackle the topic of Zadruga divisions, a subject that is unavoidable in all literature concerning the institute. The use of such methods brings a new perspective to the field and enriches the scientific discussion, regardless of the readers agreement with some of the authors conclusions.

3. CONCLUSION

Although the relevance of the Zadruga and Zadruga property was not high in the Austrian literature of the 20th century certain works mentioning or focusing on the institute can still be found. The mentions are usually found in larger works pertaining to the Military Frontier or relations between Austria and the southern Slavs. These dominantly give short explanations of the institute or use it as a tool to illustrate different points and explore other topics. An exception to this rule is the work of Karl Kaser, whose works have a limited focus on the Zadruga, researching it mostly from a sociological perspective. Kasers work is especially valuable because of the systematisation of statistical data pertaining to the composition of the complex families, a data set useful for a variety of potential scientific endeavours.

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¹⁷ K. Kaser, *Freier Bauer und Soldat: die Militarisierung der agrarischen Gesellschaft an der kroatisch-slawnischen Militärgrenze (1535 - 1881)*, Böhlau 1997., 525-531.

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