

## Socio-historical references in the study of common ownership within two former communes<sup>1</sup> inhabited by frontier guards

**Monica Popa**

**Abstract:**

*The article focuses on the way in which traditional logic, which took shape in common systems that established the relations between the community and the common ownership in the past, transgresses into a modern pattern. The study is made up of three parts: an introduction to the question of common ownership in two former border communes in Bistrița-Năsăud district, a brief historical presentation of Rodna Valley, and, in the end, a description of today's common ownership and an analysis upon the way in which the villagers legitimate their rights upon property.*

**Keywords** property, law, family, household, forest

### Introduction

The present study represents the result of a field research made in the summer of 2007 in the communes of Șanț<sup>2</sup> and Rodna, Bistrița-Năsăud County. In addition to the arable lands and the hay-fields existing in individual farms in the above mentioned communities, there is common ownership of forests whose regime can only be understood from a historical point of view. Modern legal standards settling the relations between community and severalty asset must be analyzed in co-relation with community's rights over the property historically legitimated by making reference to a common-law system that established and regulated the regime of common ownership in the past.

In this attempt, which is part of specific approaches within social history, it has been decided to analyze the evolution of this property and, implicitly, the normative processes that determined the formalization of the administrative regime of forested plots.

It should be mentioned that, for the time being, in addition to the community members who are co-owners, the common-property<sup>3</sup> administrative process includes certain institutions, public or private forest wards, and town-hall – all of them playing an important role in establishing the access to property. As already noticed in other communities studied in the counties of Sibiu and Caraș-Severin, in the communes of Șanț and Rodna the quota of wood annually received by the locals represents the materialization of the property right. The quantity of wood designated for building and burning is established according to a law of forested plots which restricts the community to have unlimited benefit of the forest. Instituting plans for cutting and elaborating forest planning for a rational exploitation represent attempts of the common ownership regime to homogenize.

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<sup>1</sup> (translator's note) A Romanian commune is made up of one or more villages and run by a mayor.

<sup>2</sup> Șanț commune is made up of the villages of Șanț and Valea Lungă (Long Valley in English)

<sup>3</sup> The goods of common property are represented by the communal forest, whose status is settled by public or private forest wards, the community members being severalty owners.