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Commons as Traditional Means of Sustainably Managing Forests and Pastures in Olt Land (Romania)

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Abstract: The compossessorates in Transylvania (Romania) are traditional varieties of commons. During the inter-war period two types of compossessorates were most common in the Olt Land, between the Olt River and the Southern Carpathians: those of the former boyars and the ones owned by the former serfs. An analysis of the 1904 Austro-Hungarian Regulation on the organization and management of the commons, of the 1910 Romanian Forest Code that was implemented in Transylvania after 1918, and of the by-laws of compossessorates, derived from the aforementioned documents, unveils the concern of both legislators and members of compossessorates for the preservation, balanced exploitation and regeneration of the forest fund and their focus on sustainable management of forests. The compossessorates were disbanded upon the instauration of the communist regime in Romania and re-established after 1989. Nowadays, compossessorates in the Olt Land continue the local tradition of sustainably managing the forests and the pastures. Their activity in this regard can be improved. Collaboration of the communal schools and the university with the compossessorates, the use of the Internet to promote their image and the involvement of NGOs in their support would be effective in this respect.



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Keywords: commons; sustainable management; forest; compossessorates

1. Introduction

There are various types of social units that give consistency to the Romanian rural world through their thoughtful economical approach, their prestige and their power to legally enforce the customary practices that support them, especially in the area of the Inner Carpathians. Prominent examples in this respect are compossessorates as local forms of commons. The compossessorates are family associations that jointly own an indivisible piece of land. The rights of each family within the association are inherited and depend on the size of the contribution made by their predecessors to the establishment of the association. The oldest compossessorates belonged to the boyars and emerged during the Middle Ages. At that time villages were pretty self-sufficient and ruled by local customs that also gave rise to law. The newest compossessorates, of former serfs, were established in the second half of the 19th century after the abolition of serfdom. Consequently, the former serfs who had leased the forests [1] became their rightful owners and managed them as common goods under the control of authorities.

At the turn of the 20th century villages became better integrated in state political organization, gradually lost their primary function as creators of law and increasingly became consumers of law [2]. As a result, normative acts in the forestry field regulated the running of compossessorates. Based on those acts, the compossessorates subsequently established their specific by-laws. Both the Medieval rules originating from local customs and the by-laws that legally regulated the forest regime of the compossessorates can be viewed as sustainability oriented since they functioned as instruments to preserve the forest.

After World War II and following the establishment of the communist regime, the compossessorates were disbanded and the state became the owner of their land, as well as of all the other natural resources. The fall of communism 40 years later and the passing of several laws meant to re-instate the right to private property supported the re-establishment of these forms of commons.

The Olt Land (Romania), also known as the Făgăraș Land, the historical administrative name of the territory, lies in the south of Transylvania, between the Olt River and the Southern Carpathians. In terms of ethnographic features, the area bordering the Olt River can be extended up to the watershed [3] to include several villages lying on the opposite shore of the river, which belong to communes from Făgăraș Land from an administrative perspective. The Olt Land is one of the historical and ethnographic areas acknowledged for having preserved certain old community practices and traditions. Its rural communities are the keepers and bearers of principles and values that can be considered true identity marks.

This article highlights the inherently sustainable nature of the compossessorates in the Olt Land and the fact that there were no changes to their sustainable management during the first half of the past century. We then present a set of measures to improve the functioning of contemporary commons, which we consider as efficient solutions for sustainably managing the forests and pastures in this area in the south of Transylvania.

The Romanian Commons

The commons are collective arrangements made in order to manage resources for the benefit of community members [4]. At the same time, they are lands that a community owns and uses collectively according to its own rules [5]. The functioning of the commons contradicts Hardin's theory on the "tragedy of the commons", whereas it supports Elinor Ostrom's opinion [6] on the possibility of efficiently, equitably and non-destructively managing common property provided that there are enough strong and respected rules [7,8].

In contemporary Romania, the ownership of the forest can be individual, state, communal (a collective forest owned by an administrative territorial unit (ATU), called "*comuna*" in Romanian) or associative [9]. The *obști* (Romanian for "communes") and compossessorates, as traditional forms of commons, are associative structures. An *obște* is an association of family households that own land in common. The rights of the community over the land are prior and superior to those of the households in its composition [10,11]. The *obști* can be equalitarian or non-equalitarian depending on whether the numbers of shares their members own are equal or different. They are located in Wallachia and Moldova. The compossessorates are similar to non-equalitarian communes and are located in Transylvania [9,12–14].

In equalitarian *obști*, rights are associated with an active household and not with individual members. They are granted upon joining the *obște* and lost when leaving it [15]. In non-equalitarian commons the rights are granted only to the heirs of those who have participated in establishing the associative structure [16]. In all commons the property is indivisible and the members cannot precisely locate their shares or sell them to non-members [13,17]. The commons have their own legally registered by-laws.

The Romanian commons can be considered social economy organizations (Petrescu and Stănilă, 2013; Opincaru, 2017; 2021) [14,16,17]. However, such a taxonomy is not fully justified since, as Nyssens and Petrella [18] have shown, the commons pursue the interests of a defined group, while social economy organizations serve the general interest of society as a whole. The Romanian commons are considered non-profit organizations from a legal standpoint. However, this classification is also partially inadequate, since a part of the profit made by the commons is distributed to their members [12,19].

The rights of forest and pasture owners in Romania, especially in the mountainous areas, come from rights of first settlement in unclaimed territories, peasants' redemption of land from landlords or monasteries, kings' or voivodes' donations made in the Middle Ages to vassals and knights, rewards to border guards (Vameșu, Barna and Opincaru, 2018;

Opincaru, 2017; Vasile, 2019a) [8,14,19], and from the granting of land ownership during the abolition of serfdom after 1848 [14].

After the communist regime came to power in Romania, the commons' forests were nationalized and the state began their exploitation. In many cases the former owners became employees in forest enterprises. The commons' pastures went under the management of socialist enterprises or cooperatives [8]. After 1989 the process of decollectivisation [20] started in the former communist countries and the old forms of property ownership were re-instated. In Romania, as a result of the laws passed successively between 1991 and 2005, the forests and pastures were returned to former owners or their descendants. It is worth mentioning L1/2000, which allows properties to be returned to legal entities, like the commons, as well as L400/2002, banning the selling of land that is under common ownership [12]. As of 2008, the right of commons (as legal entities) to land ownership has been acknowledged through the Forest Code [8].

The literature on the commons in Romania mostly focuses on socio-economic, historical and local aspects [14,19], such as the process of returning them to former owners, inherited features, regional characteristics and case studies. However, the commons' salient feature is their focus on long-term preservation of resources [21] and this needs to be better highlighted in the case of the Romanian commons.

Some studies show but do not underline the sustainable nature of contemporary Romanian commons. Thus, the interdiction on selling commons' land to outsiders preserves ancestral ownership rights, prevents land speculation and is an efficient means to maintain the relationship of the community with the environment [22]. Vameşu, Barna and Opincaru [19] believe that in Romania the commons seem to ensure a sustainable and responsible management of common resources. Moreover, they consider that the organizational structure of the commons guarantees the effectiveness of the rules even under economic pressure, whereas the long-term relationships among community members encourage the formulation of sustainable self-governance rules. The capacity of contemporary commons to economically, ecologically and socially support local sustainable development lies in the long tradition of these associative structures.

The interest in sustainable development is not a novelty. It can be found, albeit not under the same name, in the documents of the Romanian commons dating back to before communist times.

2. Materials and Methods

During the monographic research conducted by the Romanian Social Institute in Olt Land in 1939 the research concerning the compossessorates was assigned to the sociologist Vasile V. Caramelea. In order to highlight the historical classifications, the legal status and the organization of the compossessorates in the area during the inter-war period, we turned to his work, which was published close to the end of World War II (Figure 1).

We analysed the regulation on the organization and functioning of compossessorates in Transylvania during the Austro-Hungarian period [23] and the Romanian Forest Code of 1910 (i.e., "The Code"), which was implemented in Transylvania after the Great Union of 1918 (Figure 2).

We analysed the documents concerning two compossessorates: the 1943 by-law of a compossessorate belonging to the former boyars located in the southeast of the Olt Valley (i.e., in the Grid village, Părău ATU, Figure 3), along with the village monograph (the unpublished version dated 1950), an inter-war plan of exploitation and the current by-law established through law L1/2000 of a compossessorate that had belonged to former serfs located in the northeast of the area (i.e., in Crihalma village, Comăna ATU, Crăița compossessorate, Figure 4).

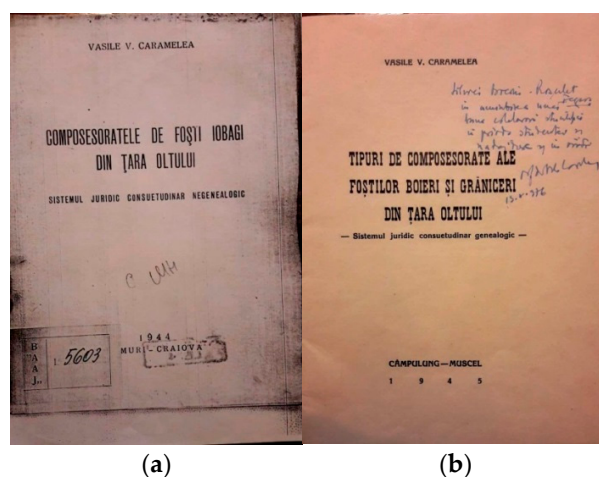


Figure 1. The work of Vasile V. Caramelia on the compossessorates in the Olt Land: (a) the study on the compossessorates of the former serfs; (b) the study on the compossessorates of boyars (including the author's autograph).

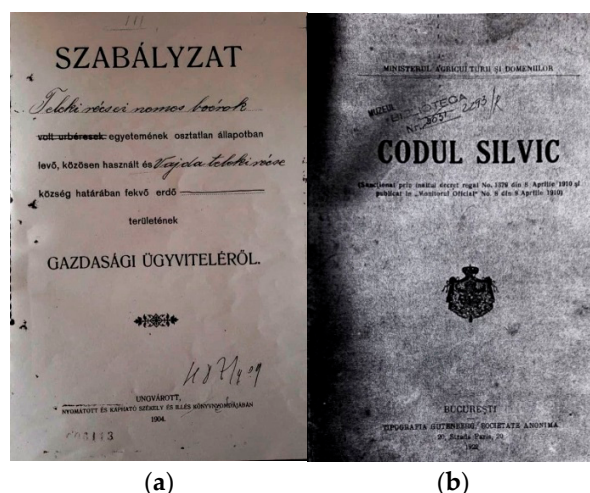


Figure 2. The legal framework of compossessorates dating back to the beginning of the 20th century: (a) the Hungarian regulation of 1904; (b) the Romanian Forest Code of 1910.

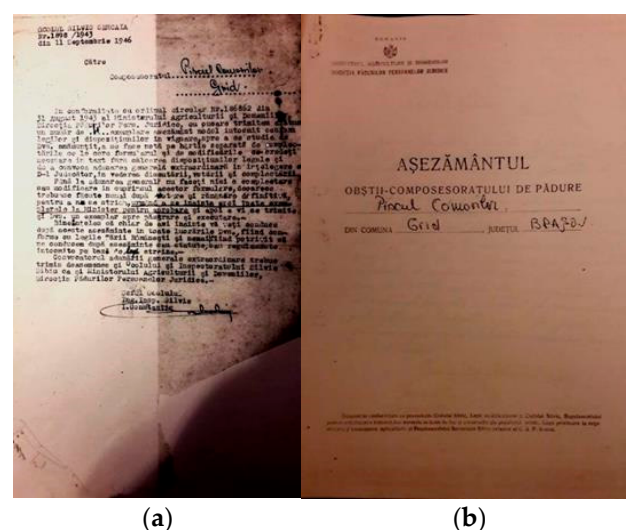


Figure 3. Piscul Comorilor ("The Peak of the Treasures" in English) compossessorate in Grid: (a) notice from Șercaia Forest District concerning the agreed version of the by-law; (b) the cover of the by-law (the archaic name in the Romanian language is "Așezământul", meaning "settlement").

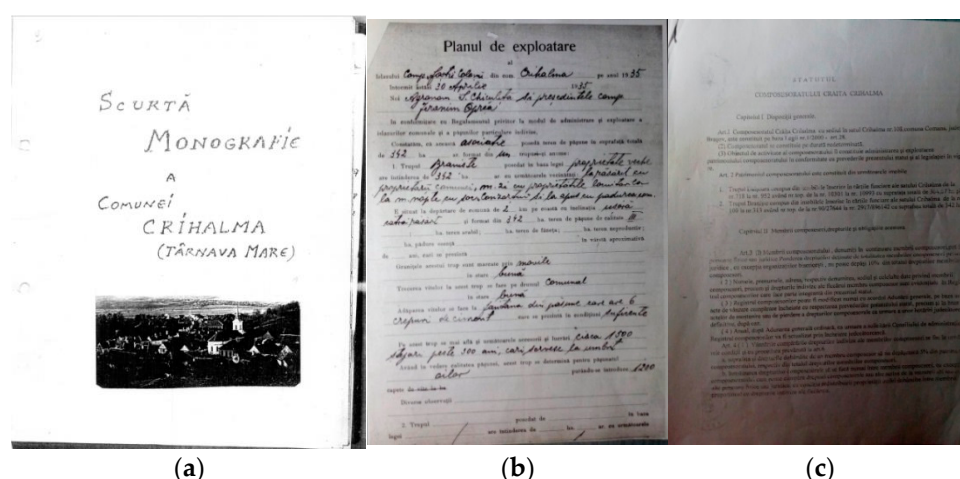


Figure 4. Crăița (“Young Queen” in English) compossessorate in Crihalma: (a) the (pseudo-)cover of the village monograph; (b) the 1935 land exploitation plan; (c) the first page of the current by-law.

In the content analysis we used the structure of categories and indicators presented in Table 1 below. We analysed the content of the 1904 Regulation, the chapters referring to the commons in the 1910 Forestry Code, as well as the documents of the aforementioned compossessorates, paragraph by paragraph. We thus identified the codes of the categories under focus. We compared the documents in order to identify their common features and the evolution of their authors’ interest in the forest.

Table 1. Content analysis: categories and indicators.

Seq.	Categories	Indicators
1	Interest in preserving the property	<ul style="list-style-type: none"> - Regulations on the rights over the shares in the commons - Regulations on the rights to sell a share/shares in the commons - Limitations on the number of shares that could be purchased by an individual member - Banning sales to outsiders
2	Interest in preserving forest	<ul style="list-style-type: none"> - Regulations on forest cutting - Organization of bids with legal counselling - Banning forest cutting in certain areas - Collaboration with forestry authorities
3	Interest in afforestation	<ul style="list-style-type: none"> - Establishing nurseries - Organizing afforestation-related activities
4	Community interest	<ul style="list-style-type: none"> - Regulating the distribution of benefits among members - Directing some of the benefits to the vulnerable members of the community - Financial support for some infrastructure work - Financial support for cultural and educational activities, etc.

We highlight the sustainable dimension of compossessorates as it emerges from Caramelea’s work and from the content analysis of the previously mentioned documents. We thematically analysed contemporary studies on Romanian commons in order to identify already formulated solutions targeting improvements in their functioning.

3. Results

This section is divided by subheadings. It should provide a concise and precise description of the experimental results, their interpretation and the experimental conclusions that can be drawn.

3.1. *The Tradition of Compossessorates in the Olt Land*

The by-laws of the compossessorates in the Făgăraș area indicate the customary law governing the region. The latter has resulted from the various local practices that have become dominant as a result of their regulatory value gained over time.

Vasile V. Caramelea noticed the presence of the following types of compossessorates in the Olt Land: (a) boyars' compossessorates or "families"—their legal regime was genealogically based; (b) border guards' or confessional compossessorates established since the foundation of the border guards' organization in Transylvania (1771–1851); (c) former serfs' compossessorates founded in the second half of the 19th century; (d) mixed compossessorates, merging the forest properties of the boyars from the Făgăraș area with those of the border guards and of the former serfs [24] (pp. 5–6).

Sociological research has highlighted the predominance of boyars' and former serfs' compossessorates in Olt Land. There were 60 such compossessorates [24,25]. We will underline their features as they were identified by Caramelea towards the end of World War II.

3.1.1. Former Boyars' Compossessorates

The first boyars in the Făgăraș area appeared when the Făgăraș Land was under the protection of Wallachian rulers (between the 12th and 16th centuries, specifically between the rule of voivode Seneslau from Wallachia and the Leopoldine Diploma of 1691, when Transylvania was placed under the protection of Vienna). There are numerous diplomas and deeds for estate donations and significant privileges granted to those boyars from over the mountains. They had unquestioned authority because they were the "the old and the good ones", namely those who had been in the area since the establishment of the first villages and hence had owned their estates without any difficulties and for a long time. With the donations they received the boyars started the first communes, which are at the origin of the most archaic forms of compossessorates.

The documents issued in the Olt Land also record the rising of some serfs into the ranks of the boyars, either by the decisions of princes and princesses of Transylvania, under the condition that the new boyars faithfully served their landlords, or as a result of the wealthiest serfs purchasing noble ranks [26] (pp. XXVI–XXIX). Nonetheless, those boyars never enjoyed the authority or the prestige of the old boyars. It was the latter who actually established the customary law based on genealogical ties that underpins the traditional legal rules governing the relations among the members of compossessorates [25] (p. 4). Figure 5 shows the distribution of the former boyars' compossessorates as unveiled during the research conducted by Caramelea.

3.1.2. Former Serfs' Compossessorates

After the revolution of 1848, the former serfs from Transylvania acquired full ownership of some of the forests that, until that date, they could only use in exchange for their services to the landlords. Legally, once the forest owners were compensated by the Austrian state, Law 10/1848 allowed for the portions of the forests reserved for the serfs to be broken down. Then, the Urbarial Patent of 1853 enshrined the former serfs' complete and exclusive right of ownership of the forests broken down from nobles' property. Law 31/1879 established that the serfs' forests would be managed as "common forest" under the supervision of state forestry structures (the forest police), whereas Law 19/1898 set up the basis for the internal organization of compossessorates and the means for economically and sustainably exploiting the forest. These legal regulations overlapped with the already crystallized legal system of the old village communities which had served as law for a long time and was then used along with the formal legal framework [2].

In 1939, Vasile V. Caramelea found that in Olt Land groups of the former serfs' descendants acknowledged the authority of old legal terms, such as the following: (a) "the smoke", which entailed recognizing the right to a share of the compossessorate for each head of a household where a fire was made; (b) "the number of the house", which meant

acquiring and maintaining the compossessorate-related rights granted to the descendants of former serfs according to the number of the inhabited house; (c) “the family”, which entailed the acquisition of rights over common property with the start of a new family; (d) “cart and cattle”, which specified the transfer of all compossessorate rights to members who had a cart and cattle; (e) “payment of collective taxes”, the main custom in certain compossessorates, which was a condition for the maintenance of compossessorate rights; (f) “the custom of courtyards”, according to which the acquisition of rights in compossessorates was conditioned by owning a household (house) in the heart of the village; (g) “the household”, which meant that unassailable rights to the commonly owned forest would be granted upon the establishment of a household by a descendant of the former serfs on the condition that the latter would live in the commune; and (h) “dwelling”, which entailed the maintenance of compossessorate rights for as long as an individual lived in the community, as well as the possibility of re-gaining and having rights acknowledged when returning to the community [24] (pp. 6–27).

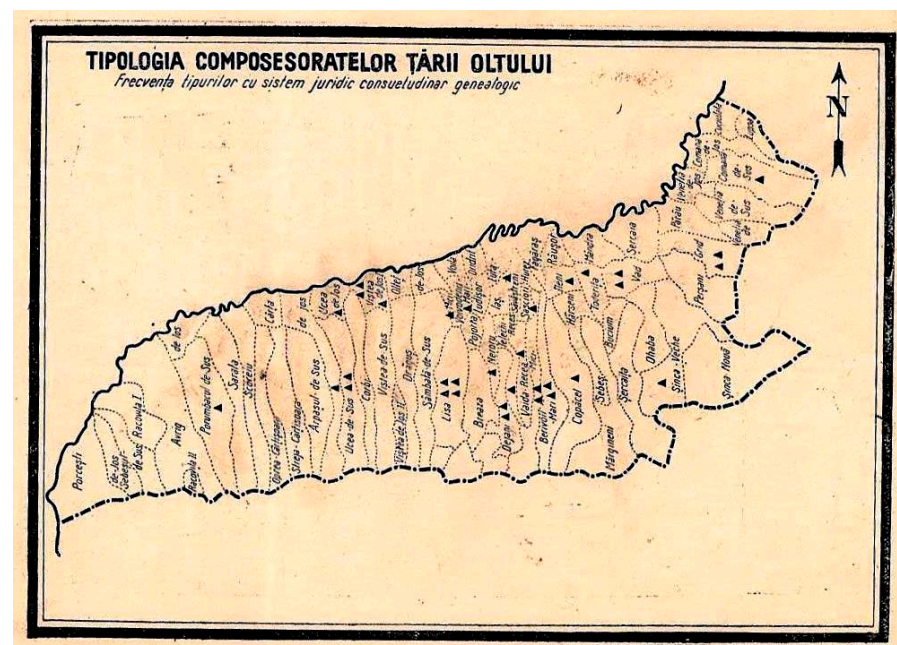


Figure 5. Former boyars' compossessorates in Olt Land during the inter-war period. Source: [25] (p. 25).

The aforementioned terms and their legal implications were the result of the will of the rural communities and, as such, during the research conducted by Caramelia in 1939, had great influence in the village world, which signalled that the law (namely the state) did not satisfactorily meet the regulation needs in the area of common possessions. These local practices acquired the status of primary or secondary customs as a result of the will of compossessorate members expressed through their vote.

The rule for distributing the equal shares of the common fortune in the case of the former serfs' compossessorates is not inheritance-based. The rights are transferred to a male descendant of a former serf family. Thus, the members of former serfs' compossessorates are grouped by social relations and not genealogically. As a result, customary law prevails and, according to that, "all individuals who form the compossessorate own rights, but only as a group, whereas the commune decides on the assets and liabilities of patrimony", the compossessorate being above individuals and "granting them only the usufruct" [24] (pp. 29–30). Consequently, common fortune is preserved and transferred as a whole from one line of descendants to another.

The customary practices underpinning the non-genealogical legal system have local features and have changed over time. Nonetheless, the common core of the system has

remained the same for all compossessorates belonging to the former serfs. Basically, it is built on several rules: any right to a share of the compossessorate presupposes serf origin-based justification; no member may hold two shares; the alienation of rights is forbidden, thus preserving the unity of the common forests; the rights of compossessorate members without descendants are transferred to the community; foreigners cannot acquire rights in the compossessorate; there is equal sharing of expenditures and income; the continuity in using the rights is ensured by the payment of obligations to the compossessorate [24] (p. 9).

3.1.3. Two Distinct Customary Law Systems

Figure 6 shows the apportionment of all compossessorates in the Olt Land during the inter-war period.

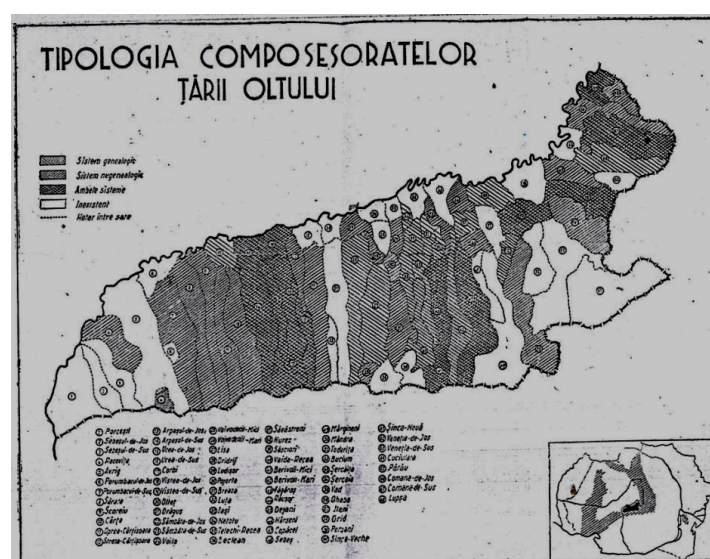


Figure 6. Compossessorates in the Olt Land. Source: [24] (p. 147).

There are several differences between boyars' and former serfs' compossessorates. The first of these, relating to the origin of the co-ownership, was discussed above: in the case of boyars, the compossessorates were old estates collectively owned by free people, whereas in the case of the serfs, the properties were obtained through the division of nobles' land upon the abolition of serfdom. Another difference is structural: the boyars' compossessorates were transferred from one generation to another based on genealogical justification; in contrast, the transfer of property in former serfs' compossessorates depended on descent from the class of serfs, hence on social kinship and not biological ties. Compossessorate entitlements always depended on the share(s) of the common fortune owned by each individual member. In this context, another difference related to the fact that the rule concerning the ownership of an equal share as patrimony by the descendants of the former serfs was unassailable, whereas in boyars' compossessorates, most of the shares were unequal. Another difference related to the exercise of voting rights and members' numbers of votes in ordinary and extraordinary gathering sessions. Thus, according to the rule that the number of rights equals the number of votes, in the case of boyars' compossessorates the members with a higher number of shares were entitled to one additional vote for each multiple of the minimum share, whereas in former serfs' compossessorates, one right equalled one vote.

Each of the two customary law systems expresses the will of a given class and, as such, pursues the preservation and transfer of that class's collective practices. The phrase used by Vasile V. Caramelia [25], "one law system—one social class", is a synthetic characterization of the two types of compossessorates in terms of their similarities and differences.

3.2. Sustainable Provisions in the By-Laws of the Compossessorates from Transylvania

3.2.1. The Organization and Functioning of the Compossessorates from Transylvania during the Rule of the Austro-Hungarian Empire

All of the activities undertaken by the compossessorates from Transylvania were conducted for a long time based on the rules and practices pertaining to local customary law. Their power was not diminished despite attempts on behalf of the Austro-Hungarian authorities to establish the formal legal basis concerning the organization and functioning of existing compossessorates. Law 19/1898 established the regulatory framework for the system of the collective exploitation of forests. Then, the details concerning the organizational architecture of compossessorates and the management of the common fortune were introduced into a regulation ("*Szabalyzat*" in the Hungarian language [23]) that incorporated provisions from the customary law and guided all the activities of compossessorates in the following years [27].

Based on the content analysis of the aforementioned regulation, we outline its sustainability-focused provisions below. However, in order to highlight the well-established preoccupations and practices in the field of thoughtful forest management, we provide an excerpt from the by-law of the compossessorate in Grid [28]. The aforementioned compossessorate was established in 1894. In the first part of its by-law, in paragraph 2, there is a reference to a decision of the "elderly" dated 1858 (that is, before Law 19/1898): "Until 1858 the entire forest was exploited wildly and without any profit: anyone could cut off as many trees they wanted or could. In 1858, taking notice of the robbery and realizing that if the situation would continue their descendants would no longer have any forest left, the elders decided to delimit a certain territory where the cuttings would be monitored. And they implemented the decision they made" [28] (p. 3). This paragraph is representative for several reasons. It underlines the authority of the elderly in the community and the fact that they could enforce the decisions they made. Additionally, the paragraph underlines the capacity of the community to regulate its behaviour towards its own resources when it proves counter-productive. Thus, the excerpt shows a reaction meant to balance an observed imbalance. Not least, the paragraph highlights the deeply seated sustainable orientation of the elders in the community who understood that the forest also belonged to their descendants and, as a result, knew what they needed to do; namely, stop the exploitation in certain areas in the forest.

The regulation on the organization and functioning of compossessorates in Transylvania [23] was gradually implemented in the rural communities. Based on the experience gained from previous regulations concerning the compossessorates, the legislator established a balanced organizational structure able to manage all issues likely to emerge in the functioning of a compossessorate. Naturally, the most important piece in the organizational structure was the assembly of the co-owners. The normative act of 1904 assigned the following responsibilities to the assembly: (a) the certification and confirmation of the statute of the co-owners and the elect, the amendment of the by-law, the appointment or dismissal of the President or of other elected people; (b) the validation of compossessorate development strategy and annual activity plans in order to capitalize on the resources of commonly owned forest; (c) the guarantee that the forests are constructively exploited for the maximum benefit; (d) the balanced allocation of compossessorate income and expenditure by ensuring sufficient resources and rigorous accounting for expenditures; and (e) the permanent fulfilment of duties assigned to elected members through their status within the hierarchical organization of compossessorates [23] (pp. 5–19).

The responsible management of day-to-day affairs rested with the Council of the elected, as executive authority. Its members were: the president, the forest administrator, the notary, the cashiers, and five more people. The most important position in the Council was that of the president. Most often, the position was filled by an educated person with a legal or economic background who was also a true homemaker.

This presentation of the organization of compossessorates is not by any means extensive enough to depict the laborious activities conducted by the people elected to manage

the community fortune. Nonetheless, it unveils the mechanisms and the levers employed in the management and representative relationships, the way in which individuals acted in a given institutional framework, the norms and rules guiding action and, in the end, the sustainable exploitation of common forest.

The legislator dedicated a special chapter in the regulation [23] to the benefits of the forest and their exploitation and capitalization. It was mandatory that the exploitation plans of individual forests include the ways that all product categories would be utilized (the wood and the specification of its targeted use, the grass and the hay, the seeds, the mushrooms and the berries), the scale of exploitation, the place and the optimal period. An important activity of compossessorates was the collection of seeds (mostly of oak, beech and maple) for the nurseries growing seedlings for the reforestation of exploited forest areas. Every compossessorate had a nursery the size of which depended on the area of the forest it owned. The provisions on the existence of nurseries within compossessorates signal the importance granted to the sustainable exploitation of forests.

After providing the wood material necessary for community needs, co-owners could capitalize on certain quantities of wood by auction and with the approval of competent forestry bodies in order to supplement compossessorate income. The tender was headed by the representative of the State Economic Committee for Afforestation and monitored by the president and the local committee designated to that end.

The forests belonging to compossessorates were exploited not only through the careful selection and sizing of the forest area chosen for felling, under the condition that the seedling for afforestation was already available, but also through the capitalization of timber in advantageous economic conditions for the compossessorate and as a source of income for future forestry work.

The new legal provisions concerning the compossessorates introduced under Austro-Hungarian rule pertained to field already delineated and ruled by the “living” customary law employed by village communities for the running of their day-to-day life. They only added greater rigor to the existing norms.

3.2.2. The Organization Of Compossessorates in Transylvania after the Great Union of 1918

After World War I the need to establish a common policy and vision in the field of forestry in Greater Romania led to the adoption of the Forestry Code of Romania of 1910 in the Romanian territories that had united with the country (Law 100/1923) and the repeal of all other laws and regulations that had been applied during Austro-Hungarian rule [29]. The commons from Transylvania, Bucovina and Banat were integrated in the new legal configuration.

The reconfiguration of compossessorate legal and forestry status also included the procedure recommended to change their names (i.e., to former serfs’ and former boyars’ compossessorates), which signalled an age characterized by significant social differences. There was a deep meaning attached to the approach because it aimed at departing from a world set in rigid patterns rising from social inequalities that had been perpetuated by group social memory [30]. The local customary practices were also included and adapted by the new forestry regulations adopted after the Great Union.

The Forestry Code [31] and the by-laws elaborated based on it granted the assembly of co-owners the status of the highest decision-making structure.

The co-owners were convened yearly at an ordinary general meeting to decide on the management of financial resources, the plan to exploit and capitalize on the quantity of timber in the common wood, which would mandatorily be accompanied by the afforestation strategy for exploited areas and the legal changes generated by the exercise of ownership rights.

The general assembly was presided over by a justice of the peace working for a court in the compossessorate area who also acted as the president of the assembly. This was one of the major differences compared to the legislation before 1918. The presence of the judge guaranteed that the issues under debate were approached in a neutral and

balanced manner, while maintaining compliance with the provisions of the Forestry Code and compossessorate by-laws.

The Administration Board, the successor of the Board of the Elected Members that existed during the Austro-Hungarian administration, managed daily affairs and represented the compossessorate for the time period between the general meetings. As far as compossessorate sustainable development was concerned, the most important attributes of the Board concerned forest exploitation. The administrators were jointly liable to the community for the manner in which they fulfilled their duties: they could be prosecuted for causing damages to the compossessorate and the penalties would be subtracted from their personal fortune.

According to the 1943 by-laws of the compossessorate in Grid (called “*Așezământ*”, an archaic term in the Romanian language meaning “regulation”), the president had the most important position the Administration Board [28]. They not only maintained order in the compossessorate but also represented the co-owners in their relationships with public authorities. They had to prove their unbiased sense of measure, responsibility and interest when working with all compossessorate members. Other duties of the president included the preservation of the forestry fund for the future, the organization of forest guarding, implantation of the program of afforestation and nursery-related activities and the maintenance of the borders and boundary signs of the common property in good condition. The statute prescribed solutions and proposed models to solve difficult situations with which the president could be confronted. Their responsibility began where their accountability ended.

3.2.3. The Sustainable Exploitation of Compossessorate Forests and Pastures in the Olt Land after 1918

The detailed regulation of forest and pasture exploitation by the Forestry Code (“the Code”) and by the by-laws elaborated in accordance with it reveals a preoccupation with the sustainable development of compossessorates.

The sine qua non condition imposed by the legislator for forest exploitation called for the existence of a pastoral or forest-pastoral arrangement (in the case of forested pastures), as well as of a plan for forest exploitation elaborated by forestry bodies. The provisions established in the two documents were mandatory. In the case of grazing in compossessorate forests, the legislator established, for the protection of young trees, restrictions differentiated by tree age. In protection forests, as well as on land slips, grazing was completely forbidden.

When the pasture was used by the co-owners, they could exploit it in accordance with their rights and depending on pasture production capacity, the number of animals allowed for grazing and their type being recorded in a special register. The lease of grazing rights in compossessorates could be done only by public auction. Regardless of the situation, the approval of forestry bodies was mandatory, and that safeguarded the production potential of pastures.

Forest exploitation was also subject to the condition of closing a forestry arrangement, a document that was essential for the organization of forest exploitation and which contained a number of measures concerning the recovery, improvement, protection and rational use of the forest [28]. Timber exploitation, on one hand, met the need for fuel and construction materials and, on the other hand, it was an income generator for co-owners.

The statute of the compossessorate in Grid mentions that the allocation of wood material to members was undertaken by need and not by right. Nobody could sell the wood received for their own needs. The statute mentions that “The cutting down of trees in other areas, on larger areas or in higher quantity than those established by the head of the forest district, the cutting down of unmarked trees, as well as the cutting down for speculation and not for individual needs are punishable in accordance with Article 7 in the Forestry Code” [28] (p. 22). The quantities that exceeded members’ needs were sold in auctions organized by the forestry ranges. The latter would make the estimates, calculate the cubage and take the inventory of exploited wood material. Those who exploited the

forest were bound by contract to hire people to guard the areas under exploitation and to “preferably choose, under equal conditions, workers for shaping and transportation from among community members” [28] (p. 22). The general assembly could approve gratuities or price reductions for members afflicted by great damages (e.g., fire, other accidents) in the current year, as well as for the disabled people, widows and poor war orphans.

The compossessorate needed to have headquarters to keep papers, money and records. It was explicitly forbidden for the president, administration board members or employees to keep any of these.

The statute included a distinct article concerning the existence of at least one forest nursery within a compossessorate, “where the seedlings necessary to afforest blank areas, the areas incompletely regenerated, degraded lands, as well as for improving tree areas with valuable species (like oak, maple, ash, elm, spruce etc.) will be grown” [28] (p. 24) in a place chosen by the forest bodies.

The distribution of wood material by need, the support for the interests of the local workforce in its relationship with the entities exploiting the tendered forest areas and the gratuities and price reductions for purchasing wood material granted to social cases show the community-based orientation of the compossessorate in Grid.

The warning against illegal forest cutting, the involvement of forest bodies in the running of the auction for excess wood material, the concern for guarding the compossessorate and the care its documents and, last but not the least, the provision concerning the existence and the role of forest nurseries indicate the sustainable orientation of the policy of the compossessorate.

The compossessorate in Grid, as previously mentioned, is one that used to belong to former boyars. Below, we present the provisions related to sustainable development as revealed by the documents of the former serfs’ compossessorate in Crihalma.

In the monograph on Crihalma written in 1950 by the village priest, Dionisie Bucur, two distinct compossessorates owning forestland and pastureland are mentioned. The author mentions that one of them, called the Society of the Former Serfs, was established after 1848 when the Hungarian Count, Ferencz Petki, was forced as a result of the abolition of serfdom, to give the former serfs a part of his forests and pastures. The Society, whose statute was approved by the government in Budapest, lost a trial concerning its grazing rights for one of the lands that the Count had refused to give up. As the author shows, this happened because the judges had favoured the Count. The second compossessorate, called the Consortium Grazing Society, was established in 1894 when the Count sold 787 yokes (1 yoke = 0.5755 hectares [32]) of forest to the Crihalma commune. The land was purchased by 173 villagers, members of the Society, with money they had borrowed from Bank Albina in Sibiu and who thus became its rightful owners. The Society was led by the village priests (the father and then the son, who was also the monograph author). After its establishment, the village doubled its stock and the bank loan was fully paid back in 1923, 11 years before the due date. We believe that the chances that at least some of the village members belonged to both compossessorates are quite high.

The 1935 exploitation plan of the Society of the Former Serfs that we perused refers to only one forest area called “Branişte”, which “is owned as old property”, borders (according to the document) the commune forest, was bounded by mounds and contained “around 1500 oak trees older than 300 years providing shade”. The Romanian word “*branişte*” is a common noun meaning a forest where cutting is forbidden; in other words, a protected forest [33]. The very existence of such a term, not to mention the existence of the forest called by that name, indicates the people’s long-standing preoccupation with protecting the forest, one which aligns with the decision of the elders from Grid to ban the cutting down of certain areas in their forests. The comment in the exploitation plan that the old trees “provide shade” gains even more significance in this context.

The 1935 plan was signed by an agronomist who noted that the pastures needed to be cleared of thorns. The plan also mentions expenditures for the elaboration of the document and for the guarding and management of the forest. The hay and fallen trees were sold

to cover the expenses. The presence of an agronomist, the existence of an exploitation plan and the expenditures programmed for forest guarding and management, as well as the solution suggested to cover the expenses of these activities, indicate the sustainable orientation of the way the compossessorate was operated during the inter-war period.

The by-law of the current compossessorate mentions both the forest area Braniste, which belonged to the former serfs, and the forest bought by the Consortium Grazing Society from the Count. According to one of its provisions, the parts owned by a member cannot exceed 5% of the overall total. The number of votes depends on the size of the owned area, but every member is entitled to one vote regardless of how little land they have. The decisions concerning the maintenance and regeneration of forests are taken by the general assembly of the members. Up to 20% of the net profit can go into the reserve fund (for natural catastrophes), up to 20% can be used for investment and up to 10% can be distributed among the members of the Administration Board, whereas the rest must be paid to compossessorate members.

There is one person in charge of forestry issues in the Administration Board. They accompany the representative of the forest district for all work included in the annual program, monitor and receive executed technical work, receive the wood material needed by the compossessorate and participate along with representatives of the forest district in the control activities concerning the circulation of wood materials and in the inspections conducted by forest bodies. The head of the forest district is, according to the statute, subordinated to the Administration Board of the compossessorate and they are hired through competition.

All those provisions indicate a functional associative structure and the sustainable orientation of its management. Thus, sustainable orientation is a common feature for both a former serfs' compossessorate and a former boyars' compossessorate. We believe that the convergent approach can be explained by two influences. On one hand, it results from the old customary law governing the area, the provisions of which were passed from one generation to another and successively merged with legal regulations. On the other hand, the convergence can be explained as the result of the common models for establishing compossessorate by-laws that were suggested by the Romanian authorities during the inter-war period, as was the case for the compossessorate in Grid which received "four samples of models of regulations drawn up in accordance with the laws and dispositions in force in order to study them [. . .] since it is no longer appropriate to organize ourselves by statutes or regulations drawn up by foreign laws" (notice from Șercaia Forest District Figure 3, our translation). The circulation of such unifying models in the area in the middle of the last century encouraged, in our opinion, the non-equalitarian provisions concerning the rights listed in the by-laws of former serfs' compossessorates like the one in Crihalma.

4. Discussion

4.1. *The Current Function of the Romanian Commons*

In 1947, forest commons (1,330,000 ha) amounted to 20.5% of the forest fund of Romania, which was a slight increase compared to 20.3% in 1929 [34]. In 2017, forest commons (873,000 ha) represented around 14% of the forest surface of the country. Commons property also includes 300,000 ha of pastures [22].

The commons are legal entities. The title is in their name. Their members know their rights, including the number of votes they are entitled to during the general assembly, but they do not exactly know where their shares of land are [13,17]. Members' rights come from and are proportional with their elders' rights. The shares are inherited and shared among direct descendants and can be subjected to transaction, under certain conditions, between compossessorate members [8].

Commons membership provides grazing rights in the commons land, entitlement to a quota of firewood and financial benefits, such as dividends resulting from the transfer of felling rights, subsidies for pastures and, in the case of powerful commons, ventures and capitalization on berries [8,12,17]. The commons support the development of local

communities [14,17] and local entrepreneurs [22]. Some of their revenues are used for the benefit of the community; for example, for infrastructure work, schools, dispensaries, scholarships, bands, local football teams, fire squads, helping the poor, etc. [8,12,17,18,22].

The management of the Romanian commons is in many cases a challenge. The restitution process is an act of historical and social justice in the eyes of the legislators, meant to rectify previous injustice [9,13] and restore traditional peasants' society [8,35]. Restitutions and the re-establishment of the commons involved considerable bureaucratic efforts. In this context, the Land Registry, which in Transylvania was established in 1859, proved an extremely useful tool [8,12]. Nonetheless, the attempts to respect old property sites, forms and rights, along with the social, community, anthropological and forestry changes [12] that occurred during the 50 years of communism, as well as the successive legal changes concerning the conditions of restitution, led to confusion and chaos [13,17,36,37]. Katherine Verdery [38,39] even believes that the direct restitution was the most chaotic method of privatization. Therefore, many commons are nowadays in conflict with the authorities and there are still pending legal disputes [17].

The restitution process also led to tensions among locals. There was local acknowledgment of the statute of commons [12]. In some cases, the confusion and uncertainties were amplified on purpose in order to manipulate; the unclear legislation allowed for abuses and unjust restitutions, illegalities and social exclusion phenomena emerged. The local power networks favoured the elites [9], who conducted negotiations to their own benefit [40]. The local restitution committees were made up of local people and generated unequal chances in terms of the solutions that were identified for settlements. Thus, land restitution destroyed old community and family relations [13].

Intensive forest exploitation is on the increase [19] and sometimes commons members are put under pressure to accept changes to the statute, as well as to sell to outsiders [8]. Joining the EU meant the implementation of common European regulations concerning forest management in Romania, which also included the obligation to develop management plans for privately owned forests [41]. Management plans, along with forest administration services and the cuts that can only be made by specialized companies, are expensive [8,22], and in some cases the commons revenues barely cover them [22]. The general assemblies, which, according to the statute, need to gather half of the members plus one, are hard to gather for several reasons. On one hand, the rural localities are depopulated and the rights are de-localized, which means that even if the rights are inherited, the heirs no longer live in the community or have anything to do with the commons [22]. On the other hand, there is the old age of the assembly members with voting rights [13]. Thus, the financial benefits imparted by the status of being a member of the commons are greater day by day, while interactions among members and the number of activities conducted in common are dwindling [12].

Despite the challenges, we believe that compossessorates represent a sustainable solution for the management of forests, one which is also a continuation of the traditional means by which local communities relate with the environment.

4.2. The Potential for Sustainable Development of the Romanian Commons

Compossessorates are useful for communities and bring them social, cultural, material and environmental benefits [22]. Ever since their establishment, the commons have had moral value and an identity stake [42]. Their current existence is symbolically laden, impacts the social statuses of their members and ensures their connection with the ancestors [13]. The commons are more efficient than other agricultural associations, economically speaking [16], and they are by far the "organizations with the highest rate of economic activity from all organizations in social economy sector in Romania in 2000–2012" [19] (p. 72).

All Romanian commons are legally bound to resort to specialists for planning forest cutting and forest maintenance activities [19]. A forestry district, which can be either private or state run [8,9], manages their lands. Some of the compossessorates are considered by

Romanian authors who have undertaken research on the topic as powerful institutions that are examples of best practices. Such compossessorates include the ones in Zetea and Spinești, Harghita County [8], and those along the Mureș River Valley [15]. The former guards' compossessorate in Zetea collaborates with local forest exploitation companies, has factories for berry and mushroom manufacturing and its own farms and nurseries, manages to plant 20 ha of forest annually and grants financial rewards to the locals who send their stock to graze on its pastures. The compossessorate leadership believes that if it had not existed, most of the forest would have been sold for cutting to foreign and local companies, and the locals would have been poorer. The compossessorate in Spinești has been working without any conflicts or suspicions. It is led by a very popular president and a board preoccupied with sustainability issues. Half of its profit is allocated for investments (forest huts, a church, a school, a festivity room), whereas the other half is distributed among members. With regard to the latter, the compossessorate sells them wood at preferential prices, supports them in organizing funerals and covers expensive medical treatments. The compossessorates along the Mureș River Valley function as start-ups for their members' individual initiatives in the field of wood exploitation/manufacturing and tourism, and they bring benefits to all community members.

All these examples of best practices show that the success of the compossessorates lies in the involvement of their leadership in finding local solutions that efficiently capitalize on the resources of the compossessorates.

4.3. Solutions to Make the Functioning of the Compossessorates in the Olt Land Efficient

According to the data supplied by the state-run and private forestry districts in the Brașov and Sibiu areas, there are 55 functioning compossessorates in the Olt Land. A comparison between the number of the compossessorates in the Făgăraș area during the inter-war period and the number of currently existing ones would be irrelevant. There are villages where there is more than one functioning compossessorate, and there are also villages where, after the fall of communism, the establishment of a compossessorate re-united members who had belonged to different associations during the inter-war period.

Contemporary studies on the topic of the Romanian commons have proposed different means to improve the activity of the compossessorates. We present them below along with our suggestions for the amplification of their efficiency, with the intent of supplying an inventory of instruments to be used in the consolidation of the statutes of the compossessorates within the communities in the Olt Land and in local economies. Thus:

- It is vital to impose a sustainable forest exploitation regime that staggers benefits and allows the forest to recover. This is a measure proposed by Popa and Popa [42]. Such management plans are elaborated by specialized companies and thus part of the responsibility for the sustainable exploitation of the forests of the commons lies with the specialists of those companies. In such cases, the responsibility of the commons leadership and members is to make sure the plan is followed through with precision and thus minimize the likelihood of illegal cutting. Thus, such a local measure leaves room for involvement.
- It is necessary to increase the interest of the members of the commons in sustainability, namely in the elaboration of sustainable projects and in the preservation of sustainable practices, and to raising these members' awareness as to the importance of such practices. This is a measure proposed by Vasile [8]. The implementation of such a solution requires the training of the members of the commons in contemporary sustainability policies and ensuring agreement between them and local customs.
- It is important for the members of the commons to have complete knowledge about the benefits ensuing from their membership and from the exercise of their inherent rights, as Vasile [8,43] has suggested. This measure also refers to the members' rights to require and impose modifications to the commons by-laws. Its implementation needs to be supported by information concerning the history of the commons, the legal framework underpinning their functioning and their legal statute.

- It would be useful for the commons to associate with a network of similar organizations in order to gain easier access to information on legal changes, on the protection of commons' interests in their relationship with the state and on new development ideas. This is a measure proposed by Petrescu and Stănilă (2013). Following the same train of thought, Vasile [8] proposed that there should be meetings and exchanges among the members of different commons. The implementation of such proposals presupposes the acknowledgment within the commons of the existence of common interests and of advantages emerging from collaboration. However, such acknowledgment requires counselling and the mediation of the relations between the different commons, considering their historical, economic and functional differences.
- It would be useful to encourage the democratic participation of the members of the commons in debates and decision-making, as Vasile [8] has noted. This measure can reduce the likelihood of voters having their options manipulated for the benefit of private interests and to the detriment of community interests. Training the members of the commons in the field of democracy and its mechanisms would increase the chances of this solution being implemented.
- It would be useful to professionally mediate the conflicts between members of the commons and state authorities. In this respect, Vasile [8] encouraged the participation of people with financial, administrative or counselling competence in the general assemblies as external observers. However, the application of this measure is conditioned by the availability of such specialists, which is no small matter.
- It would be useful to increase the interest of the members of the commons in the general assemblies in which they are entitled to participate and where they can exercise their voting rights. Vasile [8] proposed that all members be regularly invited to the assemblies and also that short briefs on the activity of the commons be attached to the invitations. Additionally, organizing parties after assemblies are over would be another solution. Such means of helping the members discover their mutual interests are very similar to the way of life of the people from the Făgăraș area and require skills and/or support in communication and event organization.
- It would be useful to consolidate the feelings of community belonging and of identification with the land that members have from their homes. In this respect, Vasile [8] recommended the common undertaking of more lucrative activities by members of the commons and the involvement of young people in such activities. The successful facilitation of such activities requires organization and communication skills.

An Adequate Legal Framework, the School, the Internet, NGOs and the Efficient Functioning of the Compossessorates from Făgăraș Area

How can such measures be effectively implemented?

The legal approach to the Romanian commons as non-profit organizations is, as previously mentioned, partially inadequate. We believe that a distinct delineation of the legal statute of the commons is necessary in order to capitalize on the references made to these in the current Forest Code. This would thus increase the role of state authorities in monitoring the sustainable functioning of the commons.

The history and the sustainable functioning of the commons could become topics to be approached as part of one or several school disciplines oriented towards environmental education. At the national level, for elementary and secondary education, optional disciplines like "Ecological education for environment protection" and "Create your environment" [44] have been proposed. We believe it would be useful to introduce topics on the commons in the curricula of these disciplines. Efficiency in approaching them could be consolidated through local offers of supplementary optional disciplines focused on the sustainability of the compossessorates at the level of the schools in the Olt Land.

Building on the suggestion to involve young people more in the activities of the commons, we believe that schools are one of the institutions where collaborations on topics related to sustainability are usually beneficial. It is not only about opening schools towards a topic that is in agreement with contemporary educational policies, but also about the

development of children's sustainable skills in school. The compossessorates in the Olt Land, as organizations where voting rights are inherited and which are built on democratic principles, would only stand to benefit if their future members were to learn about sustainability from childhood. Project-based learning, which encourages students to use the Internet to do their research [45,46], is in fashion in Romanian schools [47]. The history of compossessorates reflects the history of the frequent changes in the political regime and affiliation of Făgăraș Land, which has shaped the character of the locals [48] and turned the Făgăraș Mountains into the centre of a powerful anti-communist resistance movement in the 1940s and 1950s [49]. Thus, local history and its inciting features, which can be discovered on the Internet, provide a generous pool for school projects. The schools in the villages from the Făgăraș area and the compossessorates could develop common projects using historical information to support the sustainable nature of the compossessorates. We thus believe that collaboration between these entities in the development of educational projects aimed at highlighting local history as a source of community identity, as well as the sustainability of the compossessorates as traditional forms of land property, is useful. In such a context, project management and counselling skills are welcome.

In Transylvania University of Brașov, which is close to the Olt Land, there is a Faculty of Silviculture and Forest Engineering. The latter continues the tradition of the oldest institution specialized in the field and has been for a decade the only supplier of specialists in the field of forestry in Romania [50]. In our opinion, collaboration between the compossessorates and educational units should also include academic institutions. The forests of compossessorates, their professionally developed management plans and the exploitation and maintenance regulations imposed through local statutes represent specialized training opportunities for students. On the other hand, by consolidating their relationship with universities, the compossessorates would continuously benefit from the expertise of renowned specialists in the field of forestry.

The Internet can be of greater help for the compossessorates than just as a source of information on local history. Its widespread use makes it an efficient tool for communication between the leadership of the compossessorates and the members residing outside their communities of origin. Last but not the least, it is also a tool through which the principles, policies and activities of these associative structures can be presented. We believe that the Internet can be extremely useful in promoting the image of compossessorates as their members deem necessary, namely in accordance with their sustainable nature. The implementation of such measures requires skills in website design and administration.

Each of these measures can consolidate the statutes of compossessorates in the Olt Land and their sustainable development. As already highlighted, most of them require skills, training, counselling and information dissemination. In this respect, we believe that this is an area that provides generous opportunities for the involvement of NGOs. Their resources could support the efficient functioning of the commons. Nonetheless, this would require a change of perspective. Many NGO representatives, much like the administrators of the protected areas in Romania, view the locals as greedy consumers, prone to illegal cutting and poaching and lacking interest in environmental protection [8]. In such a context, the task of NGOs seems to be that of countering the unconstrained access of locals to resources. The change of perspective that we suggest requires transforming sustainability-focused NGOs from hostile guards into efficient counsellors of sustainable compossessorates. We thus believe that the involvement of NGOs in supporting the functioning of compossessorates would be useful. Each of the measures previously identified could become more efficient by benefitting from the expertise, experience and availability of the members of NGOs that are interested in sustainability.

5. Conclusions

The compossessorates in the Olt Land, built on customary law and on historically developed legal provisions, are sustainable associative structures. Their power to endure and the power of the customary law underpinning them has consolidated the historically

determined regulations and thus yielded a local legal system referring to the compossessorates. The latter are traditional forms of property. Their lands were meant from the beginning (i.e., since the Middle Ages in the case of the former boyars' compossessorates and after the abolition of serfdom in 1848 for those of the former serfs) to be used for a long time. Their by-laws, dating back to the first half of the 20th century, include provisions on the wise management of forests and recommend collaboration with specialists in the field of forestry. The organizational structure of the compossessorates generates interdependencies among the actors involved, who support the sustainable use of resources. The authorization of forest exploitation is conditioned by the undertaking of activities like reforestation or the establishment of nurseries with valuable species. Compossessorates as property are perpetually impartible. The distribution of property rights is a dynamic process, but property shares can only be sold to members. Such a provision, which is even nowadays included in the statutes of current compossessorates, guards their forests against the interests of large forest exploitation companies by keeping them off the market. The compossessorates that were re-established after the fall of communism have a symbolic significance: they represent a triumph against injustice and are a source of community prestige and identity consolidation. They bring benefits to the communities and support local development initiatives. Among all agricultural associations, compossessorates are the most efficient, economically speaking. As previously mentioned, the number of illegal cuttings is the lowest in the forests of the compossessorates in Romania.

Thus, the compossessorates in the Făgăraș area prove useful for the forestry field in Romania. They continue a long tradition of sustainable exploitation of forests and pastures. Hardin (1968) considered that individuals who cannot be excluded from using common resources at equal costs will try to take advantage of them by trying to maximize their benefits. The operation of compossessorates counters such an argument, supporting Elinor Ostrom's (2007) view that local communities can efficiently and constructively manage their goods.

The existence of compossessorates should be supported. Their functioning should be optimized. This is an area where NGOs taking an interest in environment protection and sustainability can initiate constructive activities. Their involvement requires the acknowledgment of the sustainability potential of compossessorates, which is exactly what we have tried to highlight in this article.

Commons, as a sustainable form of forest and pasture management, is not an option that is only limited to Romania. We believe that the commons are a sustainable solution worth considering wherever there is a tradition in this respect and wherever they can work under efficient conditions.

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