



ORIGINAL PAPER

Communism and Condominium: the Communist State and the Freedom Regime in the Traditional Romanian Villages

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Abstract

The aim of this paper is to clarify why in the Romanian history, the communist state has proved to be the most unsuited and incompatible institution with the mechanism of the Culture of Commune to Diffuse Tradition (*Cultura Obștei de Tradiție Difuză*), specific to the Romanian agrarian communities; furthermore, the article investigates why the communist state and the free rural communities (sate devalmase) were in structural and functional contradiction, impossible to be removed both theoretical and practically.

Keywords: *communism, condominium, devălmaș property, freedom, traditional Romanian village*

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The Property as the basis of freedom in Romanian villages

How did these communities manage to withstand the pressure of the tributal, feudal, capitalist exploiting mechanisms and prevent thus the appearance of the “clăcășirii” phenomena or the one of slavery and disintegration in their inner? How did these socio-cultural rural units kept their functional freedom and autonomy? What explains their sustainability? Could it be explained by their geographical position, by their territoriality, finding themselves isolated mainly in mountain areas, positioning which we find out about from the few statistical data concerning Romanian villages contained by “Conscriptia virmontiana from Oltenia”(1722), from the works of John Donat (1831), Nicholas Sturdzu (1840) or Petru Poni (1912)? Should it be rather the result of blood valuing and the defense of blood ties between their members, which had the gift, as Sebastian Radovic says, citing the phenomenon of “walking on the elderly” (Radovici, 1909: 67) to congeal and strengthen the inner cohesion? Or to be the effect of a behindhand technical level of agriculture, which delayed the historical evolution of common property Romanian Village? (Stahl, 1998: 14).

From our point of view neither of these assumptions is satisfactory. The geographical, biological conditions, as also an economic status cannot generate and guarantee the autonomy of the “răzășești” or “moșnenești” villages. This also even more as the mentioned factors, far from explaining the phenomenon of free Romanian peasantry, proved limited even in conditioning them. Thus, the “răzășești” and “moșnenești” villages, true social Romanian phenomenon of mass including from the beginning of the eighteenth century, are located not only in mountain regions but also those of hill or plain, given that, for example, the statistical research of Petru Poni, mentioned above, which reveals a veritable mobility tendency of the free peasants within the territory of the Carpathians and Danube (Poni, 1921). Nor the influence of the value of blood ties in the free Romanian villages, as sustained by the theoreticians of “the hero founder of villages”, is not relevant in this case, knowing that the phenomenon of “walking on the elderly”, on which these theoreticians base their arguments, is a late phenomenon in our village’s history, one that rather shows the moment of their disintegration than revealing the basis of autonomy in the life of franklin people (Stahl, 1998: 46). Finally, although we acknowledge the importance of economic factors in the mechanisms that explain the autonomy of free peasants’ life, we cannot agree with the way they are presented to us in abstract and poor schemes of historical materialism. Thus, far from conceiving economic activities as determinants of social life, we count on that by themselves they have no infrastructural power capable of generating inner changes in socio-cultural units. Related to human biological needs and depending from the beginning on the epistemological level reached by human collectivities, technical and economic factors manifest from the start strongly marked both by the mental structures of these collectivities and their spiritual, moral, legal, politic and economic accomplishments.

That is why, despite their concreteness and visibility, the economic factors are never effective analyzable by themselves, but only in relation with spiritual, legal and administrative productions, to which they are related, penetrated and from which they acquire meaning. In this context, agriculture or shepherded, for example, cannot be treated like mono-dimensional economic activities with specific traits, but as real cultural complexes with practical character in which we find not only the inner purely economic operations, methods, techniques, procedures but mainly a series of religious, artistic,

metaphysical, scientific, moral, legal, administrative, political attached components, which together with these activities are designed to meet needs that go far beyond the sphere of economic needs. The stagnation and technical delay of the Romanian agriculture from the common land villages cannot, therefore, explain by themselves a cultural phenomenon as complex as that of autonomy of our “răzășești” and “moșnenești” communities, they must rely therefore on the whole range of other factors. That is why in this article we will look for the source of these communities’ resistance against the pressure and centrifugal force of historical processes of tribute, feudal, capitalist and later communist exploiting in a different direction than the one tried so far. We will seek, for instance in determining the type of relationship that the “răzășești” and “moșnenești” communities developed with their natural and social environment, type of relationship that is reflected in all socio-cultural activities that can be undertaken by these communities, regardless if we talk about spiritual, economic, legal or political activities. These communities’ relationship with the human environment consists primarily of the way they, from certain value systems, ideographic, transcendental, subconscious and with an objective character “motives” (Durkheim, 1911: 437-453), which some are impossible to directly discern in the actual realities, but which are leading and necessarily presented in all conscious experiences of their members, give sense, appreciate and judge their personal situations or the collective facts of life. Among these values, which should not be confused with the aims pursued by a community (goals are set based on background of this effectiveness of these values) nor with its assets (goods are things that have gained value), we inventory besides constitutive values of beauty, truth and goodness also the regulative values of liberty, property, equality or responsibility. On the meaning and weight that these values gain on the mentality of “răzeși” and “moșneni” people depends, therefore, the relationship that these collectivities have with their natural and social life. How did these communities manage to withstand the pressure of the tributal, feudal, capitalist exploiting mechanisms and prevent thus the appearance of the “clăcășirii” phenomena or the one of slavery and disintegration in their inner? How did these socio-cultural rural units kept their functional freedom and autonomy?

First of all, we believe, by giving property a value of major importance in their axiological system, especially to land ownership. It is a meaning which follows easily from the analysis of Village Community and the Confederation of Detour, administrative institutions of free Romanian villages, where the peasants could not become members unless they previously acquired ownership of the estate, from the study of customary land (*Jus valachicum*), the old unwritten law, highly encounter in common property Romanian villages, about which Nicolae Iorga said that is nothing but a “property right”: “a Romanian Right, different from the Roman principles and feudal habits, was recognized by all who hat Romanians, on this side or beyond the Danube, in their possession. This “right” is not only an old custom with folded Thracian – the strongest and deepest ones – and slave roots that can be followed in different fields. In that one which comprises the connections between humans and land and the links between people, determined by earth” (Iorga, 1983: 250), from investigating the techniques of organization and economic exploitation of the villages’ territories, where the property with its three forms (farm – house built in the center of the village with the land around the house, the belt area around the village consisting of lots of land and the peasants’ land, forest areas, pastures, fallow land used in condominium) represents the internal base of the structure of households and common land villages in general, and not least from the analysis of events and spiritual productions (magical rites, religious views and beliefs, popular literature, popular science,

moral concepts, etc.) where the value of the property transpires thematically with every opportunity. Indeed, studying the lives of “răzeși” and “moșneni” we cannot not notice that they base land ownership at the foundation of their lives. They do it recognizing the close link between spirituality and work, between work and justice, between justice and their administrative capacity, a connection represented by the land, a primordial good that provides unity and functionality of everything. Considering spirituality, economics, law and administration as four unitary areas, free peasants are spared the mistake of supposing that if, for example, their material well-being would represent an economic problem, then their autonomy personal / collective would be an another, strict political, supporting a separate resolution. Attending to an integrated rural culture of diffused tradition (Stahl, 1983: 250), “moșneanul” understands that political ordinances ca not be separated, for example, from the economic ones, just as they cannot be separated from the juridical ones. They cannot be separated, but neither can be combined with each other randomly. Village community cannot work, for instance, beyond the Old Testament’s readings about customary land in connection, for example, with written royal rites or with the modern Romanian law of quiritara bill, just as customary land cannot function beyond the requirements of the natural economy, namely in relationship with mechanisms of capitalist financial economy. Therefore free peasants will follow to find the most appropriate image in which land ownership ensure the unity of the four fields of peasant life, maintaining thus in equilibrium the village community, customary land, peasant households and collective spirituality.

In these circumstances, land ownership comes to be considered not only a source of economic freedom of these peasants (freedom gained in the limits of agricultural rigors of crop rotations and farming techniques), or guarantee their legal recognition and protection, but also the source of personal and legitimate power to participate and decide on how their administrative problems are solved. While recognizing the fundamental role of property, freedom is only possible to the extent in which it does work or get to work at the same time as spiritual, economic, legal and political freedom. Conversely, in the absence of either of these components, the value of freedom becomes unattainable for the peasant, turning in a vain abstraction, in a dangerous non sense. But which is the most appropriate image which the Romanian peasantry gave to property so that it can be protected from the mechanisms of traditional community and to assure in equal measure the unity of the four fields of peasant life?

To answer this question we need to know from the beginning that for “moșneni” and “răzeși” the property is not seen by itself as a natural right of the human being: “Why do you step our glades, why do you graze our hay? Which glades, you Peacocks? Which hay, you fool? Only this land is not yours, not even yours nor mine, but all of God!” (Alecsandri, 1965: 180). On the contrary, for them it is just the conditioned right, a right which man acquires in a double way. The property is acquired by him on the one hand directly as a result of its affiliation to a village community, and on the other hand, in a mediated manner, as a result of the work submitted.

In the first case, the peasant gains access to a condominium property, belonging to God, in the second case to a private property that belongs to the man: “These communities [Gemeine], from which, in terms of language history a line starts until the common good or the public good [common welth, public welth] opposes the private sphere [Besondere]. It is the field of what is separated [das Abgesonderte], in a private sense, one that today we understand when we question the private interests [Sonderinteresse] and private ones [Privatinteresse]” (Habermas, 1998: 49). The first

actually reduces to a right of use, which covers consumer forests, meadows, pastures, hayfields, alpine poets, or the land (“Curaturi” or “provisional private belongings”), vineyards, gardens, bee yards, waters, riprap rivers, ponds, mills, roads, etc., the second one to the right of owning “forever” regarding household (home and place around the house), pieces of land, haystacks “lands for agriculture”, wine yards, all parts of the “shrines” or “hearses” locked in “fences of the parcel of land”, meaning properties in their true meaning, acquired through grubbing, clearing, goods that are meant to be inherited. Affiliation to the community and the work are the two fundamental conditions of the free peasants’ property. It appears as a kind of property with mixed character, containing two separate components functionally related to each other, the right to use condominium and private property (estate), components that constitute the primary psychological frame through which the free peasant relates to the social environment and natural framework, through which he will differentiate between a public sphere of the village and another private one, of households.

The devalmaş right and the public sphere in the Romanian village

What does it mean the particular component of the peasant property? First of all the fact that it is related to a household that includes home, garden, outbuildings, estate and local belongings, received or grubbed from the indivisible fund of the community. A particular component is production workshop that belongs to a family of peasants, made up of all labor resources owned or used by them. It is thus a property of the family.

Determined as households, which provides the only source of family- income, private property is to secure their social cohesion. Household as private property is actually the key to understanding relationships within the family unit, some otherwise, if judged on other grounds than those of property, long ago on biological or racial of blood ties, remain for us to not understandable. This property of movable or immovable means of production is hereditary and inalienable. It is attributed not to the head of the family, but to all members, whether wife or children so that the former cannot dispose of it at the expense of the latter, neither inter-vivos nor mortis causa.

Romanian particular property is not property but a simple family; judged in relation to the primary type of this property, it seems to have evolved rather one with nature. Although it is transmitted from generation to generation and heredity principle is upheld in favor of women, there is private ownership Romanian prohibitions emancipated so vivos or causa mortis inter-specific primary type of family property, and the principle of exclusion of women in inheritance (It is worth remembering here the rule of “marriage on yard” rule that breaks the prohibition to marry girls with land; if a family has only girls among children, one of them, although she will marry, will take over his parents' home as head of the household, it is considered a son, and her husband a “married on yard”). In addition to her hardly find the difference between terra recognized aviation (tera Patris, paternity) and terra Aquis.

However, although private ownership is owned by the family, we cannot say that it is indivisible. Indeed, although for the Romanian private ownership, the father is not considered an absolute owner of the land, and therefore his children consider themselves owners of the land of culture, even before the father’s death or mainly starting with adulthood based on their own work in the household since childhood, this property is in the mastery of his father. Testify to this are the numerous rules influenced by the law of land (of particular importance has it here the “right of pre-purchasing and repurchasing”

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which appears in the Byzantine legal language through the term “protomisis”, right clarifying the structure of the Romanian ownership and which derives from it), that regulates the passage of land ownership from the old parent to his descendants, or from them to third others.

If the Slavs, for example, in the inner of their “zadrugii” (South Slavs) of “mirului” (ointment) (Eastern Slavs), the Verve (western Slavs) exiting the primary family property was made only with great difficulty and solemnly, but without affecting the division structure of this property, in the case of the Romanian peasants proves to be a common phenomenon, especially with the sixteenth century. In the Romanian family children become adults, leave their parents' home to start a new household, taking with them, once married, without written formalities, their share of wealth. They thus ceases to be as brothers to each other in relationships of undetermined ownership, although their father is still considered master of lands, offered them as an inheritance.

Let's see what nature has the condominium component of peasant property? The question is all the more important as the above condominium have hovered over time many misunderstandings. For instance there were few Roman authors who, although previously recognized the difference between joint property and individual ownership of Roman law, have labeled it still on the first as a species of co-ownership. However, ignoring the fact that designates the type of co-ownership describes a structure of quiritar right, they ended up wrong assigning it an individual character, exclusive and alienable one: “The coexistence of the two owners, in a co-property, does not change the organic structure itself. Each of the co-owners is absolutely owner. Its right is individual, exclusive and perpetual” (Fotino, 1940: 353).

And though many authors have considered joint property ownership as a collective one, getting to speak on the basis of this alleged identity of the existence of a primary communism alive in the common land villages and also about a nearby structural and about the essence between their life and communist political organization. The fact is all the more regrettable as it is based on a serious misunderstanding of the condominium, generally of the peasant property of Romanian origin. First is ignored in this case the Romanian mixed nature of property, the fact that this is based on a unit compound of two elements (the particular and the common one) that working together, they lose their meaning one in the absence of the another. Although through certain of its aspects joint property can remind us of Gemeinschaften's communist property, the one that Marx speculated in his works (Marx, Engels, 1972: 416-437), it is actually a type of property specific to Feldgemeinschaft sites, those in which the house and the living place of a family have ceased to be common property of the community and became private property of the family.

In relation to private property of the family, condominium gets a different meaning than it had in primitive communism. Indeed farmers do not have a common property right for forests, pastures, waters, but only the right to use them. On this basis the joint property is considered to be equally for all and for no one. Thus farmers may send their “cattle to pasture, without even their number to be in any correlation with the extent of ownership of land in the village or on farming land. And when regarding these pastures, forest reserve and water comes the matter of allowing to a stranger the access in the village and the recognition of the right to use them, then we encounter in acts that all people of the village appeared to recognize such a right” (Fotino, 1940: 355). Condominium cannot be therefore subject to the right of property, much less as a right of collective property.

Under these conditions, the actual ownership remains tied to the peasant life, to the heart of the village and the dust, rather than to the others “from across the border”.

However, the role of condominium is essential to ensure the equilibrium of the free peasants’ life: the functional component of the peasants’ private property, the common property inhabitation form is the deepest source of Romanian rural solidarity. Moreover, from the recognition of such joint ownership and analyzing the unity of the four unit fields of the free peasant’s life (spiritual, economic, legal and administrative) we can establish a real functional correlation between them, on the one hand the joint property right of usage and the public sphere of the free Romanian villages and on the other hand the private ownership and private sphere of their members.

If the village community has rights below or up the right of households which compose it, rights exercised by the administrative or management body called the “congregation”, then it is entitled to own them only based on the recognition and the exercise of the right of use by villagers. Its functionality is related, therefore, viscerally of the existence and recognition of condominium, without which it will permanently lose authority and purpose. That is why according to the degree of the common land village, we can determine the loss of power of the community and with it we can determine the level of dissolution of the “moşnenesc” and “răzăşesc” village.

We understand that such “free villages were able to last as long as they managed, helped by their fighting body, which is the congregation, to resist the pressure put on them by the boyar class. When congregation falls in battle, disorganized, conquered through infiltration and after replaced by the presence of a nobleman, then free condominium village quickly disintegrate and disappears, the administration of these villages were taken over by the local lord” (Stahl, 1998: 27). Indeed, the congregations’ resistance to historical pressure of tributal, feudal, capitalist or communist exploitation has its source in the possibility of exercising the right of common property by its villagers. However, the functionality of the community in the free village it does not come only from the exclusive power of the right of common property, but from the balanced report, non-contradictory that the latter has with particular property.

On the other hand, the condominium law is the basis for rural communities while also functioning as a determinant factor for the occurrence of the peasant public sphere, a public sphere alien to the one presented in the western feudalism, the one called by J. Habermas as a representative public sphere (Habermas, 1998: 48). We are talking about a public environment (mouth of the village, eye of the village) that is based not on the opposition between *publicus* and *privatus* (other categories of Roman law, foreign to the conceptual customary land) but on the street, and communion between particular and common, two different categories recognized in the old German legal tradition: “True, some correspondence with the classical notion *privatus publicus* and juridical tradition comes from the old Germanic in that community (*gemeinlich*) and private (*sunderlich*), common and particular. This opposition relates to the Community elements (*genossenschaftliche*), to the extent that they have said in the feudal production relations. Field Obst (Allmend) is of public order, public; fountain, the land market, for common use, are publicly available, are *loci communes*, public *loci*” (Habermas, 1998: 49). If in the feudal structure, the private sphere of the one endowed with rights, immunities and privileges, so called lord sphere, takes over the sphere of monopolizing public, submits the communality to a strong devaluation, and becomes the core of what is public, in the structure of the condominium village the private sphere of peasants legitimizes itself, starting from the common one: “In ambivalent meaning of *gemein* (common) with rural

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meaning, of “in common”, or accessible (open) for all, and *gemein* with meaning of “ordinary”, or in other words, of something excluded from the specific right, respectively the right of particular seniority, generally in rank (public rank), is reflected until today by integrating the elements of rural organization in a structure founded on functional domination” (Habermas, 1998: 50). The peasant public sphere is thus not a representative one, but a participatory one.

It resembles the ancient remote sphere of the polis, specific to the Greek city-states, the sphere of free men (*Koine*), noting that unlike this one, it is not severely separated from the sphere of *oikos*, private for each individual (*Idia*), on which it actually sustains. That is why we cannot say that in public rural life the sovereignty of the peasantry through its peasant congregation peasantry obstructs the personal freedom of the peasant, as the authority of the whole obstructs the freedom of the citizen in the polis assembly. The particular freedom of peasant, far from being opposed to the public authority of the community, is founded directly on condominium law that gives its meaning and sense. Benjamin Constant’s famous distinction (Constant, 1996: 3-22) between the freedom of the ancients (sovereignty in public affairs) and the moderns’ freedom (independence in private businesses) do not operate in the case of “*moşneni*” and “*răzeşi*” because their freedom in no way implies recognition in the collective mentality of any opposition between public and particular.

If public sphere is not representative for a real social domain, it appears more like a landowner status circumscribed sphere, one that submits itself to the subservient peasant or to the vassal without leaving room for initiative, decision and inhibit expression or senior communion with others landowners, the public sphere of the condominium, on the contrary has the great merit of creating and feeding motivational mechanisms of peasants’ involvement in the village’s life.

Losing of the *devalmaş* right and the disintegration of the free peasant community

But over time the resistance of peasant communities to the processes of enslavement and tribute, feudal, capitalist and communist exploitation eventually diminishes. The causes that led to this weakness were generally two. Both of them are related to the gradually narrowing limits of using the joint property by the free peasants, narrowing which led to a disintegration of the administrative armies of the village and together with it to the fall of peasant communities under the dominion of nobleman, royals or convents.

The first way has economic nature and it is linked to the development of technical capacity of production used in rural agriculture and to the general change of economic conditions, occurred with age in the production and sale of goods in exchange of capital, change limiting until demolition the condominium law and separating the congregation into village households, thus giving rise to self-stratification and social tensions between the peasantry and nobility. This, together with the phenomenon of breeding of the rural population associated with demographical saturation of land, represent the internal source of dissolution of the common property village.

The second way is a political one and indicates the external source of dissolution of the peasant communities. Formed in the old order and the professionalized military tribute, Romanian boyars were from the beginning the first class strongly affected by general economic changes occurring with the eighteenth century. How in the new

economy of capitalist service, its military origins gradually lose their importance, it is forced to retrain and find a new means of subsistence. It will primarily find through direct involvement in the process of agricultural production, processes that have been an attribute of peasant communities. Lacking land ownership, the nobility realizes, however, that its social maintaining cannot be achieved by simply grabbing the land of the villages.

For the land to have value on the market, he must be worked, work that requires, of course, people whom are able to receive some part of their work product, in the form of tithe or crack. These people, who could only be free peasants, had to be brought in bondage. Boyars needed, therefore, no land but villages. To enslave a free village and thus acquire not only arable land and labor necessary for working it, it had, first of all, to disorganize the army of the village. The task was made easier by internal factors and processes generating dissolution in the inner of the joint property villages. Indeed, the evolution of agricultural technology, and the breeding population in the villages, reduction of the joint property territories as a result of demographic saturation of lands led to a gradual individualization of the peasant private property (this process develops under the form of incomprehensible phenomenon in Romanian historiography, the phenomenon of “*umblării pe bătrâni*”) and so to an imbalance in the structure of traditional rural property. Individualized and removed from its unity with the condominium law and its institutions, the Village Community and the Customs of Land, peasant private ownership has become extremely vulnerable to the needs and intentions of the nobility. The nobility will not hesitate to take advantage of this opportunity, using different strategies to enslave the free villages. The most common one was the one that directly attack the village’s base unity, the condominium, by receiving the nobility in division with “*răzășimea*” and “*moșnenimea*”. In this way it acquired the right to joint property, grabbed the land from Community Fund, to remove them later from joint, thus managing to substantially reduce the power of the free peasantry, to impoverish it and finally to submit it to slavery.

This process of enslavement of the peasantry, especially beginning in the eighteenth century, continued including the nineteenth century. But not only continued; it reached paroxysmal and reached maximal levels despite agrarian reforms begun in 1864. The phenomenon was favored by strong and unfettered penetration of capitalism that turned everything in its path and changed direction accelerating the dissolution of the village and pushing it, after C. D. Gherea’s words, to new slavery. Force of penetration of capitalism was increased by Western structures of modern Romanian state, structures that deeply foreign to the peasant community’s specific mechanisms have been designed to respond only to the needs of the bourgeoisie. The right of condominium and private peasant ownership were now starting to face a new factor of pressure and destabilizing: modern Romanian state and its western laws focused on the principle of natural right of individual private property, state and law as their medieval counterparts, from a culture which was foreign to the mechanisms of peasant communities.

Yet, despite economic order marked by capitalization, industrialization, intensive trade, free peasant communities, especially those “*răzășesti*” from Moldova managed to maintain their cultural unity and cope with these capitalist influences. One explanation is found in the fact that the penetration of capitalism did not happen uniform and homogeneous, leaving behind “large islands in the old country almost untouched”.

Not the same thing happened after the installation of communism in the Romanian territories. Planned and systematically imposed in the territory, communism, unlike capitalism entered evenly and homogeneously in our society, nearly destroying the roots of peasant communities, which through their cultural structures proved by far the

most resistant to communist ideals and state policy. Through expropriation and mainly through the collectivization policies that led to the seizing of almost entire agricultural properties in Romania, the communist state demolished what any tributary or feudalism or capitalism system have failed to do in their historical sequence, namely the very foundation of the organization of peasant life: land ownership.

Conclusion

Following this structural demolition, the collectivized Romanian villages, losing support of their inner mechanisms of community became social environments with a disaggregated culture that favored the installation among their members of ambivalent relationship towards their natural and social environment, some backed by a refractory attitude towards everything that administration and politics meant, generally to everything that authority and responsibility represent. The consequences are fully felt even today.

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