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*Land Reform in Slovakia between 1919 and 1935 – the Instrument of Social and Economic Transformation**

Abstract

The article presents a brief overview of land reform in Slovakia between 1919 and 1935 from the viewpoint of social and economic transition from post-feudal agricultural system into a modern one. It outlines the legal, social and economic conditions in Slovakia, which after the rise of Czechoslovakia became the basis for land reform. Due to improper agrarian structure, caused mainly by relicts of feudal system, there were many social and economic problems in Slovakia, so the need emerged for a land reform. The Author analyzes both the ideological background and the practical side of the agrarian reform. In the summary advantages and disadvantages of the agrarian reform in interwar Slovakia were identified and considered from the perspective of social and economic effects.

Key words: land reform, land ownership, social policy, economic policy, social doctrine, expropriation, *fideicommissum*.

Słowa kluczowe: reforma rolna, własność ziemska, polityka społeczna, polityka ekonomiczna, doktryna społeczna, wywłaszczenie, fideikomis.

1. Introduction

After the first world war, the newly born Czechoslovakia stood on a threshold of new era. Establishment of a common state of Czechs and Slovaks marked beginning of a process of substantial social and economic transformation. It represented a moment of discontinuity of previous regime and development within the framework of Austria-Hungary, for which survival of many feudal relicts was a characteristic feature. A monarchy, safe-

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guarding the privileged political, economic and social status of still powerful aristocracy, catholic church and burgess class, was replaced by a republic, built upon democratic principles and protection of individual rights of all of its citizens. Thus, a space for solution of many long-term social and economic problems, inherited from the era of Austria-Hungary, was made in a context of upcoming consensus between leftist and rightist political streams and doctrines. Under such circumstances, upcoming land reform was one of such solutions.

2. Social and economic situation before 1918 as a material basis for land reform

Land reform in Czechoslovakia during the interwar period was a response to existing social and economic conditions, which were the outcome of a development lasting for approximately 70 years from the moments of revolution in years 1848/1849. Therefore, our first task in a process of understanding the purpose of land reform shall be clarification of social and economic development between 1848 and 1918, as well as of its consequences.

2.1. Legal conditions between 1848 and 1918

Anti-feudal program of Hungarian liberal aristocracy from the 1840s formed the political basis of revolutionary program in 1848/1849. From the point of view of the private law, the core of this liberal program was to relieve different forms of property of their feudal constraints by introducing a common institution of ownership into the legal practice.¹ Thus, the main objective of this measure was removal of feudal regime regulating execution of ownership right by establishing conditions for undisturbed usage of property by their owners, common for everyone.² However, universal concept of ownership in a form of an absolute legal relationship between an owner and a thing as an object of his ownership, which he controlled by his exclusive legal power, was not accepted without reservations.

A process of social and economic transformation, started by the revolution of 1848/1849, was unthinkable without a revision of land ownership relations. Former urbarial serfs obtained under the conditions of imperial patent from 2nd of February 1853 into exclusive ownership their homesteads with urbarial agricultural land, which they had held only in a regime of specific possession without any rights of disposition pertain-

¹ P. Kónya *et al.*, *Dejiny Uhorska*, Prešov 2013, p. 535–536. For the opinion of Slovak politics on this subject matter see also speech of slovak politician and representative of the city of Zvolen in Hungarian Parliament from December of 1847, Ludovít Štúr [in:] F. Sivák, *Pramene a dokumenty k dejinám štátu a práva na území ČSFR. I. diel*, ed. Bratislava 1992, p. 123–125.

² E. Štenpien, *Dejiny súkromného práva v Uhorsku*, Košice 2011, p. 58, 60–61.

ing to homestead as well as land before 1848.³ Similar procedure underwent manors of Hungarian nobility (lat. *fundi allodiales*), which were definitely transferred into exclusive ownership of noble landlords as their former possessors after abolition of system of royal donations and institution of aviticity by the imperial patent from 29th of November 1852.⁴ Nevertheless, many feudal relicts in a matter of land ownership were liquidated only sporadically and many of them survived up till 1918.⁵ Such were the cases of cotters (hung. *zsellérek*) and their relations to former manorial land, existence of specific joint ownerships in a form of urbarial partnership and noble landlords joint ownership (slovak *komposesorát*, hung. *Közbirtokosság*), and finally existence of institution of *fideicommissum* (hung. *családi hitbizomány*).

Essence of cotters relations to former manorial land dwelled in a contractually established regime of divided ownership, where noble landlord as the owner of manorial land disposed with *dominium directum* and cotter as the user of manorial land disposed only with *dominium utile*. Being regarded as a mere user of the manorial land, the cotter was obliged to pay the noble landlord a fixed financial rent in case of transfer of *dominium utile*, and he was also obliged to work on noble landlord's own land for a fixed period during year or render him an additional natural rent.⁶ By virtue of this situation cotters were *de facto* in a position of serfs even after the formal abolition of serfdom in 1848. Termination of contract between cotter and noble landlord, nominally denominated as lease of land, was legally established only in the end of 19th century by Act XXV/1896. Under the conditions of its regulation, cotters had an option to buy out an exclusive ownership to leased manorial land. However, the redemption price was so high, that the buyout was practically impossible and cotters survived as an feudal relict up till 1918.⁷

Urbarial partnerships and noble landlords joint ownership represented another example of feudal relicts. In the first case, the material substance of urbarial partnership was formed by appurtenances of urbarial land and homesteads, such as forests, pastures or meadows. These were not transferred into exclusive ownership of former urbarial serfs during the previous reforms, but were instead transferred into collective ownership of their former users in a form of urbarial partnership. Thus, urbarial partnerships as

³ *Ibidem*, p. 76. For more details on urbarial land and homesteads and their legal regime see: K. Rebro, *Urbárska regulácia Márie Terézie a poddanské úpravy Jozefa II. na Slovensku*, Bratislava 1959, p. 267–276, 444–454.

⁴ Institution of aviticity was one of the peculiarities of Hungarian feudal private law. Property of noble families with an attribute of aviticity was subjected to strict limitation of the owner's freedom of disposition. Thus, members of a noble family were not permitted to dispose of the property, as this served as an economic basis for their noble lifestyle. On the contemporary discussion about abolition of system of royal donations see: T. Gábris, *Dočasně súdne pravidlá Judexkuriálnej konferencie z roku 1861*, Bratislava 2014, p. 127. All legal procedures connected with registration of ownership transfer into land register books were done under the conditions set forth in imperial decree from 18th of April 1853. E. Štenpien, *Dejiny...*, p. 76–77.

⁵ For instance the rights of noble landlords as former owners of urbarial land, the so-called *iura regalia*, were abolished only in 1871 by Act LIII/1871.

⁶ K. Rebro, *Urbárska regulácia...*, p. 456–457, 459–460; J. Horák, *Urbárské a príbuzné poměry na Slovensku*, "Právny obzor" 1923, Vol. VI, p. 172, 241, 271–273.

⁷ For text of relevant sections of Act XXV/1896 see: *Pramene práva na území Slovenska II*, eds. M. Laclavíková, A. Švecová, Bratislava 2012, p. 347. For details about the buy out procedure and establishment of redemption price see: J. Horák, *Urbárské a príbuzné poměry...*, p. 273–274; P. Kónya *et al.*, *Dejiny...*, p. 594.

a legal entity consisting of individual owners of ideal shares of land or as whole urbarial villages jointly and severally carried out ownership rights pertaining to their land property. Regime of collective governance was indeed restrictive toward the freedom of disposition of individual owner. Owners were only free to dispose with their ideal share of land, but not with the material substance of urbarial partnership, for which they needed consent of other owners.⁸ Nearly the same was true about noble landlords joint ownerships. Differences between urbarial partnerships and noble landlords joint ownerships dwelled mainly in the fact that the latter not only encompassed forests and other types of agricultural land, but also *iura regalia* attached to this land. Of a considerable importance was also the interest of state on economic use of a large tracts of forests in a collective ownership of noble landlords, reflected in a strict legal regulation of their joint ownerships principally by Act XIX/1898.⁹

The last example of feudal relicts is represented by institution of *fideicommissum*. The main purpose of *fideicommissum* as a particular type of hereditary order was to safeguard social standing and power of aristocratic families. From a legal viewpoint *fideicommissum* carried this task out by restriction of right to dispose with family property (mainly immovables as for instance land) by transactions done *inter vivos* as well as *mortis causa*. After establishment of *fideicommissum*, whole family property was subject to regime of divided ownership, where an established possessor of family property disposed only with *dominium utile* and remaining family members with a status of heritage expectants disposed with *dominium directum* to the family property as a whole. Regime of divided ownership with restrictions of owner's freedom to dispose with his property stemming therefrom constituted significant economic, as well as social problems. For instance, any economically rational exploitation of agricultural land or other effective use of property was impossible without consent of heritage expectants as owners of family property with *dominium directum*.¹⁰

2.2. Social and economic consequences of legal development between 1848 and 1918

Due to aforementioned facts efforts to create a universal institution of ownership between 1848 and 1918 were only partially effective. All existing feudal relicts led to a continuity of feudal conditions in organization of ownership relations to land. Therefore, existing legislation produced a dualism of ownership relations. On one side stood individual ownership relations regulated by common institution of ownership and on the other side

⁸ J. Horák, *Kollektivní vlastnictví na Slovensku a Podkarpatské Rusi*, "Právní obzor" 1930, Vol. XIII, p. 154–155, 157–158.

⁹ Other legal regulation comprised of Acts LIV/1868 [section 25], LIII/1871 [section 47], XXXVIII/1889 [section 18] and XXIX/1892. For further reading about noble landlords joint ownership see: *ibidem*, p. 121–122, 152; Headword "Komposesorát" [in:] *Slovník veřejného práva Československého. Svazek 2: I až O*, Praha 2000, p. 258–262.

¹⁰ A. Švecová, *Fideikomis podľa zákonného a obyčajového uhorského práva až do jeho zániku v 1. ČSR*, "Acta Facultatis Tyrnaviensis – Iuridica" 2010, Vol. 7, p. 219; Š. Luby, *Dejiny súkromného práva na Slovensku*, Bratislava 2002, p. 340–341; E. Štenpien, *Dejiny...*, p. 78–79; T. Gábriš, *Dočasné súdne pravidlá...*, p. 128–129.

stood collective ownership relations, characterized by restrictions of owner's freedom of disposition with his property and regime of divided ownership. In this situation individual owner with his exclusive ownership comprising of widest possible owner's rights faced a co-owner of collectively governed and exploited property with limited freedom of disposition. Such conditions enabled the survival of society organized in feudal manner even after social and political changes resulting from Revolution of 1848/1849 and Austro-Hungarian Compromise of 1867. Practical consequences of this legal development were reflected in social and economic standing of wider, predominantly poverty-stricken strata of society, which were considerably striking in agriculturally oriented Slovak countryside.

In 1900, two thirds of Slovakia's population (65.3%) lived in countryside settlements with less than 2,000 inhabitants. Main occupation of countryside inhabitants was farming, whilst until 1914 as far as 63% of them worked in agriculture.¹¹ Therefore, even at the beginning of 20th century land constituted one of the most important means of production. Its distribution, however, far more suited and supported the interests of wealthier social classes than interests of on agricultural land strongly dependent peasantry.

Agricultural statistics, carried out in whole Hungary in accordance with Act VIII/1895, shows us a general trend of accumulation of land in the hands of privileged landowners, which was a characteristic feature for whole Hungary, including Slovakia as well. While in Slovak countryside farms of small and medium size up to approximately 30 hectares encompassed together 42.4% of land (1,809,728 hectares), great estates with size superior to 30 hectares encompassed together 57.6% of land (2,461,323 hectares). Disproportionate distribution of land between individual categories of owners and farms could be better illustrated on a particular example. In comparison with a category of the great estates exceeding 575.5 hectares, which consisted of 842 great estates with total amount of 1,541,072 hectares of land, 234,341 small farms in the most abundant categories of size between 0.6 hectares or less up to 2.9 hectares controlled only 245,774 hectares of land.¹² Such a disproportionate distribution of land had its political, economic and social dimension and consequences.

Hungarian aristocracy, catholic church and wealthy burges class accumulated extensive land property in order to use it as a tool of their protectionist policy, leading to safeguarding of their own interests. For instance, Hungarian nobility intensively used institution of *fideicommissum* as a means of maintaining their source of economic and political power in a form of land untouched.¹³ Subsequently, a property qualification was established for active and passive right to elect for elections into the House of Commons of the National Assembly, as well as for a hereditary mandate in the Upper Chamber of

¹¹ E. Stodola, *Štatistika Slovenska* [in:] *Pramene k dejinám Slovenska a Slovákov. Diel XI a: Slováci po rakúsko-uhorskom vyrovnaní*, Bratislava 2012, p. 78, 80.

¹² Figures adapted in accordance with official agricultural statistics of 1895. *Magyar Stat. Közlemények XXIV*, published in: F. Kalač, *Pozemková reforma*, Bratislava 1921, p. 8. For general trends within whole Hungary see: E. Štenpien, *Dejiny...*, p. 77–78.

¹³ Between 1870 and 1900, in whole Hungary raised the amount of land subjected to the regime of *fideicommissum* from approximately 266,659 to approximately 1,360,380 hectares of land. Š. Janšák, *Pozemková reforma na Slovensku* [in:] *Slovensko kedysi a teraz – politický prehľad*, ed. R.W. Seton-Watson, Praha 1931, p. 310–311.

the National Assembly.¹⁴ Thus, indigent social classes were stripped of their political rights due to the fact, that the land as main source of financial income in an agriculturally oriented countries such as Hungary and Slovakia was in hands of wealthy landowners. Such landlords in Slovakia and Ruthenia were represented by famous and powerful Hungarian and German noble families such as Pálffy family owning 105,000 hectares of land, Coburg family owning 83,000 hectares of land or Andrassy family owning 79,000 hectares of land.¹⁵

Furthermore, Hungarian national policy formed an important supplement of wealthy landowner's policy of protectionism. Nationalism represented integral part of official economic policy, supporting concentration of land property in hands of owners with Hungarian nationality in order to strengthen the unity of Hungary.¹⁶ Accomplishment of this goal was in practice carried out by a discriminative tax policy, preferring estate owners over smaller farmers.¹⁷ It was nothing uncommon that prince Esterházy with his land property of a total extent of 253,220 hectares paid a land tax amounting only to 1 crowne and 44 halers per 0.5755 hectares, and on the other hand owners of small and medium farms of the extent ranging from 0.6 to 2.9 hectares paid on average from 10 to 20 crowns per 0.5755 hectares, depending on bonity of land.¹⁸ Especially in barren areas of northern Slovakia, such heavy tax burden forced many farmers and peasants to sell their land to wealthier landowners, many times losing their only source of income.

Under such circumstances, landless people and emigration into foreign countries were widely spread phenomena. According to official statistics from 1910, from total number of 3,565,605 inhabitants of Slovakia and Ruthenia there were 634,990 landless people without a perspective of employment or even obtaining their share of land property. Subsequently between 1901 and 1910 emigration of Slovaks predominantly from northern and eastern regions of Slovakia culminated to a level of 22,000 to 23,000 people per year.¹⁹ Depopulation of many regions of Slovak countryside went hand-in-hand with a problem of manpower shortage. Therefore, further stagnation of industrial development was inevitable with conservation of feudal, agrarian and commonly undeveloped conditions in Slovak countryside as an outcome of disproportionate distribution of land and its maintenance by wealthy and powerful landlords. Such were the social and economic conditions which led representatives of newly born Czechoslovakia to come with an idea of land reform as natural response to social and economic needs of the whole country, as well as Slovakia as part of it.

¹⁴ J. Beňa, T. Gábriš, *Dejiny práva na území Slovenska I (do roku 1918)*, Bratislava 2008, p. 141–142, 168–169.

¹⁵ K. Zeman, *Vývoj vlastnictví k půdě a souvisejících procesů na území ČR od roku 1918 do současné doby*, Praha 2013, p. 13.

¹⁶ V. Thoroczkay, *A magyar állam és nemzetiségei* [in:] *Pramene k dejinám Slovenska a Slovákov. Diel XI a: Slováci po rakúsko-uhorskom vyrovnaní*, Bratislava 2012, p. 44.

¹⁷ For details about the procedure of taxation in the end of 19th century see: Š. Janšák, *Pozemková reforma...*, p. 311–312.

¹⁸ I. Mrva, V. Segeš, *Dejiny Uhorska a Slováci*, Bratislava 2012, p. 366.

¹⁹ Š. Janšák, *Pozemková reforma...*, p. 315–316.

3. Land reform as a measure of social and economic policy of state after 1918

As an instrument of substantial social and economic transformation of newly established state, land reform represented a moment of discontinuity with previous development prior to 1918. Not only was its main purpose to ensure fair distribution of land between socially exposed peasantry in the Slovak countryside, but also it aimed to eliminate obsolete feudal relicts in a sphere of land ownership relations. In the long term perspective land reform also contributed to establishment of a new relation between state and its citizens in a matter of land ownership, arising from a compromise between socialist and liberal perception of social and economic structure.

3.1. Ideological context and main objectives of land reform

First of all we must look upon establishment of Czechoslovakia and subsequent land reform from a more wider context of global situation. First World War and revolution in Russia opened way for general discussion, as well as for real solution of existing social and economic issues from previous era. Notwithstanding the revolutionary moods shortly after 1918, interwar land reform in Czechoslovakia reflected a political compromise of leftist and rightist political subjects in such an important question as was state intervention into the private property of land.²⁰

Political compromise sprang from intersection of several social and economical concepts from various ideological platforms. In a case of land reform, two of them were put into effect. Socially orientated concept was represented by social doctrine of the first Czechoslovak president, Tomáš Garrigue Masaryk. Its contribution was establishment of a principle of social and economic equity, which pushed forward a social democratic revision of capitalistic economy. Its main objective was socialization of economy under the control of state, carried out by securing an equitable share of working classes on the outputs of their work. Thus, both individual and collective interests of whole society were to be balanced in a framework of socially orientated market economy.²¹ Masaryk's social doctrine was for the first time transplanted into the political reality within the framework of Washington declaration from 16th October 1918. Demanding expropriation of estates for the purpose of domestic colonization and abolition of aristocratic and other social privileges, Washington declaration represented a general political program

²⁰ For more details about political discourse on the subject matter see: V. Lacina, *Představy o pozemkové reformě v ČSR před jejím uzákoněním* [in:] *Československá pozemková reforma 1919–1935 a její mezinárodní souvislosti*, Uherské Hradiště 1994, p. 35–38; A. Peichlová, *Konfiskační a vyvlastňovací prvek pozemkové reformy v době první republiky* [in:] *Konfiskace, pozemkové reformy a vyvlastnění v československých dějinách 20. Století*, eds. J. Kuklík *et al.*, Praha 2011, p. 33–35. For details about nationalization of land in Soviet Russia see: J. Kolesár *et al.*, *Československé pozemkové právo*, Bratislava 1980, p. 60–62.

²¹ T.G. Masaryk, *Světová revoluce za války a ve válce 1914–1918*, Praha 1936, p. 545–546; L. Vojáček, *Sociální doktrína první Československé republiky a její odraz v právu* [in:] *Právnohistorická realita sociálněj doktríny 20. Storočia*, eds. P. Mosný *et al.*, Kraków 2013, p. 15–17.

of a temporary Czechoslovak government, which was subsequently carried out by later governments of the newly established state.²²

On the other hand, a conservative element was represented by ideological platform of agrarian democracy from the pen of Slovak agrarian politician, Milan Hodža. Its core principle was formed typically by conservative values of peasantry and countryside, pushing forward the relation of farmer and his land. Within the scope of agrarian democracy, equitable distribution of land was the most important factor in maintaining the welfare of a nation and state, as well as their very existence. Central motto of agrarian democracy was “land belongs to property of those, who work on it.” In accordance with this motto, land was to be given to peasants and landless people dependent on income from it, who not only were to become pure farmers securing their basic life needs, but also entrepreneurs appraising the surplus of their own production.²³ In compliance with both aforementioned ideological concepts, land reform was intended to serve as an instrument of social and economic policy of state, bringing to peasantry agricultural land as their equitable share on national wealth. Land was thus meant to be a source of their income to cover basic life needs, as well as a tool for integration into the socially orientated market economy. For that reason, as an instrument of social and economic policy of state, land reform followed two groups of objectives.

From the social point of view, land reform was intended to stop the mass emigration of the countryside population by giving the landless and unemployed people and poverty-stricken peasants source of their basic income. In addition, parcelling great estates was a first step to get rid of feudal relicts such as cotter’s relations to manorial land and other feudal relicts surviving especially at great estates. Unable to cultivate the whole extent of their land property, owners of great estates often established on their land cotters and other peasants by concluding with them contracts resulting into the regime of divided ownership. Besides fighting the social need of peasantry and ensuring process of defeudalization, land reform also had its national dimension. As the majority of great estates owners were of Hungarian or German nationality, land reform was to weaken the political and economic standing of foreign aristocracy in Slovakia.²⁴

From the economic point of view, land reform was to deal with most problematic consequences of disproportionate distribution of land. Firstly, its objective was to intensify the land cultivation and thereby allow for a growth of agricultural production, sufficient for covering the needs of domestic demand. Parcelling of great estates offered an opportunity to create of smaller, but intensively cultivated farms. Not only was such procedure intended to enlarge the extent of cultivated land, but more importantly, it was supposed to help to equalize existing economic differences between Slovakia on the one side and Czech lands, Moravia and Silesia on the other side. Finally, the reform anticipated two particularly desirable collateral benefits: increased purchasing power of population in the countryside, as well as numbers of new owners of land subject to land

²² For the text of Washington declaration see: *Komentované dokumenty k ústavním dějinám Československa I. 1914–1945*, ed. J. Gronský, Praha 2005, p. 37.

²³ M. Hanula, *Za rolníka, pôdu a republiku. Slovenskí agráři v prvom polčase I. ČSR*, Bratislava 2011, p. 14–16, 33, 61–62.

²⁴ V. Průcha, *Hospodářské dějiny Československa v 19. a 20. století*, Praha 1974, p. 62, 80; K. Zeman, *Vývoj...*, p. 38–39; Š. Janšák, *Pozemková reforma...*, p. 317, 327.

tax duty. Such results would enable the government to make a new investment into industrialization of the country.²⁵

3.2. Performance of land reform and its outcome with respect of Slovakia

The backbone of the whole land reform was Act Providing for Expropriation No. 215/1919. It granted to the state a right to take over land ownership of the property exceeding 150 hectares of agricultural land and 250 hectares of any other land by the means of expropriation or, in specific cases, by confiscation.²⁶ Furthermore, this law granted to the state also the right to freely dispose with such land, in particular for the purpose of its allotment to suitable persons from the socially exposed groups of landless people and petty peasants. Above described rights of state formed a newly created institution of takeover of land, designed directly for the purpose of land reform. As takeover of land did not instantly *ex lege* constituted transfer of ownership from actual owner on state, its nature was a bit obscure as it allowed expropriation with subsequent remuneration, as well as confiscation without any remuneration. Even if takeover of land took place, its owner was still legal and factual owner, registered in land register.²⁷ Takeover of land was an institution which only declared future expropriation or confiscation, thus resulting into its hybrid nature due to combination of two different legal instruments of state intervention into private property of land.

The only confiscation of land in Czechoslovakia during interwar period was confiscation of land owned by Habsburg-Lothringen family members. This was carried out according to Act No. 354/1921, which transposed a right of Czechoslovakia to confiscate this category of land property from St. Germain Peace Treaty concluded with Austria into the Czechoslovak legal system. Other state interventions into private property of land within the framework of land reform were in a form of expropriation for adequate remuneration, even in case of Hungarian and German owners. For instance, cases of land property of Hungarian and German citizens taken over by Czechoslovakia, were solved on international level. While Czechoslovakia concluded bilateral amicable settlement with German citizens, disputes with Hungarian citizens were settled by mixed Czechoslovak-Hungarian arbitration court in the Hague, established under the terms of

²⁵ K. Stodola, *Hospodársky rozvoj Slovenska od r. 1918* [in:] *Slovensko kedysi a teraz – politický prehľad*, ed. R.W. Setton-Watson, Praha 1931, p. 261; Š. Janšák, *Pozemková reforma...*, p. 316; V. Průcha, *Hospodářské dějiny...*, p. 38, 40, 42; K. Zeman, *Vývoj...*, p. 38–39.

²⁶ Under the term of expropriation was understood an administrative measure in a form of permanent or even temporary restraint of ownership by the state under the conditions of existing public interest and admission of remuneration. Š. Luby, *Základy všeobecného súkromného práva*, Šamorín 2002, p. 112; V. Fajnor, A. Zátorecký, *Nástin súkromného práva platného na Slovensku a Podkarpatskej Rusi so zreteľom na banské právo a na právne predpisy o pozemkovej reforme (s príslušnými časťami návrhu čl. Všeobecného zákonníka občianskeho, zhotoveného superrevíznou komisiou)*, Šamorín 1998, p. 93–94; J. Sedláček, *Vlastnické právo. Komentár k §§ 353–446 Všeob. obč. zák. se zreteľom ku právu na Slovensku a Podkarpatské Rusi platnému*, Praha 1935, p. 139–148; J. Hoetzel, *Vývlastnění* [in:] *Slovník veřejného práva československého. Svazek 5: U–Ž*, Praha 2000, p. 487. On the other hand, under the term of confiscation was understood a measure of criminal law used by the state as an instrument of permanent restraint of ownership without admission of any remuneration. J. Sedláček, *Vlastnické právo...*, p. 140.

²⁷ M. Stieber, *Pozemková reforma*, “Právník” 1919, Vol. LVIII, p. 181–182, 255–257.

Trianon Peace Treaty concluded with Hungary. Nevertheless, the disputes were finally settled in 1930, when Amendments to Trianon Peace Treaty were concluded, according to which Czechoslovakia and other Allied powers of the First World War established Agrarian Fund in a form of artificial person with capital worth of cca. 1.5 billion Czechoslovak crowns with a task of covering all claims of Hungarian citizens up to the worth of capital itself.²⁸ Thus, Czechoslovakia had to return to 83 Hungarian claimants minimally 57,550 hectares of land from formerly taken over 202,001 hectares. In the end, 50% to 75% of land taken over was expropriated with subsequent rendering of remuneration to Hungarian citizens and from 25% to 50% of land was left to their owners.²⁹

Fullfilment of land reform's social and economic objectives lied upon the Act on Allotment No. 81/1920. On the basis of this legal text, agricultural land taken over by the state was given to new owners from among the landless people or petty peasants in a new form of individual private property of land with regime of limited ownership called as indivisible homestead (in slovak *nedielne gazdovstvo*; in czech *rodinný nedíl*). Its character of a form of individual property came from principles of one owner and one heir, thanks to which indivisible homestead always rested in the hands of one natural person with exception of married couple, perceived by law as one person. On the other hand, character of indivisible homestead as form of private property of land with a regime of limited ownership came from restrictions of owners freedom to dispose with his property. Any encumber or alienation of indivisible homestead, including other similar kinds of dispositions made *inter vivos* or *mortis causa*, were subjected to approval of Land Office, established by Act No. 330/1919 as an official representative of state in all matters pertaining to land reform. The genuine idea of indivisible homestead was to preserve economic independence of this institution vis-à-vis real economic conditions of market economy. Therefore the restrictions of owners rights to his land property were to guarantee his social and economic status.

State was also interested getting rid of feudal relicts. Before land reform even began, an Act on Securing the Land for Petty Leaseholders No. 318/1919 tried to solve the problems of cotters and other long-term leaseholders of land. Form of this solution was but very unfortunately chosen. Termination of existing relations between cotters and long-term leaseholders on the one side and landowners on the other side, resulting into transfer of exclusive ownership to land on its possessors, was left to an optional institution of buyout in imitation of Act XXV/1896. What is more, the whole procedure was limited by time of foreclosure in length of 12 weeks from the date of validity of above

²⁸ Agrarian Fund was also intended to cover claims of Hungarian citizens in disputes with Romania and Yugoslavia, as these countries as well carried out their land reforms, infringing the property interests of Hungarian citizens. The worth of capital was calculated by the author of this paper according to Agreement No. III, published with other texts under the No. 81/1931 in Collection of Laws and Statutes of Czechoslovak State, using following procedure: if worth of capital was in these amendments stipulated in a sum of 219.5 millions of golden crowns, and if 1 golden crown = 0.304878 grams of pure gold (Article I, Agreement III), and finally if 292 golden crowns = 2,000 Czechoslovak crowns (1 golden crown = cca. 6.85 Czechoslovak crown; Attachment A to Agreement III), then sum of capital must have represented cca. 67 tons of pure gold worth of cca. 1.5 billion Czechoslovak crowns.

²⁹ E. Vondruška, *Čsl. pozemková reforma s hlediska mezinárodního práva* [in:] *Slovník veřejného práva Československého. Svazek 2: I až O*, Praha 2000, p. 404–405; A. Peichlová, *Konfiskační a vyvlastňovací prvek...*, p. 36–38; R. Letz, *Slovenské dejiny IV. 1914–1938*, Bratislava 2010, p. 311.

mentioned law. After expiration of this time, cotters and long-term leaseholders were left with option of buyout under the less favourable conditions of Act XXV/1896, adopted into czechoslovak system of law in 1918. Due to this fact, cotters and long-term leaseholders survived even after 1918, as the new legal regulation did not even forbid the creation of new relations of this type.³⁰

Finally, the last and the most successful attempt of state to get rid of feudal relicts during interwar period was Act on Abrogation of Family Wardships No. 179/1924. According to this law, all existing forms of *fideicommissum* were *ex lege* abrogated without any remuneration for their owners and possessors and it was further forbidden to create any new forms of *fideicommissum*. Land property subjected to regime of *fideicommissum* was thus freed and had to be transferred into exclusive ownership. However, this question of property settlement between *fideicommissum* possessor and former heritage expectants was left to their mutual agreement under the supervision of court, whose approval was needed for validity of such agreement. Otherwise court adjudged in the favour of previous possessor of *fideicommissum* and at the same time assigned as next heir the former heritage expectant first in line.³¹

From the legal point of view, land reform was really a turning point in previous legal development. Nevertheless, application of eventually revolutionary labeled laws was far more modest than formerly expected. Undoubtedly land reform contributed to the growth in number of small and medium farms, forming the most productive segment in agriculture during the interwar period.³² Yet, average size of agricultural land allotment was about 1.2 hectares, what was barely enough for the needs of slovak peasantry and landless people.³³ This also point at the fact, that allotment of land was far more used for the purpose of enlarging existing small and medium farms to their legally stipulated extent sufficient for economic independence. Thus, far less number of new indivisible homesteads were created from the land taken over by the state. Such a method had its economical sense.

Even when land allotment was used for enlargement of existing farm, the result of an allotment was that all the farm's land was subject to the regime of indivisible homestead, as this was one of the ways how indivisible homesteads could have been created. By these means a rather considerable amount of agricultural land was subjected to regime of limited ownership. Furthermore, as the state did not take over all of the land for the creation of new farms, a widespread phenomenon were situations when state pursuant to regulations of Act Providing for Expropriation No. 215/1919 released land from takeover procedure even up to 500 hectares per one owner or did not parcell the whole great estate and instead created the so-called remanent estates. Interests of great estates owners were favoured to the detriment of peasantry due to the primary economic interest

³⁰ For further reading about this topic see: J. Horák, *Urbárské a příbuzné poměry...*, p. 273, 280; F. Kaláč, *Pozemková reforma...*, p. 18–19.

³¹ A. Švecová, *Fideikomisy...*, p. 223–225; T. Gábriš, *Dočasně soudní pravidla...*, p. 128–129.

³² For individual data compare statistics of distribution of land between particular categories of farms and estates in 1921 (K. Zeman, *Vývoj...*, p. 14) and in 1930 (S. Cambel, *Slovenská agrárna otázka 1944–1948*, Bratislava 1972, p. 12).

³³ S. Cambel, *Výsledky prvej československej pozemkovej reformy na Slovensku a ich dopad v ďalšom vývoji* [in:] *Československá pozemková reforma 1919–1935 a její mezinárodní souvislosti*, Uherské Hradiště 1994, p. 51.

of state. State applied principles of rational regulation of newly established farm's extent and adequate balance between individual categories of farms maintenance. The most productive were just the great estates with size between 50 and 100 hectares. Owing to only partial parcelling, they still had relatively significant share on the agricultural production and thus represented a serious competition to newly established and strengthened small and medium farms. Due to this fact in a combination with a regime of limited ownership, the Great Depression during 30s of 20th century befell on the peasantry and their farms far more devastatingly.³⁴

Face to face the Great Depression, small and medium farms were not eligible to survive such extreme economical conditions. Although initial land allotment and financial help of state in a form of relatively cheap agricultural loan helped the farmers to cope with old debts from previous era before 1918, intensification of production needed new investments. Those resulted into new debts generated by new loans, which farmers could not paid due to their decreased income resulting from decreased demand for agricultural production during the Great Depression. Banks were not eager to help the farmers by new loans as indivisible homesteads and allotted land were exempted from standard regime of execution, when Act on Allotment No. 81/1920 allowed only execution by sequestration. Therefore many farmers bankrupted and sold their land to more wealthy landowners predominantly from the ranks of great estate owners. Not even the so-called Small Act on Allotment No. 93/1931 helped the farmers in their economic problems. Its genuine purpose to release the regime of limited ownership failed in a case of indivisible homesteads, which did not fall within the scope of its reagulation. In the light of this situation, state eventually proceeded to establishment of economic concentration in a form of trusts and syndicates within some of the agricultural branches in order to prevent the collapse of production.³⁵ Many times left with no means of subsistence, Slovaks were once more forced to emigration. Official statistics pertaining to the era between 1919 and 1936 tells us, that within this period 67,436 Slovaks left for European countries such as France and Belgium, and 134,794 Slovaks left for countries in Northern or Southern America and Australia. What is more, in 1924 Slovaks occupied the first place amongst the European countries with the highest emigration and in 1928 emigration was 40% higher in Slovakia than in western parts of Czechoslovakia.³⁶ At the end of land reform in 1935, fulfillment of its social and economic objectives was somehow dubious, as its real application in everyday practice only moderated but not removed social need of poverty-stricken social classes and economic underdevelopment of Slovakia.

Finally we would like to add that even removal of feudal relicts was unsuccessful in the light of contemporary statistics. Not only did the Act on Securing the Land for Petty Leaseholders No. 318/1919 chose unfortunate legal mechanism to solve problems of cotters and long-term leaseholders of land, but also its application was very modest. From approximately 150,000 hectares of land held by cotters and long-term leaseholders

³⁴ V. Průcha, *Hospodářské dějiny...*, p. 85, 96, 102–106; K. Ritter, *Světová krise zemědělská*, Praha 1930, p. 46.

³⁵ Š. Čačko, *O polnohospodárskych pomeroch Slovenska* [in:] *Hospodářské problémy Slovenska*, Praha 1934, p. 42–44, 58; R. Briška, *Národné hospodárstvo. (Teória a politika) Kniha II. Národohospodárska politika*, Bratislava 1943, p. 54, 76; V. Průcha, *Hospodářské dějiny...*, p. 96, 108–109.

³⁶ R. Letz, *Slovenské dejiny...*, p. 282.

of land, until 30th of June 1922, 1,869 persons obtained only 1,154.41 hectares of land and until 1st of January 1938 final extent of land transferred into ownership of cotters and long-term leaseholders stabilized on 7,497 hectares.³⁷

4. Conclusion

In comparison with development before 1918, land reform during the interwar period was indeed an instrument of substantial changes in social standing of slovak peasantry and economic development of Slovakia within the newly born Czechoslovakia. Vast numbers of poverty-stricken peasants and landless people finally obtained their peace of land as a source of their daily livelihood and as a chance for their social and economic emancipation. Agriculture as well underwent changes, as segment of minor agricultural producers was strengthened at the expense of great estates. However, many of well intentioned social and economic objectives of land reform were not fulfilled due to the fact that land reform was carried out truly inconsistently. Not only was state unsuccessful in liquidating the feudal relicts of previous era, but also it helped to survive the great estates to the detriment of small and middle peasantry economic interests. Until the beginning of Great Depression in 30s of 20th century, land reform really created conditions for potential increase of importance and wealth of farmers, what statistics approve. On the other hand, advantages of land reform were shortlived as newly established forms of land property proved to be ineffective in extreme economic and social conditions existing during the Great Depression, leaving them suitable for new revisions, which came during the later wartime period and after Second World War.

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³⁷ F. Kaláč, *Pozemková reforma...*, p. 20, 58; N. Krajčovičová, *Predpoklady realizácie pozemkovej reformy na Slovensku v medzivojnovom období* [in:] *Československá pozemková reforma 1919–1935 a její mezinárodní souvislosti*, Uherské Hradiště 1994, p. 19–20.

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