Chapter 1, Estate Inheritance in the Italian Alps

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his siblings. Still later, he may in fact succeed to management of the estate, take a wife and begin a family. Thereafter, all who remain dependent on the holding, whether sibling or parent, will be subject to his decisions. As manager of his own estate he will have emerged into what Fortes has called the "politico-jural" sphere: he will be responsible for the conduct of the membership of his domestic unit in the community and eligible for such honors as it has to bestow (1958). On the other hand, he may share management of the resources of the domestic unit with a co-heir, remain at home dependent on a brother who has succeeded to management, or desert the village entirely. In time the new manager will in like fashion be replaced by his own heir or heirs. Thus, a cyclical process can be identified in which social relations and property relations are continually in a state of interdependent development.

However, the developmental cycle of social and property relations within the domestic unit does not proceed in a vacuum. The various domestic units within the community interact with one another, influencing each other's developmental cycle. Moreover, the resulting network of social relations is subject to multiple outside forces emanating from the ecological setting, the market and the state.

THE IDEOLOGY OF INHERITANCE

In making the calculations necessary to the management of his holding, the peasant's mind is occupied with the daily routine and
with a strategy which will make the year a success. Since his resources change little from one year to the next, and since each year's work cycle is a repetition of the one the year before, long-term planning is not complex: it consists in large measure of making a success of one year at a time. While he may hope to obtain a new field or meadow, or plan to increase his small herd of cattle by raising one more calf to maturity, his calculations do not normally include reinvestment. The economics of subsistence farming does not include the concept of growth. If there is seed enough for next year's crop and still enough to eat, if there is sufficient fodder to see the animals through the winter, if house and equipment are in repair, and if there is a bit of money hidden away somewhere in the house, then it has been a good year indeed.

Still, the peasant does think of the future. His own advancing age, his maturing sons and his marriageable daughters require that he consider the long-term disposition of his resources. One day he will be too old to work, and then he will be dead. Before that happens he would like to be sure that his children have all been given the best possible start in adult life. He would like to see every daughter well married and every son with land enough to support a family. Then too, he would like to see the holding that he has maintained against the world for a lifetime remain essentially intact to provide the material basis for the perpetuation of the family line. However, the meager resources at his disposal are, more often than not, inadequate to fulfill both of these goals. He
must balance his desires to perpetuate his name against the future of his children.

At one extreme of the inheritance possibilities the perpetuation of the family estate will be given priority over all other considerations, all land and other resources being kept intact and passed on to a single heir. Other offspring are disinherited and left to make their way through life as best they can. At the other extreme, all property, regardless of how extensive or limited, will be divided among all offspring, each receiving exactly the same share as every other. Intermediate patterns, with some degree of division of estates and varying degrees of inequality of shares, occur in seemingly endless variations: land may be passed on to a single heir but with cash compensation to the disinherited; or land may be divided but only among sons, daughters being provided with a dowry at the time of marriage; or, where a single son gets the land, other sons may be trained in a trade, and so on (c.f. Habakkuk, 1955).

However, in facing the decision of what to do with his own resources, the individual peasant is not faced with this multiplicity of possibilities. He and his fellows have guidelines to follow which assign priorities to the various factors the peasant has to consider; there is a village ideology which provides him with a model of how things are properly done and a national ideology, expressed in laws and backed by a mechanism of enforcement. National and local views of inheritance may be in agreement, or they may be in conflict, but, as we shall see, while both affect the intergenerational transmission of rights to land and other resources, neither one or the other alone, nor
both in combination determine the actual process of inheritance. The use to which ideology is put depends upon the ecologic and economic setting.

As a part of the Italian state, inheritance in the region Trentino-Tiroler Etschland is regulated by a law requiring that all of a man's offspring be provided for at his death. Each heir is supposed to receive an equal share of each parent's land and other belongings, or else be compensated by a cash settlement which is equal to the value of his share of the holding. However, some leeway is allowed. While at least two-thirds of a person's property must be divided equally among his offspring, the testator may dispose of up to one-third of it in any manner he chooses. When the Region became a part of Italy in 1918, the law was acceptable in the Trentino where division of property each generation was already the ideal, but it came into conflict with existing laws set down in the Tyrol while it was still a part of Austria.

While a form of partibility in which a single principal heir received the bulk of the ancestral holding with a smaller portion divided among remaining siblings was practiced in parts of the South Tyrol (in Vintschgau and in the wine-producing areas south of Bozen), single-heir inheritance was the ideal elsewhere (Wolf, 1970). Encouragement of impartibility had been provided by Tyrolese laws from as early as 1404 and again in 1532. In 1770 and 1785 a special category of impartible estates, "closed holdings" (geschlossene Höfe), was established. Division of such holdings through either inheritance or sale was prohibited, although provisions were made
for the free circulation of parcels of plowland and meadow which were owned by these estates but were not a part of their "original" composition. Liberalization of inheritance established by Vienna for the entire monarchy in 1868 was countered by a Tyrolese law of 1900 which renewed the acts of earlier years. However, after the absorption of the South Tyrol by Italy and the assumption of power by the Fascists, pressure was brought to bear in favor of partible inheritance. In 1929 partibility was made mandatory and force was applied to make the regulation effective in the German-speaking regions. Even so, the Tyrolese resisted this effort to abrogate their tradition of impartibility. Under the regime established in northern Italy by the Nazis in the last years of World War II impartibility was again permitted and after the war ended the Italian state did not interfere with its practice. In 1952 the province of Bozen reinstituted the "closed holding" and wrote it into law in 1954. Division of holdings classified as "closed" was again prohibited, and although a number of holdings had lost some land through division in the intervening years, the number of impartible estates in the South Tyrol decreased by only six percent between 1929 and 1954 (Leidlmair, 1965b:570).

This contrast in national inheritance ideology is paralleled in the contrast in ideology locally between the Tyrolese and Nônes villages on the Nonsberg: among the Tyrolese villagers impartible inheritance is the ideal form, the Nônes villagers, on the other hand, prefer the partible inheritance ideology of the Trentino.

In the German villages impartible inheritance ideally takes the form of primogeniture in which the eldest son inherits the entire
property of his parents and younger siblings must either leave the property altogether, perhaps receiving cash compensation, or remain in the capacity of subservient dependants. Management of the holding lies in the hands of the principal heir and all who reside on the holding are subject to his decisions, whether spouse, offspring, sibling, or aged parent. Central to the concept of impartible inheritance here is the insistence that the homestead should remain intact from generation to generation. The farmstead should consist of a house-stall complex surrounded by village lands, supplemented by scattered pieces of land at higher altitudes. Ownership of such a holding also entitles the owner to the right to send cattle to the community-owned alm (high pasture) during the summer months and to use-rights to other communal pasture and forest.

While these lands and rights should remain undivided, other parcels of land are sometimes attached to the holding and detached later, either through purchase and sale or through inheritance by secondary heirs. This practice of impartibility for the bulk of the land with supplementary parcels of freely circulating land is not only regarded as proper but conforms to Tyrolese law. Prior to World War I, and again since 1954, sale of land within each county has been regulated by a land commission (örtliche Höfekommission) whose permission must be secured in any matter pertaining to the permanent transfer of land ownership. It is at this point that the national and local ideologies articulate. The operational instructions to the commission are handed down by the provincial council (Landesrat) but the membership is selected (by election) at the local level. Made up of locally respected men well
acquainted with village events and backed by the state, it is able to effectively enforce its decisions. This commission zealously resists the breakup of any holding either through division by inheritance or piecemeal sale of parcels. It will permit the detachment from a holding only of those parcels which have a history of sale and purchase or which have been brought into the homestead in the form of a dowry by a bride at the time of marriage. Not only is the division of those holdings classified as impartible estates prohibited by the commission but all land sales require its approval. It looks askance at the detachment of land from any holding whether classified as impartible or not, and in certain communes has acted to prevent the sale of land to Italians.

The Tyrolese villages in the Nonsberg have, however, been subjected to special pressures not a factor in most other areas of the South Tyrol: only since 1948 have they been a part of the province of Bozen. During the period 1918-1948 St. Felix and Unser Frau were wards (frazioni) of the commune of Fondo (Province of Trento) and prior to this, although possessing their own local government and churches, they came under the political jurisdiction of Trento. The various Tyrolese land laws, enforced only in the German-speaking regions of the Tyrol, thus did not reach them. Although none of the holdings in the German Nonsberg were legally classified as Geschlossene Höfe during the pre-World War II period, the sympathy of the area with the concept is shown by the voluntary declaration of fourteen holdings in Unser Frau and one in St. Felix as "closed" in 1954, as provided for in the provincial legislation (Landesgesetz) of that year.
In Tret and the other Nônes villages of the Upper Nonsberg the ideal of partible inheritance holds that all of the offspring of a landowner should share equally in the inheritance of his homestead. This holds true regardless of the sex of the heirs, women having rights equal to those of the men. Here the concern is not with the maintenance of a subsistence producing holding as a constant package through time, but rather to insure that each of a man's children will "have something" with which to begin life. The construction of a living-producing holding comes not from the preservation intact of the holding of one's forefathers passed through an unbroken succession of eldest sons, but rather it is expected that each of the offspring will be able to combine his bit of ground with the bit of ground inherited by his wife and from the combination produce enough land to farm. Thus each generation should see the breaking up of parental estates and the formation of new ones out of the pieces, the particular pattern depending on who marries whom, and who inherits what.

If followed rigorously, these ideologies would lead to certain inevitabilities: under impartible inheritance the number of holdings would remain constant through time as would the composition of these holdings; under partibility land would be continually fragmented until each holding became so small as to be economically worthless and the composition of holdings would vary each generation. In fact, neither inevitability has been realized. In German-speaking St. Felix the number of original holdings, recorded in early documents and reflected in the number of Höfrecht (hereditary use-rights to communal land) is 23 and yet the number of holdings supporting
domestic units today is 62. In Romance-speaking Tret there are a total of 50 landed holdings, none so small that it cannot provide a meaningful portion of a family's support and many have had little change in composition for several generations. In the Tyrolean villages some holdings have been divided and others have detached parcels either through sale or transfer by inheritance to secondary heirs. Thus new holdings have been created: traditional homesteads rarely contain all of the land they did in earlier generations. And in each generation in Tret some heirs have been disinherited. Out of every group of siblings one, or a few, of all of the potential heirs have managed to consolidate control of enough land to keep their holding economically viable while others relinquished their claims or were somehow excluded from their share of the inheritance. Obviously, then, other factors than the ideology of inheritance must be operating which affect the transmission of property. That is, the ideology of inheritance is not the only factor to be considered in the actual inheritance process (case studies of the history of estate transmission for representative holdings in St. Felix and Tret are provided in Appendix I).

THE REALITIES OF LIFE

In dealing with the inheritance of rights to property, ethnographic reports have usually limited themselves to descriptions of ideologies, to statements of who should stand in the position of heir and of what is to become of the disinherited. Discussions of