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THE INFLUENCE OF THE RULES OF SUCCESSION ON THE STRUCTURE OF THE HUNGARIAN AND GERMAN FAMILIES OF SOUTHERN TRANSDANUBIA IN THE EARLY 20TH CENTURY

1. INTRODUCTION: THE STOLEN BELL

The topic of my essay is the influence of the law of inheritance on life strategies and family structures of the two big ethnic groups of Southern Transdanubia, the Germans and the Hungarians. In order to understand the situation in the 1930's, we need to discuss a certain interesting incident first.

On 1 June 1934 a church bell was stolen in a village called Hidas, Baranya county, close to the border with Tolna county. This kind of incident doesn't happen frequently, so it drew public attention and was featured in the newspapers. This, however, was exactly the goal of the perpetrators: they wanted to convey a message by taking the stolen bell to the capital Budapest and exhibiting it in the entrance hall of one of the oldest and biggest Calvinist churches located at Kálvin square¹.

The bell belonged to a church of the Hungarian Calvinist parish of Hidas which had been closed not long before. It was abandoned owing to the low number of parishioners – less than 30 people, formally the members of the parish in the small neighbour town of Bonyhád. The empty, unused building fell into disrepair, so the decision was made – initiated by the priest of the Hungarian parish in Bonyhád – to offer it for another purpose. The German Calvinist parish of the village, having 205 members according to the census of 1930, was interested in utilizing the building². They planned to use it for the parish youth commu-

¹ I. Solymár, „Hidas akkor szimbólummá vált”. *Egy politikai jelkép a magyarok és svábok együttélésében, a bukovinai székelemek letelepítésében*, (in:) L. Szita, Z. Szöcs (eds.), *A Völgyesség két évszázada*, Bonyhád 1991, p. 101.

² *Ibidem*, p. 86.

nity³. Hidas was a village of mixed population ever since the resettlement after the Turkish wars in the 18th century, encompassing the German, Hungarian, and Serbian inhabitants. However, the Serbian population left not only Hidas but the entire region after the World War I⁴. In the 1930s the population of the village was mostly German, having parishioners of the Roman Catholic, Calvinist, and Lutheran denominations. In 1930, at the time of the last census before the incident with the stolen bell, Hidas had 2482 inhabitants, 2226 of them being of German, 242 of Hungarian, and 14 of other nationalities⁵.

On 27 May 1934, the last church service was held in Hungarian with a memorial service in the cemetery and the keys of the building were officially handed over to the German parish⁶. A few Hungarian parishioners born in Hidas but moved to other villages attended the ceremony as well. Both the regional and national newspapers reported on the event and stressed that the Hungarian population of Hidas is on the decline⁷. The daily newspaper “Magyarság” wrote: “The church of Hidas, the village which perished due to the single child policy, will be closed and torn down”⁸. A strong statement, albeit not true: Hidas did not perish. The Hungarian population was on the decrease, but it was not only caused by the single child policy or birth control in general, many Hungarian inhabitants moved out for various reasons⁹ and the church building was neither closed nor destroyed, merely handed over from one parish to another.

The members of the right-wing nationalist student organization “Turul”¹⁰ wanted to gain the attention of the public to the decrease of the Hungarian population not only in Hidas, but in several regions of the Tolna and Baranya counties. The members of the “Turul” organization at the University in Pécs arrived in the evening of the 31 May to the village but since none of them were familiar with the village, nor had been there before, they had difficulties in finding the right building. At first, they got to the Lutheran church and removed the bell from its tower. Two members of the night watch of the municipality spotted them and directed them to the former church of the Hungarian Calvinist parish. The bell was then

³ B. Csete, „Elnémult harangok”, (in:) B. Csete, *Faluról-falura, házról-házra...* 2. ed. Budapest 1940, pp. 84-87.

⁴ G. Aradi, *Az optálás kérdése Tolna megyében*, (in:) G. Dobos (ed.), *Tolna megyei levéltári füzetek 10. Tanulmányok: Politika-, gazdaság-, család- és kultúrtörténet*, Szekszárd 2002, pp. 155-199.

⁵ BML. Bvm. főisp. biz. 167/1934. 58/biz. 934.

⁶ I. Solymár, „Hidas akkor szimbólummá vált”..., p. 100.

⁷ „Tolnamegyei Újság” 30 May 1934, issue 41.

⁸ „Bezárják és lebontják az egyke miatt kipusztult Hidas község magyar templomát” *Magyarság* XVI., 1934/118. 27 May, 11.

⁹ I. Solymár I., „Hidas akkor szimbólummá vált”... p. 87.

¹⁰ A. Rozs, *A Turul Szövetség szervezete Pécsen 1923-1945*, (in:) L. Szita (ed.), *Baranyai Helytörténetírás 1989. A Baranya Megyei Levéltár Évkönyve*, Pécs 1989, pp. 171-189

removed from the bell tower, brought to Budapest and put on exhibition, but only for a short time, as László Ravasz, the bishop of the Calvinist Church in Hungary, was outraged by this action and reported it to the authorities. He disapproved the theft of the church bell as well as publicizing the case of Hidas as an example for the single child policy or the advance of the Germans in Southern Transdanubia¹¹.

Nevertheless, Hidas became a symbol of the “declining Hungarians” and of the “advancing Germans”¹², thus the press and the public were both alarmed by this incident: why does the Hungarian population in the villages of Southern Transdanubia decrease? And why does the population of the German nationality not follow the same trend?

In fact, the scientists, as well as the administrative officials and the Protestant priests took notice of the differences between the demographic development of various ethnic groups in Southern Transdanubia decades earlier¹³, the incident of Hidas just directing public attention to the phenomenon. But what was behind these differences?

2. THE POPULATION OF SOUTHERN TRANSDANUBIA

The population of the southern part of Transdanubia was mixed, as it had to be resettled after the Turkish wars in the 16th and 17th centuries. From the early 18th century, the German settlers commonly known as Danube Swabians (*Donauschwabern* in German), arrived in the region, although only a small fraction of them was of Swabian origin¹⁴. The whole region was named “*Schwäbische Türkei*” – Swabian Turkey, and the name *Swabian* (*sváb* in Hungarian, *Schwabe* in German) was used by the Germans themselves and had no negative connotation until the middle of the 20th century.

¹¹ „Református Élet” 16 June 1934, issue 25.

¹² G. Koloh, *Glockenklang von Hidas*, (in:) M. Keller, G. Kövér, Cs. Sasfi (eds.), *Krisen/ Geschichten in mitteleuropäischem Kontext. Sozial- und wirtschaftsgeschichtliche Studien zum 19./20. Jahrhundert*, Wien 2015, pp. 282-280.

¹³ D. Buday, *Az egyke Baranyavármegyében*, Budapest 1909; I. Széchenyi, *Az egyke*, Budapest 1906. To the history of the scientific research on the topic: R. Andorka, *Termékenység, gyermekszám, népességfejlődés*, (in:) R. Andorka, *Gyermek, család, történelem. Történeti demográfiai tanulmányok*, Budapest 2001, pp. 13–144.

¹⁴ L. Szita, *A lutheránus németiség bevándorlása és településtörténete Tolna megyében a 18. században*, (in:) Gy. Dobos (ed.), *Tolna Megyei Levéltári Füzetek 5.*, Szekszárd 1996, pp. 5-163; K.-P. Kraus, *A németek betelepítése és családstruktúrái a Délkelet-Dunántúlon*, (in:) I. Lengvári, J. Vonyó (eds.), *Népek együttélése Dél-Pannóniában: tanulmányok Szita László 70. születésnapjára*, Pécs 2003, pp. 217-237.

The colonization was not organized by the Royal Chamber (*Hofkammer*) as in the Banat and Backa areas, but rather by the local landowner nobility, explaining the diversity of the German population in origin, dialect, and even religion. The settlers were recruited by agents in the regions of the Southern part of the Holy Roman Empire in Hesse, Franconia and Bavaria. Most of them were the Roman Catholics, a small fraction being the Lutherans, and there were a few Calvinists, too. Only a small percentage of the former Hungarian inhabitants were left in the region after the Turkish wars, which also attracted Hungarian settlers from other parts of the Carpathian Basin. A Southern Slav minority – mostly Croats, partly Serbians – lived in the area as well¹⁵.

Tolna and Baranya counties had approximately 180, 000 native German speakers, who made one third of the population at the beginning of the 20th century¹⁶. In some regions – in the southern part of Tolna county and in the northern and eastern part of Baranya county – the native Germans were the majority, for example accounting for 80% of the population in Völgység, and 65% in Pécsvárad and Villány districts, respectively¹⁷. Note that the national census recorded the native language only and there is no statistics available concerning the national affiliation until 1941.

In the early 20th century, the whole region was rural, the majority of the population were village dwellers who worked in agriculture or local trade. The structure of the settlement was closed, many villages had a German majority or hegemony: In Baranya county, 110 settlements had more than 40% of the inhabitants with German native language, in 43 of them the German population exceeded 90%¹⁸. Tolna county had 38 villages with a German majority¹⁹. The German population was bilingual, as for the census of 1930, about 90% of the native Germans declared the ability to speak Hungarian²⁰ – but their language skills in many cases were poor.

Even in the villages with a mixed population, the ethnic groups lived in distinct parts of the settlements. However, these groups had a variety of cultural interactions, which resulted in the folk dance, the folk music and costumes con-

¹⁵ F. Tegzes, *Statistikai források Baranya megye nemzetiségtörténetéhez a két világháború között (1926; 1938)*, (in:) L. Szita (ed.), *Baranyai Helytörténetírás 1980. A Baranya Megyei Levéltár évkönyve*, Pécs 1981, pp. 495-531.

¹⁶ Z. Szenyéri *Német sorsok a Dél-Dunántúlon 1700-2001*, Dombóvár 2004, p. 88.

¹⁷ M. Füzes, *A népesség száma, anyanyelvi és nemzetiségi megoszlása Baranya járásában 1941-ben, nemzetiségi megoszlása 1945-ben*, (in:) L. Szita (ed.), *Baranyai Helytörténetírás. A Baranya Megyei Levéltár évkönyve*, Pécs 1981, p. 535.

¹⁸ I. Hoóz (ed.), *A baranyai nemzetiségekről*, Pécs 1977, p. 107.

¹⁹ O. Zsadányi (ed.), *Tolna vármegye adattára*, Pécs 1937, p. 25.

²⁰ *Ibidem*, p. 22.

verging to each other²¹. The strong Hungarian cult of the Virgin Mary and the saints of Hungarian origin influenced the religiosity of the Germans, many German villages held the wake on the 20th August, the festival of Holy Stephen, the first king of Hungary.

The mentality of the Germans and the Hungarians was completely different, but they were not hostile against each other. The difference in mentality was a result of the distinct life- and economic strategies²². The stereotype attributes of the Germans were positive in the eyes of the Hungarian population, they were told to be hardworking and frugal²³. They were the first ones in the region in the 19th century who started production-oriented farming and held an “economical” point of view²⁴. According to the Germans, the Hungarians were not hardworking enough, however, they were open minded and inventive.

Due to the limited social and spatial mobility, there was no significant assimilation of the German population. According to the census of 1941, 94, 000 native Germans lived in Baranya county and 72, 000 in Tolna county. Their ratio within the population was stable, 25% in Tolna, and 35% in Baranya²⁵. These figures were constant in the first decades of the 20th century, and, according to the census, the Hungarian population as a whole did not decrease either²⁶. So why did the church of a Hungarian parish have to be closed?

3. THE SINGLE CHILD POLICY

The reason was that the Hungarian population decreased in some villages of the region, and, consequently, the membership of the Calvinist Church declined as well. The birth rate was radically low in these communities, since many families willfully had only one single child, referred to as *egyke* in Hungarian²⁷.

²¹ I. Solymár, *Fejezetek Győre történetéből*, (in:) Gy. Dobos (ed.), *Tolna Megyei Levéltári Füzetek* 6., Szekszárd 1997, p. 86.

²² B. Andrásfalvy, *Nyugat-baranyai német telepesek történeti-néprajzi kérdései a levéltári források tükrében*, (in:) L. Szita (ed.), *Baranyai Helytörténetírás 1978. A Baranya Megyei Levéltár évkönyve*, Pécs 1979, p. 335-346.

²³ I. Solymár, *Gazdaságcentrikus értékrend, gazdasági magatartás. Adalékok a dél-dunántúli németek mentalitástörténetéhez*, (in:) L. Szita (ed.), *Baranyai Történetírás 1990/1991. A Baranya Megyei Levéltár évkönyve*, Pécs 1992, p. 370.

²⁴ B. Andrásfalvy, *A nemzetiségi és néprajzi csoportok szerepéről*, (in:) L. Szita (ed.), *Baranyai Helytörténetírás 1983-1984. A Baranya Megyei Levéltár évkönyve*, Pécs 1985, p. 454.

²⁵ Z. Szenyéri, *Német sorsok a Dél-Dunántúlon 1700-2001*, Dombóvár 2004.

²⁶ R. Braun, *A hivatalos statisztika*, “Nyugat” 1933, issue 19, pp. 279-281.

²⁷ For a summary of the single-child-policy in English see I. Vasary, *The Sin of Transdanubia. The One-Child System in Rural Hungary*, “Continuity and Change” 1989, issue 4, pp. 429-468.

We have detailed statistics concerning the demographical trends in Baranya county, assembled by the local administration based on the census data. The birth rates were very different for the two ethnic groups in the county: in 1920, out of 100 women in childbearing age, there were 359 childbirths for native Germans, in contrast to 275 for native Hungarians. The ratio of large families followed the same trend: 44% of the married German women had 4 or more children, contrasting to the mere 29% of Hungarian women. Furthermore, 38% of the Hungarian women had only one child or no children, whereas among the Germans this ratio was much lower, just 28%²⁸.

The question is – why? Why did the German families have more children than the Hungarian ones? Was there any reason the village population preferred the single child policy? The regional differences of the demographical development within Southern Transdanubia were significant, but we can pinpoint some smaller regions where this phenomenon was most apparent. These are the Sárköz near Szekszárd in Tolna county, the villages along the Danube (Kölked, Dályok, Izsép) in Baranya, the Ormánság in the southern part of Baranya along the river Drava, and the Hegyhát in the Mecsek mountains²⁹. The villages of the region Ormánság are the most known examples of the phenomenon, therefore the majority of scientific and sociographical investigations were carried out in this region.

Scientists, priests, and officials of the local administration took notice of the phenomenon of the birth control already at the end of the 19th and in the beginning of the 20th century, concluding that the birth rate collapsed in the concerned villages around 1850 to 1860, or even earlier. The medical doctor Miksa Hölbling, the official physician of Baranya county, described the phenomenon for the first time in the year of 1845³⁰.

A scientific discussion concerning the implementation of the single child policy took place already between the world wars and continues to the present day. The investigation carried out in the villages of the region Ormánság shows that after the 1870s the number of deaths exceeded the number of births. The population pyramid of the village was expansive according to the census of 1910, but became stationary in 1930, and constrictive in 1941³¹. This shows that the decrease in birth rate begun in the middle of the 19th century, and was the strongest one in the last two decades before the World War I³². However, the population

²⁸ I. Hoóz I. (ed.), *A baranyai nemzetiségekről*, Pécs 1977, p. 117.

²⁹ D. Buday, *Az egyke*, Budapest 1909, p. 5.

³⁰ M. Hölbling, *Baranya vármegyének orvosi helyirata*, Pécs 1845.

³¹ As exemplified by the village of Besence: G. Koloh, *A másik részük nyomtalanul elmúlt a semmiben: A besencei református anyakönyvek családrekonstrukciós vizsgálata az 1787 és 1948 közötti időszakra vonatkozóan*, (in:) P. Öri (ed.), *Szám- (és betű)vetés: tanulmányok Faragó Tamás tiszteletére*, Budapest 2014, p. 193.

³² *Ibidem*, p. 196.

collapsed rapidly between the world wars, and that is why the phenomenon gained attention at that time.

The exact dates are often difficult to establish, since the regular census has been carried out in Hungary only from 1870 onwards, and the state vital records are kept from 1895. The registers of the churches from before that time are available, but they do not contain all relevant information, and not all the priests and the reverends were keeping the records consistently. Historical demography works not only with the census data and the fertility rates, rather, it seeks to understand the family structures and the life strategies. Researchers use the so-called family-reconstruction method, preparing family sheets for all the families, showing the birth dates of the parents, date of marriage and the birth dates of the offsprings. This method makes it possible to see the structures of the families and the decisions made on family planning³³.

Starting with the late 19th and the early 20th century, census data are available too, even for longer periods, showing that the birth rate in the communities with the single child policy was less than 30 for 1000 inhabitants. In contrast, the national average was over 35. The proportion of young children (under six) in such villages was around 10% with the national average being over 16%³⁴. These figures were similar throughout the decades between the world wars. Calvinist priests remarked in the 1930s, that their parishes had less and less members, and years passed without a single baptism in the villages because no child was born³⁵.

A similar life strategy and life planning was prominent in the beginning of the 20th century and even in the 1930s, when the issue was widely discussed after the the incident in Hidas aroused the public interest. Both women and men married early, women at the age of 16-18, men at the age of about 20, but the young couples didn't have households of their own, rather they lived together with the parents of the husband or the wife. The parents made the decisions for the family, the household and the family planning were in the hands of the so-called *szüle*, the elder mother in the family³⁶. The first and often only child was born after 3 to 4 years of marriage. A second child was an exception, and only was conceived if the first child died or got seriously ill³⁷. Some families decided to have a second child also if the first child was a girl³⁸.

The single child policy became a social norm in these villages, contraception was normal, and even abortion was not considered a crime but rather a necessary

³³ G. Koloh, *Születéskorlátozás az Ormánságban: Az egyke Vajszlón és Besencén*, (in:) J. Pap, Á. Tóth, T. Valuch (eds.), *Vidéki élet és vidéki társadalom Magyarországon*, Budapest 2016, p. 319.

³⁴ D. Buday, *Az egyke*, Budapest 1909, p. 8.

³⁵ Gy. Illyés, *Pusztulás*, "Nyugat" 1933, issue17-18, pp. 189-205.

³⁶ J. Hídvégi, *Hulló magyarság*, Budapest 1938, p. 63.

³⁷ *Ibidem*, p. 62.

³⁸ M. Mattyasovszky, *Törzsöröklési jog és törzsöröklési szokás*, Budapest 1904, p. 318.

instrument of family planning³⁹. Families with more children were excluded from the community and women bearing more children or women with unplanned pregnancy were ridiculed⁴⁰.

If we look at the social background of the families following the single child policy, we will see that they were not the poor and destitute ones. The families without a land asset made their living working as day laborers, and an additional family member – including a child – meant an additional source of income for the family and due to the worst hygienical circumstances the death rate of newborns and children was higher within this group. Accordingly, the limitation of birth rates was not practiced among them, or it appeared much later⁴¹.

However, families with land assets opted for one child since they wanted to prevent by all means the fragmentation of the land. The single child-policy was practiced not due to poverty but due to the fear of poverty and impoverishment because of the possible estate fragmentation. Most of the farmer families with a single child had 8-15 acres of land which made them middle class at that time. Some of the single child families – for example in the communities in the Sárköz – were particularly rich, and demonstrated their wealth with large, representative houses and expensive, highly decorated costumes.

It was apparent that the phenomenon did not occur in the villages with German majority in the same area. There were a few German communities practicing the single child policy, for example Kéty in Tolna county, which was a Protestant community⁴². The birth rate was decreasing in the German families as well, but remained similar to the national average, therefore its decrease was not as severe as in the communities practicing the single child policy. The German families had more children than the Hungarian ones, typically 4 or 5⁴³, they had different mentality, preferred a plain lifestyle, lived more economical and were more pragmatic in the management of their farms⁴⁴. It was suspected that there is a connection between the religion of the families and the single child policy: were the communities of the Calvinist Church overproportionally affected by the phenomenon? According to the statistics there is no direct connection between the religion and the fertility rates, so this assumption can be considered disproven⁴⁵. One reason of these ideas can be that the priests of the Calvinist Church were strongly involved in the discussion on the issue, as shown above, and they reported to the

³⁹ G. Koloh, “Szántani lehet, de vetni nem muszáj” (in:) B. Smid (ed.), *Minden dolgok folytatása: Tanulmányok Deáky Zita 60. születésnapjára*, Budapest 2015, pp. 363-380.

⁴⁰ J. Hídvégi, *Hulló magyarság...*, p. 63.

⁴¹ G. Koloh, *Születéskorlátozás...*, p. 332.

⁴² E. Simonits, *Az egyke demológiája*, Budapest 1936, p. 28.

⁴³ M. Mattyasovszky, *Törzsöröklési...*, p. 324.

⁴⁴ I. Solymár, *Gazdaságcentrikus értékrend...*, p. 370.

⁴⁵ G. Koloh, *Születéskorlátozás...*, p. 332.

state on their own, Calvinist, communities, where they served often for several decades. On the other hand, the Calvinist religion was widespread in the middle class Hungarian rural population, and so it was in the communities practicing the single child policy. However, also Roman Catholic and Lutheran communities were affected by this life strategy⁴⁶.

4. THE ROLE OF THE DIFFERENT SUCCESSION RULES

There were several contemporary attempts to explain the single child policy: in the first years of the 20th century Imre Széchenyi, an agrarian politician wrote that the moral decay and the loss of the religiosity are the main reasons⁴⁷. However, the laziness and idleness of the Hungarian population were mentioned as well, and some scientists assumed a link between the bad transport conditions or the quality of the soil and the single child policy⁴⁸. Dezső Buday wrote more articles and books on the topic in the first decades of the 20th century and mentioned two motives: an economical reason and a moral reason. The economical reason was the above mentioned fear of the fragmentation of land asset, while the moral reason was the desire for a sumptuous and luxurious way of life and representation, according to Buday⁴⁹. For example, in the villages of Sárköz (Tolna county), young women got a new costume six times a year, for every Lord's Supper. The costumes were made of silk or velvet, decorated with lace imported from Brussel and glass pearls from Bohemia.

After the World War I and especially in the 1930s, the issue was discussed in the context of the "German jeopardy" in the Southern Transdanubia region. It was argued that the Germans are not ambitious, they just work all day and that is why they can be more efficient, so they can "push forward". The Hungarian intellectuals were afraid that the Hungarians in South Transdanubia would sink in a "German ocean"⁵⁰ and a whole region would become dominated by German majority. It was often mentioned that the large estates claimed most of the arable land, therefore the farmers in the region did not have enough land at their disposal to develop their farms⁵¹. As this fact and consequent high prices of land

⁴⁶ E. Simonits, *Az egyke demológiája...*, p. 28.

⁴⁷ I. Széchenyi, *Az egyke...*, p. 89.

⁴⁸ E. Simonits, *Az egyke demológiája...*, pp. 107-108.

⁴⁹ D. Buday, *Az egyke*, Budapest 1909, p. 10.

⁵⁰ L. Füle, *A magyarság pusztulása*, Budapest 1984, pp. 20-21.

⁵¹ G. Kiss, *A magyar föld problémája*, (in:) G. Kiss, *A lélek harangja*, Budapest 1984, pp. 41-47.

concerned the farmers both of German and Hungarian nationality, it cannot be the explanation for their different life strategies and family structures. Protestant priests, like Lajos Fülep (priest of Zengővárkony, Baranya county), and Géza Kiss (priest of Kákics, Baranya county) drew attention to the issue⁵², followed by several sociographies and novels. Even the most important intellectual magazine entitled “Nyugat” published many articles on the topic, and organised an event, named “Egyke-vita” (“Discussion on the single child policy”)⁵³. The sociographies had dramatic titles, like *Hulló magyarság* (“Falling Hungarians”) by János Hídvégi, a medical doctor in Vajszló⁵⁴ (Ormánság, Baranya county), or *Elsüllyedt falu a Dunántúlon – Kemse község élete*⁵⁵ (“The sunken village in Transdanubia: The life of Kemse”) written by a collective of young scientists. The report of Gyula Illyés about a journey through the region has the title *Pusztulás* (“Devastation”)⁵⁶.

It is not easy to find a conclusive explanation. Why did the Hungarians prefer the single child policy and why was it not followed by the Germans? They lived in villages close to each other, under very similar economical and infrastructural circumstances. Did the Germans not want to prevent the fragmentation of their land? Yes, of course, all of them wanted to do it. Otherwise the feared impoverishment would inevitably occur in one or two generations. A farm of 10 to 20 acres of land could provide for a family at that time in the region, but a mere 3 to 5 acres typically could not. The German farmers tried to prevent fragmentation just like the Hungarian farmers. However, the method was not the birth control in the family, but rather the different rules and habits of succession.

Most of the German communities practiced the so-called primogeniture (*Anerbenrecht* in German)⁵⁷: the property of the family was not divided between all children (or between all sons), rather one of the sons inherited the farm and managed it on his own⁵⁸. In many cases it was the eldest son, in other cases the youngest, or even the one considered to be the most suitable⁵⁹. If there was no male heir, a daughter could also be appointed as the inheritor. The farm was usually handed over to one of the sons during the lifetime of the parents, the occasion often being the marriage of the child. The so-called *Ausbehalt* as a legal institu-

⁵² G. Koloh, *Születéskorlátozás...* p. 318.

⁵³ R. Braun, *A hivatalos statisztika...*, pp. 279-281.

⁵⁴ J. Hídvégi, *Hulló magyarság...*

⁵⁵ P. Elek *et al.*, *Elsüllyedt falu a Dunántúlon. Kemse község élete*, Budapest 1936.

⁵⁶ Gy. Illyés, *Pusztulás...*, pp. 189-205.

⁵⁷ J.T. Nagy, *Interetnikus kapcsolatok a Völgyességben*, (in:) L. Szita, Z. Szóts (eds.), *A Völgyesség ezeregyszáz éve az életmód és a kultúra változásainak tükrében*, Bonyhád 1996, p. 221.

⁵⁸ E. Tárkány Szücs, *Jogi népszokások parasztságunk öröklési rendjében (1700-1945)*, “Agrártörténeti Szemle” 1980, issue 3-4, p. 305.

⁵⁹ M. Mattyasovszky, *Törzsöröklési...*, p. 335.

tion was very widespread: the parent withdrew for a pension provided in kind, and it was often regulated by a contract between the parents and the child. The other siblings were *aus dem Haus bezahlt* (“payed from the house” in English)⁶⁰ which meant that the sisters got dowry, some money and household goods for marriage, and the brothers got compensation. The compensation was not proportional⁶¹ often it was paid several years later or in instalments⁶². Sometimes the other sons got a real estate – for example a vineyard, or they got apprenticeship for trade⁶³.

It cannot be definitely determined yet how the primogeniture evolved among the German population in Hungary, as the *Anerbenrecht* was known in Germany but was not practiced everywhere. It is possible that the German settlers brought it with them from the German territories, but we do not have any exact information on this. Moreover, as the settlers originated from various regions of Germany, the customs of these regions must be determined first. This is a complicated subject as well, because in the beginning of the 18th century (when the Danube Swabian settlers left for Hungary), the Holy German Empire had no legal uniformity. Rather, every territory had his own, often unwritten, civil law, and the inheritance rules of the rural population were determined even by the local customs. The primogeniture had its origin in the feudal law, as the overlord was not interested in the fragmentation of the land asset of his people. Later on, it was adopted to the rural population too, even though they were not the owner, merely the possessor and user of the land asset⁶⁴. In the early modern period, it was not common any more in all regions. At these times, primogeniture was most popular in the northern areas of the Holy German Empire, but it was also used in some regions of the southern part. This varied also with the structures of the land asset and the agricultural tradition: mostly the middle class practiced it in the regions with the farms of grain, livestock, and forestry⁶⁵. There is no evidence that all the German settlers who arrived in Southern Transdanubia came from a territory where primogeniture was used, nevertheless it became the common succession rule among the German rural population of the region⁶⁶.

The existence of the various succession rules was possible due to the lack of codification of the civil law in Hungary. Neither the draft of a civil code from

⁶⁰ I. Solymár, *Gazdaságcentrikus...*, p. 380.

⁶¹ E. Tárkány Szücs, *Jogi népszokások...* p. 302.

⁶² M. Mattyasovszky, *Törzsöröklési...*, p. 319.

⁶³ I. Solymár, *Fejezetek Győre történetéből*, (in:) G. Dobos (ed.), *Tolna Megyei Levéltári Füzetek* 6., Szekszárd 1997, p. 75.

⁶⁴ M. Mattyasovszky, *Törzsöröklési...*, p. 10.

⁶⁵ *Ibidem*, p. 13.

⁶⁶ J.T. Nagy, *Interetnikus kapcsolatok...*, p. 221.

1900, nor the revised version from 1913 was adopted as an act due to problems with the codification. A new and very progressive draft of 1928 failed as well, this time because of political reasons⁶⁷. Therefore, the law of inheritance was ruled by customary law and by the so-called Provisional Judicial Regulations (*Ideiglenes Törvénykezési Szabályok*) starting from 1861. The ground rule of the intestacy was the proportional distribution of the inheritance between all the children, sons and daughters alike, of the deceased⁶⁸. Of course, the possibility to write a testament was given by the law⁶⁹ – but this was not a common practice among the rural population.

This law did not apply if there was a testament or the property was handed over during the lifetime of the parents. Among the German farmers it was very common to complete the formalities of the succession precautionary, especially if there were underage heirs, as the guardianship courts only agreed with the proportional splitting between all the children⁷⁰. In rare cases, the inheritance was determined by a testament, but it was more common to regulate it by a contract between the parents and the children⁷¹. However, handing over the farm or writing a testament were rare among the Hungarian rural population, so the intestate succession took effect⁷².

The primogeniture (*Anerbenrecht*) and the corresponding compensation forced the German farmers to adopt a different mentality and management of the farms: they tried to save money to be able to pay the compensation, even if in instalments. It also required being economical – an often-mentioned quality of the Danube Swabians. With the compensation, the other sons had a starting capital to buy their own house or farm, to start their trade or to get a higher qualification. Daughters, who inherited a farm often looked for a husband who got a compensation to be able to pay the dowry for the other daughters⁷³.

We have to note another difference in mentality which favored this option of avoiding the fragmentation of the land assets: the Germans considered trade and commerce, and not only agriculture, a reliable source of income. In the Hungarian communities these sources of making a living had limited social value, therefore the parents tried hard to provide their children with land.

⁶⁷ B. Mezey (ed.), *Magyar jogtörténet*, Budapest 2007, pp. 164-165.

⁶⁸ *Ideiglenes Törvénykezési Szabályok* I. § 9.

⁶⁹ *Ibidem*, § 7-8.

⁷⁰ M. Máttyasovszky, *Törzsöröklési...*, p. 406.

⁷¹ *Ibidem*, p. 321.

⁷² *Ibidem*, p. 328.

⁷³ *Ibidem*, p. 318.

5. POSSIBLE SOLUTIONS

The consequences of the single child policy were catastrophic for the communities: the population declined, and if anything happened to the only child of the family, there were no heirs, especially if the parents had been single children, too. This was often the case in the 1920s and 1930s as many sons of the single child families died during the World War I⁷⁴. The small families were not able to manage the farms economically, they had to hire external workers and the single child was often raised by the grandmother, as the mother had to help in farming. The illegal abortions carried out improperly often resulted in the death or infertility of women. The employment of professional midwives in the years after the World War I made the situation “better”, as they carried out the abortion still illegally, but at least in a proper and hygienical way⁷⁵.

The politicians and scientists were afraid that in the long run the single child policy would cause the decline of the population and the weakening of the Hungarian middle class in South Transdanubia. They were afraid the German majority and hegemony could be established in whole Southern Transdanubia, since the German population decreased to a much lesser extent if at all, and the single child policy was practiced in few German villages. Although this fear was in fact unfounded, various ideas were discussed to counteract the single child policy. These ideas were partly of socio-political, partly of legal or administrative nature.

First of all, in the beginning of the 20th century, in the year 1907 the counties Baranya and Somogy established special commissions at the county administration. These commissions prepared flyers arguing against the single child policy, and the priests were responsible of informing their communities about its devastating consequences. The priests, doctors, midwives, and teachers were obliged to take care about the pregnant women and to report any illegal abortions. As this got people angry at them and endangered their lives, they didn't discharge their duties, so the idea of the administrative control turned out to be ineffective in the prevention of the single child policy⁷⁶.

One of the socio-political measures planned was the resettlement of families with many children from other parts of the country, mainly to protect the proportion of the Hungarian population, and, in addition, to provide a “good example” for the families that adopted strict birth control. On the other hand, this seemed a good opportunity to offload the social tensions in other parts of Hungary. The government was afraid of not only the decrease of the Hungarian population, but

⁷⁴ J. Hidvégi, *Hulló magyarság...*, p. 62.

⁷⁵ *Ibidem*, p. 63.

⁷⁶ *Ibidem*, p. 58.

also of the socialistic movements among the rural population⁷⁷. The order of the government 7890/1930. M.E. forced the county administration to establish a sub-commission for settlement with two members. In Baranya county the only result of the activity of this subcommission was a yearly report to the administration-commission of the county: they reported every year that no improvement could be done⁷⁸.

In 1936, a settlement act (Act No. 27 from 1936) was issued, founding a new administrative organization, the so-called National Settlement Council. A Settlement Fund was established, but the preconditions on the local level were not given. The County Welfare Cooperative, responsible for the settlements, was founded in Baranya county on 2 May 1939. While it was not a formal administrative body, it was strongly interweaved with the county administration. It immediately started to organize the resettlement of 100 families with many children from the north-east part of Hungary⁷⁹.

The Act No. 23 from 1940 made the organization of similar cooperatives obligatory for the counties, and the Act No. 4 from 1940 modified the regulations of the settlement, offering long-term loans for the settlers. However, the settlement progressed very slowly. The settlers were not relocated to the empty houses in the villages, but into new villages, former manors or new-built streets outside of the villages⁸⁰. They were separated from the original population, so the “good example” could not take effect. The settlements were directed not to the communities with decreasing population but to places where there was enough land available. Due to the World War II, only 200 families were settled in Baranya county in 1939-1940⁸¹, and even less in Tolna⁸², so this idea could not become the solution to the single child policy. Without a radical land reform, a bigger settlement could not have been carried out, as there was not enough land available, and the idea of a radical land reform floundered at the resistance of the large estate holders as the land reform of 1920 brought no significant changes.

Another socio-political measure was discussed, relieving the second and third sons of big families of military service. Still another idea was to employ the members of families with many children on favorable terms in the state enterprises, but no one of these ideas were ever pursued⁸³.

⁷⁷ J. Komanovics *Telepítések Baranyában az 1930-as és az 1940-es években*, (in:) L. Szita, *Baranyai Helytörténetírás 1989. A Baranya Megyei Levéltár évkönyve*, Pécs 1989, p. 163.

⁷⁸ G. Kopasz, *Vármegyei telepítések a két világháború között*, (in:) L. Szita, *Baranyai Helytörténetírás 1978. A Baranya Megyei Levéltár évkönyve*, Pécs 1979, p. 512.

⁷⁹ *Ibidem*, p. 515.

⁸⁰ *Ibidem*, pp. 521-526.

⁸¹ J. Komanovics, *Telepítések...*, p. 170.

⁸² G. Kopasz, *Vármegyei...*, p. 547.

⁸³ D. Buday *Az egyke*, Budapest 1909, pp. 17-18.

One possible legal solution was also a more severe punishment of abortion. Abortion was a criminal offence under Hungarian law, however, in most of the cases it went unrecognized, as the citizens were not interested in reporting it. They didn't consider it a crime within the communities practicing the single child policy.

Another legal attempt was the modification of the law of inheritance. Various draft regulations were written. One of them was the introduction of the primogeniture (*Anerbenrecht*), meaning the abolition of the proportional splitting of land property between the heirs. There were various legal and practical issues, such as the freedom of testimony, or the determination of the compensation for the other siblings and the possible legal debates between the heirs⁸⁴. The system of compensation could lead to a debt spiral on the short term in the absence of a change in the management of the farms: the Hungarian rural population was not used to make savings. Furthermore, there was a fear of social tensions because of the heirs without the land assets⁸⁵.

One of the proposed regulations was that only parents with four children could pass on the whole property, and all the four children would get one quarter each. If there are less than four children, they would also get a quarter of the asset, and the rest should go to the state to be distributed among farmers. As this draft came from Gyula Illyés, who was a poet and a writer and not a lawyer, it was impractical, and in particular it would not have helped with the fragmentation of land property⁸⁶.

The Act No. 9 from 1936 established two opposing legal institutions of the law of inheritance. The rules for the fideicommissa of the large estates were modified to give the possibility of the disposal of certain parts of the family property. This was important for the potential decrease of the land prices in Southern Transdanubia, where many fideicommissa blocked the trading of land and held the prices high⁸⁷. On the other hand, the legal institution of fideicommissum ruled also the land possession by farmers – the so-called fideicommissum for small land property was established. It was a non-disposable and non-chargeable property, with the exclusion of the intestate succession, handed over in a line of succession in the family determined by the founder. The other heirs did not have a right of compensation, rather the owner was obliged to maintain the members of the family. It can be practically seen as a “volunteer primogeniture” for land property.

The fideicommissum for small land property was not successful, even though according to the preamble of the law, it should be an instrument against the

⁸⁴ M. Mattyasovszky, *Törzsöröklési...*, pp. 415-416.

⁸⁵ *Ibidem*, p. 417.

⁸⁶ Gy. Illyés, *Pusztulás...*, pp. 189-205.

⁸⁷ J. Komanovics, *Telepítések...*, p. 166.

fragmentation of land property and thus should make the single child policy obsolete⁸⁸. The farmers were free to establish a fideicommissum. Consequently, nobody established it: whoever aimed at the same effect, handed the farm over while still alive or by a testament, as it was common among the German rural population. It was also not a viable alternative to the single child policy: there would still be children without own land in the case of a fideicommissum, which is exactly what the farmers wanted to avoid by the single child policy.

6. CONCLUSION

This example shows how a legal institution, in this case the primogeniture (*Anerbenrecht*), had a major impact on the life strategy, mentality, and demographical development. We cannot tell how the issue could have been solved: due to the World War II the new regulations of 1936-1940 did not have enough time to give a measurable effect. The historical and social changes after the World War II made this issue obsolete: In 1945 a radical land reform occurred with the termination of the latifundia, and after 1948 the entire agriculture was collectivized step by step, so there were no individual farmers any more. The diverging mentalities also lost their relevance, as over the half of the German population of Southern Transdanubia was forcibly displaced to the American and Soviet Occupation Zones of Germany between 1946 and 1948. The problem of the single child policy was not solved by any of the political, administrative, or legal measures, but became obsolete due to the change of life circumstances – just like it was established by them hundred years before.

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⁸⁸ Justification of the Act. No. 9 from 1936 <https://net.jogtar.hu/ezer-ev-torveny?docid=93600011.TVI&searchUrl=/ezer-ev-torvenyei%3Fpagenum%3D50> (visited November 29, 2018).

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Summary

The topic of the article is the influence of the rules and customs of succession on the family structures and life strategies in Southern Transdanubia. At the beginning of the 20th century, scientists and the local administration observed significant differences between the demographical structures of the Hungarian and German inhabitants in both Tolna and Baranya counties. While a significant part of the Hungarian rural population followed the “single-child-policy” (“*egyke*” in Hungarian), German families in the same area did not have this concept. It was observed, that the villages with families following the single-child-policy kept losing population and were endangered by a demographical collapse. Seeking the reasons behind the single-child-policy, the rules of succession were identified as the main difference between the Hungarian and German population. The German population practiced the so-called primogeniture (*Anerbenrecht*), probably brought along from the early 18th century Southern Germany, meaning that one single successor inherits the entire land asset of the family. In contrast, the custom of the Hungarian population was a proportional succession. As all heirs inherited part of the land asset, it fragmented from generation to generation. To avoid this, the rural population developed the single-child-policy, which, on the one hand, was very effective in preventing the fragmentation of family assets and became an unwritten law in several villages, but on the other hand

it caused radical demographical changes. Different measures to prevent the single-child policy didn't have a markable effect.

KEYWORDS

family structure, law of inheritance, single-child policy, primogeniture, German minority

SŁOWA KLUCZOWE

model rodziny, prawo spadkowe, model rodziny 2+1, primogenitura, mniejszość niemiecka