

**Gender-biased inheritance systems are evolutionary stable:  
a case study in Northern Italy in the XII-XIX century**

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**1. Introduction**

This study develops a long-run analysis of the commons in an area of the Italian Alps, the Trentino province. The analysis focuses on the *structure and evolution of the rights of access to collective properties*, mainly constituted by forestry and alpine pastures. Our approach and tools comes primarily from Economics and not from History. Nevertheless, we strived to keep the highest rigour in archival and historiographical analyses. Second, this study is part of a broader (and still under development) project aiming at the economic analysis of collective properties in Trentino.

At an initial stage of the research, we built upon the analyses of Elinor Ostrom (1990). We compared the economic efficiency of two management systems of the commons: governance through legal institutions and governance through informal institutions. The legal institutions were described in what we called rural charters. A rural charter was a formal document used to define and manage property rights on land at a local level. Between the thirteenth and nineteenth century, common resources in the Alps were often regulated through formal documents, known as “Carte di Regola”, rural charters, drafted by the heads of families of the community gathered in a general assembly.

Alternatively, informal institutions allowed the management of the commons by relying on the long-term interactions between community members. According to economic theory it is possible that users of collective resources self-restrain in exploiting their commons in order to optimize their use. If users (i) recognize each other as members of the community, (ii) can observe the behaviour of one another, and (iii)

foresee a continuous relationship among themselves, then it is possible for them to avoid the so-called *tragedy of commons* and, indeed, to sustain an optimal level of common resources usage. Appropriate social norms can facilitate reaching an optimal use of the common resources. Casari (2007) reported that legal institutions allow a more efficient exploitation of collective resources than informal institutions.

The present work stems from the observation that the *rules for the inheritance of collective property* have undergone substantial changes during the six centuries considered. The research involved two stages: a systematic reading of the charters and other documents of interest in order to track, community per community, the evolution of inheritance systems; the identification of an explanation for these changes.

This essay captures three important aspects of management of collective resources. First, the social impact resulting from the access to collective resources distinct by gender and “territorial membership” of every individual. Second, the difference in the degree of territorial openness and mobility among communities (this analysis was conducted on over 250 different communities). Third, the long-term interaction among agents: since year 1202, date of the first rural charter in the region, until year 1807, when the central government abolished community governance regime of collective resources in Trentino.

## **2. The Trentino case study**

For centuries the Trentino has been characterized by settlements in the form of small villages. According to the 1810 census, the median population of the settlements was 410 inhabitants<sup>1</sup>. Villages were built around the church and the main square, and distances between villages were sometimes covered with great difficulty given the tortuous paths that linked them. The climate in Trentino varies considerably with the altitude. Cold winters and prevalence of mountainous areas with steep slopes has limited agricultural production to the exploitation of only 8% of the whole Trentino area<sup>2</sup>, with little diversification in agricultural production. *Vineyards and farmland were mostly individual property, while forests, meadows and pastures were mainly collective property.* Forests covered about half of the area and were important sources for firewood, timber to build houses, and generally for handicraft. Meadows and pastures covered about a third of the territory instead, which were essential for raising cattle and dairy production.

This socio-economic context carried on within a political structure that lasted for nearly eight centuries: the Prince Bishopric of Trento. From 1027 to 1796 the Prince-Bishop of Trento, appointed jointly by the Holy Roman Emperor and the Pope, granted villages autonomy in governing collective resources themselves as well as in other internal issues concerning community life. In particular, since the thirteenth century, communities began to draft sets of rules for the rational use of their resources and for the peaceful community life in common of members, which were originally handed down orally from father to son. These bylaws were called *Carte di Regola* (rural charters), and rules therein contained were enforced through representatives (*regolani*) appointed by the same members (*vicini*, members) of the community. The main

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<sup>1</sup> Andreatta and Pace, 1981.

<sup>2</sup> According to the 1897 census, reported in Consiglio Provinciale d’agricoltura pel Tirolo, 1903-04.

institution of the community was the general assembly of heads of households, the *Regola*. As from year 1111 the Prince Bishop of Trento began to grant the community the privilege of managing autonomously some areas on his territories (*Patti Gebardini* – Gebardini covenants – for the Fiemme Community) in return for annual fees<sup>3</sup>. From the thirteenth century, these concessions multiplied and took the form of rural charters and statutes for the independent community governance and still had to obtain confirmation by the bishop in order to be considered enforceable toward community members and third parties. In medieval Trentino there were different jurisdictional levels; with limited exceptions, we will deal with the village-level (or group-of-villages level) jurisdictions in villages having a statutes that set forth rules for the management of collective resources. The statute of Trento enjoyed a special status: no rural charter in the entire region could be in conflict with it or with the Valley statutes within its membership area. The extensive system of self-government was swept away first by Napoleon, who invaded Trentino in 1796, and eventually by the central government – which forbade the participation to meetings of Community Members on 4 January 1807.

The phenomenon of rural charters underwent significant quantitative and qualitative changes over time. As we can see from Figure 1, there was a steady growth in new charters in Trentino until the second half of the sixteenth century, where growth reaches a peak, and still follows a sustained levels afterward. What appears clear from the analysis of the first rural charters is that the discipline of social and economic life was not systematic. A charter was a set of rules that community members established specifically by writing them down solemnly and progressively, whenever it arose the need. When the regulation of an aspect of economic or social life was no longer adequate, new chapters were added or communities proceeded to a complete reformulation of the charter, replacing the old one with a new charter<sup>4</sup>. After the fifteenth and sixteenth century until their suppression, rural charters became increasingly structured and began to regulate in greater detail various aspects of community life, such as the requirements for the optimal use of collective resources, and particularly for the admission of foreigners and the distribution of these resources among community members.

The reference area in our study is today's Province of Trento, which overlaps but does not coincide with the historical territory of the Prince Bishopric of Trento. The reason lies in the ease of finding information and documents. We surveyed 450 rural charters, for which we have at least a temporal and spatial reference, of which 259 (57.6% of total) were read and coded. The rural charters in the strict sense are flanked by 310 amendments occurred over the years. In addition, we considered other 51 documents relevant to the inquiry. This turned out in a database consisting of 811 observations. The time frame of dates of all observations spans from 1202 to 1831, while from 1202 to 1801 for the rural charters main subset. The observations cover a total of 256 communities.

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<sup>3</sup> Sartori-Montecroce, 2002.

<sup>4</sup> For example, the introduction into the charter of Arco 1480 emphasizes the need for a reform of the previous charter 1295, as new facts had occurred. The charter provides a rule stating (Riccadonna, 1990, p.77): “... *the Community council and man from Arco in the diocese of Trento, who are here attending this assembly, consider that the ancient decrees, laws, or poste, however named by the people, handed down by their ancestors, now begin to be worn with age, and that have emerged a large number of new facts, which require the support of new laws: indeed nature always hastens to produce new legal forms*”.

Communities have been classified into four different types: *a)* single communities with their own rural charter in force that were part of a supra-community comprising multiple villages, which had a charter that coexisted with those of individual communities (78 cases), *b)* supra-communities comprising and regulating more villages, which could also had their own charter (22 cases), *c)* single communities that had no relationship with other communities through supra-community charters (150 cases), *d)* specific communities, composed of some families in a community or belonging to families different communities jointly using forest areas, meadows and pastures (6 cases)<sup>5</sup>. Statutes of these specific communities had a parallel life to the charters of type *a)*, *b)* and *c)* communities for what concerned the rules of collective resource management.

As to the data sources, the most important is Giacomoni (1991), which contains 184 charters with subsequent amendments. We encoded the content of additional 75 charters published by various authors. There are also archival references of other 49 charters that have not been published. We do not know the content of the remaining 142 charters, but have only references as to date and place, which were taken from various literature sources.

### 3. Property rights on collective resources

From the detailed analysis of the rural charters, we have identified a three-level system of rights attributable to individuals in terms of participation to community life, turning into different levels of access to collective resources and exploitation:

- 1) *Right of residence*, which includes the right to live in the village and therefore to have a permanent residence *but* not to use collective resources;
- 2) *Right of use*, which is the right to exploit the collective resources of the community;
- 3) *Membership right* (*vicinia*), which means belonging in full to the community in a set of benefits and obligations related to this status.

Each right is a subset of the other. For instance, the membership right is the broadest and includes the right of use and the right of residence. The right of use includes the right of residence, and represents the minimum level of participation to community life.

These definitions are conventional in the sense that they are introduced for the sake of better interpreting the content of documents. The aim of this work is neither to provide a legal taxonomy, nor a detailed explanation of each village charter, but rather the elaboration of a synoptic grid for the analysis of documents to reflect the *economic property rights* that individuals may exercise, beyond any formal legal definitions. We classify individuals depending on their level of access to the commons:

- a) foreigners tout court (*forestieri*) who have no rights;
- b) foreigners with right of residence (*camerlenghi*);
- c) foreigners with right of use;

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<sup>5</sup> These territories were called *vicinie*, not to be confused with *vicini*, the term used to define community members.

d) members (vicini).

We will call *foreigners* the individuals belonging to the first three classes a), b) and c), *vicini* those in class d). We now describe the economic property rights corresponding to each class of individuals.

### 1) Right of residence

For foreigners with no right of residence, often referred to as foreigners tout court, limitations were imposed to live or be housed in the community. In order to acquire the right of residence, a foreigner was often required to report to the Community authority (the governor, or the governing assembly) to give assurances about their integrity and economic position. Moreover, the prospective resident had to pay a cash fee: Tuenno 1759 (Giacomoni, 1991) at §96 states “*That: any foreigner who thinks to get married in Tuenno shall not be received, hadn't he paid the Community an entrance fee of twenty ragnesi and shown truthful statements of his good behaviour...*”. Fines and restrictions were imposed on those who lived in the community with just the right of residence or no rights at all and entered into community commons or used them without permission; for example Grigno 1592 (Giacomoni, 1991) at §67 states “*That: no foreigner shall be allowed to make timber of any kind on mount Marcesena or in other forests surrounding that community without the express permission from the men of that community: trespassers shall be subject to a fine of five pounds for each timber chop, and to the confiscation of that timber*”. Likely sanction was the loss of the right of residence; for example Vermiglio 1727 (Giacomoni, 1991) at §29 states “*...Furthermore, without a license from the assembly these foreigners shall not cut-clear common land (fare fratte), nor saw them on common properties ... nor collect leaves or firewood (fare foglia o fassine): trespasser shall be subject to the penalty of losing the benefit to live in this community...*”.

### 2) Right of use

In addition to the right of residence, the right of use allows a usage of the collective resources in accordance with the rules laid down by the Community. This exploitation usually included: *grazing, mowing grass, cutting of trees, collection of firewood and litter, hunting and fishing, conversion of forest and pasture land into arable land (fratte and ronchi)*.

There are two crucial aspects in the definition of this right. First, foreigners enjoying the right of use were not entitled to participate or cast their vote in community assemblies. Second, the right of use cannot be transmitted to others. Sometimes the right of use was full and unimpeded, while in other circumstances was limited; for example Iavr  1766 (Giacomoni, 1991) at §33 grants the right of use if a payment for proportionate use has been made: “*... that: any foreigner who lives in Iavr  and will want to graze his cattles in the territories of this community, or cut down trees, or otherwise profit of this land, shall ask the Counsellor a licence... such license shall be granted, however, under the payment by the inhabitant of a fair contribution to the community*”. Frequent cases were the restriction on the collection of firewood, burning of vegetation and undergrowth, or simply grazing.

### 3) Membership right

A member enjoys four categories of rights (Rizzoli, 1901, p.25):

- 1) right of residence;
- 2) rights of use (unimpeded);
- 3) right of transmitting, through inheritance, membership rights to daughters and/or sons under the rules established by the community charter.
- 4) a set of participation and voting rights in community assemblies, particularly:
  - a. to attend and speak at assemblies;
  - b. to elect members of the community;
  - c. to cast a vote in decisions concerning the disposal of collective resources, their regulation, the inheritance systems, the acquisition of rights of residence, use and membership by foreigners.

Membership rights (*vicinia*) is characterized by a set of political and participation rights in community life and for its potentially unlimited duration. The membership is a perpetual right of the individual who is entitled to it, and who can accordingly enjoy it for a lifetime: this right can be transmitted to his heirs after death. Membership rights of the Trentino communities shows some similarities with the citizenship in contemporary States; however it differs in at least three aspects. First, membership rights is more pervasive in terms of rights as well as of duties. members had to cooperate in order to build and maintain roads, shacks and huts, furnaces, etc.; for instance Presson 1586 (Turrini, 1995) at §42 states “... *that everyone shall go to common resources and perform the necessary repairs and to work for free in his duty together with all the members, whenever they are called by the Officer (Saltaro) of that community, under the penalty of ten Carantani of money for each one that has not showed himself...*” (translation from Latin). members have a duty of residence in community, or at least to maintain a stable relationship with it. Second, who enjoys membership rights is not the individual, but the household, which consists of people having family relationship and living under the same roof (called ‘*fuoco*’, which means ‘fireplace’). The household is considered as a single entity which has rights and duties, regardless of its size. The exclusive legal representative of the family before the community is the *pater familias*, the head of the household. Third, membership rights is characterized by peculiar ways of acquisition of the entitlements. These latter are the main object of investigation in this study.

#### 4. Acquisition of membership rights

Membership rights can be acquired through purchase, marriage, or inheritance.

##### a. *Purchase*

A foreigner may acquire membership rights in the community after the payment of a monetary fee. A member cannot sell its right to others: only the community may alienate or grant membership rights. The

community grants membership rights through a formal act of acceptance of the new member in a voting procedure which requires a quorum between a simple majority and unanimity of the members' assembly. In addition, new members usually have to meet some requirements such as a good reputation and to buy a house in the community.

#### b. *Marriage*

There are three possible cases depending on the status of spouses: *i)* both members, *ii)* both foreigners, *iii)* a foreigner and a member. In the case *i)* there is no accumulation of rights because the reference unit is the household, and not the individual: the husband is the legal representative of the new household. In case *ii)* no one can acquire membership rights as both are lacking. Case *iii)* is the most interesting: the member maintains its status and transmits membership rights to his sons and/or daughters according to regulations. As to the spouse, in some cases she/he acquires membership rights, whilst in other cases does not. For example, in Ala 1565 (Andreolli et al., 1990) at §18 we read that the husband who is not a member acquires membership rights from of his wife: “*Should any foreigner having family in Ala marry a woman coming from the community of Ala, and join his family with her spouse’s, nobody else except that woman’s husband shall and will speak on behalf of his wife in community assemblies, and work and access the commons and enjoy the share of communal revenues of is competence...*”. There is a crucial difference between cases *i)* and *iii)* when it comes to the issue of widowhood. If both are members, the right of the wife remains silent during marriage and resumes when the spouse turns widow. In the case of mixed marriage status, the rights of the widow woman or man depend on whether the spouse had become member as a consequence of the his/her marriage.

#### c. *Inheritance*

In Trentino, there were four main schemes of transmission of membership rights through inheritance: egalitarian, patrilineal, weak patrilineal, and Majorat. This part describes the rules for the inheritance of collective property and not of individual properties, which could actually follow the same or a different set of rules.

##### Egalitarian system

All sons and all daughters inherit membership rights. This system was in use, for instance, in the Fiemme Community until 1584. The charter of year 1613 (Sartori- Montecroce, 2002) at §117 states: “*It’s been observed since ancient times [until 1584] that daughters having their father or rather their mother as members of whichever community belonging to the Community of Fiemme, after the their mother or their father’s death succeeded to membership rights, they as well as their sons and daughters*”.

##### Weak Patrilineal system

All sons inherit membership rights, while daughters do not to inherit such right, unless a family has only daughters and no sons. In the absence of male heirs, some communities granted membership rights to all daughters, while other communities only granted this right only to one of the daughters who may be the one designated by Will, the youngest, or the eldest; For example Villa Lagarina 1759 (Giacomoni, 1991) at §89 states that *“When the head of the family dies and leaves only daughters, shall the eldest of them enjoy common properties also if she gets married with a foreigner, as it happens, remaining all the other daughters excluded”*.

#### Patrilineal system

All sons inherit membership rights, but daughters do not. For example, for the communities of Valfloriana and Cauriana, the charter of Castel di Fiemme 1605 (Giordani and Corradini, 2006) at §77 states: *“And then what is left of the paternal and maternal inheritance assets, considering the dowries constituted for the daughters, shall be equally divided up among the sons, who inherit also the right to be members in the commons: daughters do not inherit the right to become members in the commons, and are totally excluded and cannot receive anything more than their dowries, as above”*<sup>6</sup>.

#### Majorat System

Only a son or a daughter inherit membership rights. Usually the heir is a son. However, in some circumstances, it may be a daughter. In the rural charters of Trentino this system is called *raggion de masi*. The heir is explicitly identified in the Will by the father or, failing that, the closest relatives are those entitled to inherit the right. The son designated as heir can be any of the sons who can prove to the best in conducting business. In the case of daughters only, or if there are not enough clever sons, only one daughter inherits membership rights (and even all the family's private property) subject to the condition of getting married; in this case the husband may also be a foreigner. The Majorat was the predominant inheritance system in South Tyrol. In Trentino this system was applied only in Stramentizzo and Trodena, which were on the linguistic border separating German and Romance-speaking ethnics.

### **5. Acquisition of the right of use**

The right of use can also be acquired through purchase, marriage, or inheritance.

#### *a. Purchase*

A foreigner may acquire the right to use the commons in exchange for a monetary payment. A member or a foreigner entitled with a right of use cannot sell its right to others: only the community can sell or grant this right. For a community, granting a right of use was a more flexible instrument than immediately granting membership, as it could be revoked or not renewed.

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<sup>6</sup> In this case, private goods are transmitted through an egalitarian system, whilst succession in public goods occurs under a patrilineal system.



## b. *Marriage*

As to the right of use, marriage is sometimes neutral, sometimes it causes the loss of the right of use to a spouse, and sometimes it extends the right of use in favour of the spouse. Empirically, the relevant cases are those of a woman with or without the right of use. Consider a woman without the right of use. If she marries a foreigner, she does not change her status; conversely, if she marries a member in some communities she acquires the right of use (or even membership rights), while in some others she does not acquire anything. Consider instead a woman with a right of use: in some communities she keeps the right of use subsequent to marriage, while in others she loses such right. Often within the same community both outcomes were possible, depending on the status of the husband; usually the right of use lapsed when her husband was a foreigner, while she kept this right when marrying a member. For example, the charter of Cimone 1768 (Bonatti, 1986) at §39 states: “*That: should a head of the family of this community die leaving after him only daughters, shall they enjoy the use of the commons, but had they married a foreigner shall they immediately decay from this right and for such reason shall be deemed to be decayed*”. Such rule provides a significant incentives to choose a spouse who is a member rather than a foreigner. The loss of the right of use brought with it a considerable loss in the event of a subsequent widowhood. The right of use provided a safety net for old age, ensuring the access to collective resources like firewood. Moreover, the contingency of losing or keeping the right can change the incentives to remain in widowhood, or rather to enter into another marriage.

## c. *Inheritance*

The way to transmit the right of use the commons through inheritance differs from that of the membership right, since they reflect fundamentally different social needs. Frequently the right of use was transmitted from parents to children when there was no basis for the heirs to inherit membership rights. In this sense, the right of use may took the form of a benefit which assured to sons and daughters access to the common resources after the death of their parents, even if no marriage was celebrated. In many systems where the status of member was inherited according to a patrilineal model, generally a daughter or all the daughters inherited a right of use for a lifetime or until they remain unmarried. For daughters, the right of use remained silent until they lived with a brother with membership rights; it resumed when nobody in the family had any longer membership rights. As a consequence it created a variety of possible situations that the rural charters generally disciplined according to the gender of the heir, the marital status, or membership status of the future spouse, etc.

## **6. Empirical evidence on collective properties**

The systematic reading of the documents reveals three main facts. *First*, the inheritance systems for the transmission of the right of use and membership rights changed over time. The earliest mention of inheritance systems for the transmission of collective resources in Trentino was found in the charters of Pradibondo (1265) and of Pieve Tesino (1289): these communities were specific communities consisting of

some households from a community or of households belonging to different communities who shared some areas of forests, meadows and pastures. Regulations for specific communities cannot be generalized to other types. Instead, the first rural charter of other types of communities which disciplines the inheritance system for the commons dates back to 1545 (Fiavè). The earliest explicit change of inheritance system was that of the Fiemme Community in 1584. Changes are intensified in the eighteenth century until the abolition of the rural charter (1807).

*Second*, the change of inheritance systems was unidirectional, as shown in Table 1. There it was a progressive erosion of the rights of women as to the access to collective resources. Namely, over six centuries there were several and significant changes from egalitarian systems to weak patrilineal systems, from weak patrilineal systems to patrilineal systems, and none in the opposite direction. Only two communities in Trentino adopted a majorat system: these communities never modified the inheritance system in the period of study. As a result of these changes, in 1801 we come to a situation in which the patrilineal inheritance system for the transmission of membership rights is largely prevalent. Among the communities that explicitly describe the inheritance system, 32 adopted a patrilineal system, 8 a weak patrilineal system, and none had an egalitarian system. In addition to the changes of inheritance systems for the status of member there were noticeable other changes that moved toward a narrowing of women's rights to access the commons. Particularly, within the weak patrilineal system there were cases where in the absence of a male lineage, all the daughters could inherit membership rights. Later in time, this right was restricted to only one daughter. Another example concerns the right of use which had been kept by women after their wedding: the shrinkage in this case involved the loss of the right of use in case of marriage with a foreigner.

*Third*, the vast majority of the communities adopting a rural charter did not mention inheritance of the membership rights to children or transmission to spouses. Approximately 71% of the coded area (adopting charters) in Trentino did not mention inheritance systems for membership rights in the charters<sup>7</sup>. In the absence of explicit provisions we can put forward only conjectures. Our hypothesis is that originally, in the thirteenth century, the system for the transmission of the membership rights was egalitarian. This conjecture is based on the observation of the general context in which rural charters developed. As mentioned before, the charter did not regulate systematically all the aspects of community life, but set rules only for problematic issues, especially for those issues that in the past had generated controversies within the community. Therefore, it can be assumed that this approach to drafting documents applied also to the systems of transmission of membership rights through inheritance. For instance, if the frequency of mixed marriages (between foreign men and women with membership) was low, or did not create conflicts within the community, it is likely that little pressure was exerted to include an inheritance system into the rural charter. We mentioned that for those aspects that were not regulated by the charters the main reference was the statute of Trento, especially for criminal issues<sup>8</sup>. However, the 1425 statute of Trento regulated the

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<sup>7</sup> The statutory documents we coded do not cover the whole area of Trentino.

<sup>8</sup> The 1528 Statute of Trento (Statute of Trento, 1983) at §144 recites: “*Furthermore we order that all the statutory provisions for the City of Trento shall be abided by, both in Criminal, Civil and in all jurisdictions subjected to us,*

transmission through inheritance only for private property and not for collective properties such as the commons. On this matter, even the statutes of Trento from 1307 to 1425 are of little help. For private properties, the statute of 1425 stated that, in lack of a dowry for their daughters, both sons and daughters inherited a portion of it, even though daughters were entitled to a lower portion. Can we assume that, originally, the system for the transmission of private property rights was the same as that of the commons? Evidence shows (Fiemme Community, 1613 and 1644) that in the Fiemme Community before year 1584 the two systems were identical. In particular, those systems guaranteed equal rights to sons and daughters. These considerations lead us to conjecture that the inheritance system around the thirteenth century was egalitarian in most of the communities or, at least, that it granted more rights to women than in later centuries.

## 7. Interpretation of the results and conclusions

We propose the following interpretation for the empirical evidence here presented. Population pressure on resources, and in particular on the commons, grew progressively after 1348 – with a possible exception for the first half of the seventeenth century (Fiebiger, 1959 and Wopfner, 1954). This pressure generated greater migratory movements. As a result, communities endogenous engaged in a closure movement, in order to limit immigration of foreigners and to safeguard the integrity collective resources and community wealth for their members. Indeed, members of communities with a low per-capita endowment of collective resources would have taken advantage from the migration to a community with a higher allocation of resources. An egalitarian inheritance system for membership rights offered the chance to marry a member of a wealthy community, thus promoting access to collective resources of the rich community and the possibility of transmitting this right to descendants. Therefore, this mobility represented a serious risk of impoverishment for wealthy communities. One way to avoid this pressure on collective resources was to transform patrilineal inheritance systems into weak patrilineal ones. In this way, women were discouraged from marrying with foreigners in case their intention was to remain in their original community.

This interpretation explains the three key empirical regularities described in the previous section. In fact, the population in Tyrol in 1312 was 240,000 people and reached 593,000 units in 1754 (Fiebiger, 1959 and Wopfner 1954)<sup>9</sup>. In 442 years, the population multiplied by 2.47 times. According to our interpretation, this was a major factor in causing the changes in inheritance systems of membership rights. In fact, the reason for the narrowing of women's rights in inheritance resided in an attempt to limit the influx of people from other communities, as is well described in the letter of the *scario* (community officer) to the bishop, dated November 16, 1583: “*Being that in our Community of Fiemme so far it has been observed that when women of the Community get married with foreigners they acquire the membership right and enjoy the commons and forests in the same measure as a native member of the community. And because since some time many foreigners come and get married in Fiemme for the sole purpose of obtaining the status of members, and*

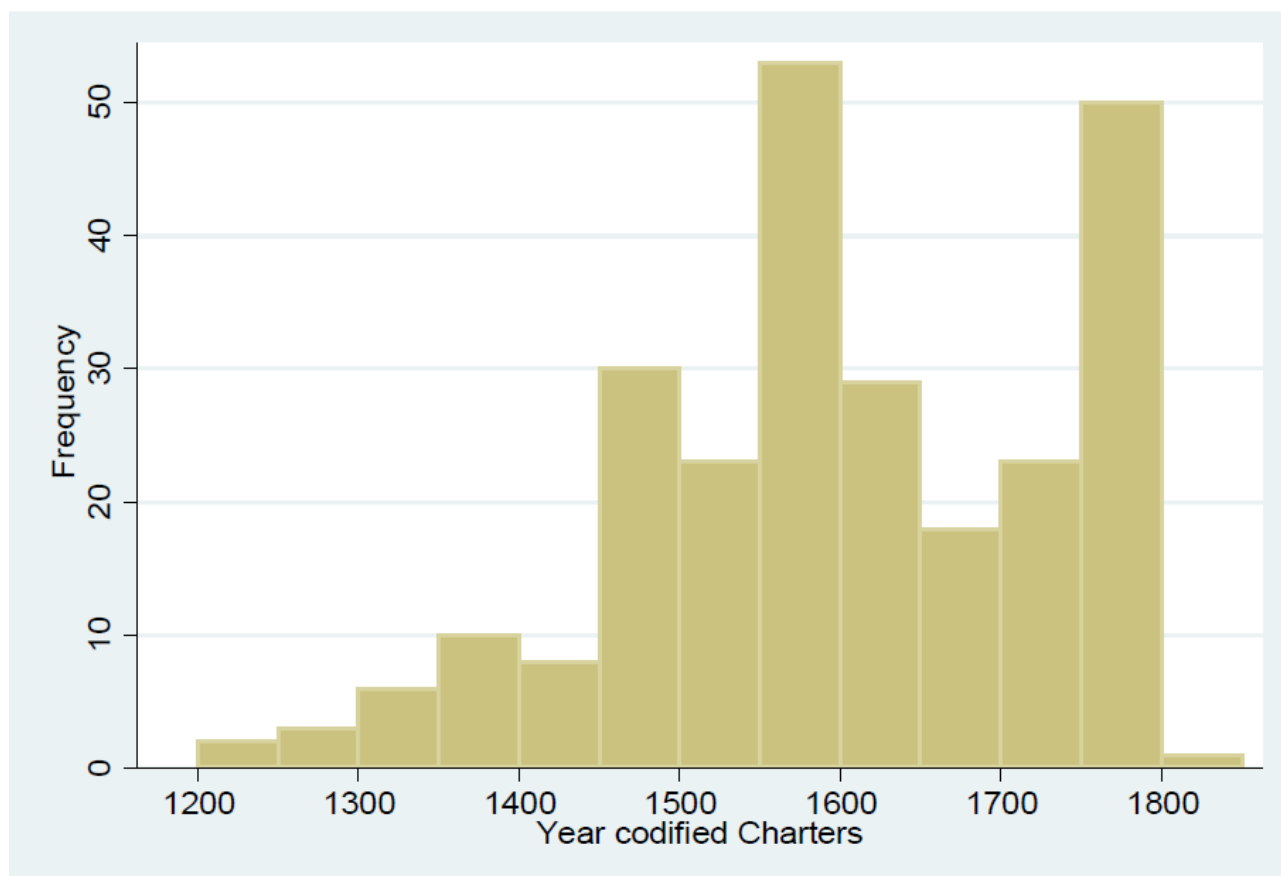
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*here, throughout the Diocese of Trento, & even in the Ecclesiastical courts, in court cases, according to the nature of cases, though lay affairs, for members must be governed according to their the Head ”.*

<sup>9</sup> These figures include: North Tyrol, South Tyrol and Trentino.

*having they continuously caused and still cause disorders and damages in the woods of this Community, therefore willing this Community fix and provide for such disorders and damages that are brought about by foreigners, it has been deliberated and decided with common consent ... that from now on in the future all women that marry a foreigner who is not member of the community shall not have nor inherit any membership right*" (Trento State Archive, Latin Section, C.12, F.69). If the inheritance system of membership rights was so important for protecting the collective resources of members, it may seem paradoxical that more than two thirds of the communities with a rural charter did not explicitly mention it. However, the restriction in inheritance was pressing only in the case of rich communities, being it rather pointless for the poorest communities where there was not an incoming migratory flow. Therefore, the empirical evidence we collected fits with the interpretation we have proposed.

**Figure 1. Time frequency of codified rural charters**



Note: the number of observations is 255.

**Table 1. Classification of communities according to the inheritance system adopted within membership rights**

	1348	1525	1630	1801	Surface in hectares (1801)	% of Total (communities having charters)
<b>Egalitarian</b>	2	2	0	0	0	0%
<b>Weak Patrilineal System</b>	3	3	10	8	30,779	6,51%
<b>Patrilineal System</b>	5	5	7	32	102,125	21,61%
<b>Majorat System</b>	2	2	2	2	2,623	0,56%
<b>Not specified</b>	-	-	-	-	337,069	71,32%

Note: elaboration of estimates of land surface from data in Consiglio provinciale d'agricoltura pel Tirolo (1903-1904)

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