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# Developing Land Rights? The Long Way of Creating Cooperative Land Ownership in Hungary

## INTRODUCTION

The Soviet-type collectivization began in Hungary in 1948. Agricultural producer cooperatives were organized, and people were forced to join collective farms.<sup>1</sup> This process had special economic and social complexity in the Hungarian countryside. How did land legislation develop during Stalinization and De-Stalinization? This study examines a lengthy legislative process spanning the 1950s through the 1960s, culminating in the enactment of Law No. 4 in 1967. The Land Act of 1967 allowed cooperatives to acquire ownership of arable land. This »development« was part of cooperative legislation, which linked land issues to economic reforms. On the one hand, the regime had to overcome ideological limits of the system; on the other hand, there was pure political necessity and

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1 Three types of cooperatives existed; the third was considered the most advanced socialist farm in the communist dictatorship. Despite the grade of collective work, even in this kind of cooperative, it was not possible to own arable land commonly until 1967. I refer to these collective farms in the paper generally as cooperative, noting that they were neither the result of peasant self-organization nor the pure copies of the Soviet kolkhozes.

economic need to solve the so-called land question. The new regulation served cooperative interests and gradually abolished private ownership of land. The implementation of the Land Act transformed land relations and created a new, standard form of land ownership, rather than nationalization of land.

While most works on agricultural history address land issues in communist dictatorships, the process of drafting a land code before, during, and after mass collectivization is almost absent from the Hungarian literature. For instance, land consolidations, expropriations, and the misuse of commonly used lands are generally elaborated to highlight the violent and arbitrary conduct of authorities, especially between 1949 and 1956.<sup>2</sup> Scientific historical writings on main land policy are rare; however, this topic should be taken into account to uncover changes in privately and collectively owned and used lands.<sup>3</sup> Why did the Communist Party not initiate the preparation of a land code in the first years of communist rule, and only begin during the »New Course«, a brief period between 1953 and 1955 under Imre Nagy, aimed at easing repression and introducing moderate reforms? What aspects did the legislators consider during the codification process?

The primary sources of my analysis are documents of central party organs and ministries. For instance, I conducted research on reports from the Ministry of Agriculture, the Political Committee of the Communist Party, and various agricultural organs. The evaluation provides explanations and reveals connections between elements of land legislation and land policy up until the Hungarian economic reform in the second half of the 1960s.

## LAND REDISTRIBUTION, COMMUNIST LAND POLICY AND COLLECTIVIZATION, 1945–1953

The land reform decree came into force in Hungary in March 1945. It was one of the most significant land regulations at the end of the Second World War and in the years that followed. After the announcement of the Soviet-type collectivization of agriculture, the »land reform« was declared completed in 1949 in legal terms. Still, the abolition of its results lasted for more than a decade.

2 Simon, A párt agrárpolitikája, 26–27. Honvári, Magyarország gazdasági fejlődése, 538–41. Szakács, A földosztástól, 287–97, 330–35. József Pál mentioned the 1957 legislation in one of his writings, while later the authors usually summarized the Land Act of 1967, mainly due to the creation of cooperative land ownership – Pál, Kísérlet szövetkezeti törvény, 225–38. On land consolidations see: Nádasdi, *Tagosítások és birtokrendezések*. On land transfer between 1946 and 1949: Simon, *A magyar parasztság*, 170–73. Most of the works on agriculture after 1945 has a chapter on land reform, however, the analyzes usually do not cover the fate of land reform lands in detail. See, e.g., Donáth, *Demokratikus földreform*; Ö. Kovács, *Földindulás*, 19–68.

3 See, e.g., Seres, *Földtulajdoni és földhasználati*, 163–69; Sipos, *A hazai földtulajdoni*, 493–509; Romány, *Földbirtok-politika és földtulajdon*, 96–105; Kurucz, *Gondolattörödékek a magyar*, 219–64.

The goal of the legislators and decision-makers was the radical transformation of land structure by limiting and eliminating private land use and ownership. The leading figure of the Bulgarian communists, Georgi Dimitrov, explained in 1948 that, unlike the Soviet pattern, mass collectivization can be accomplished in the so-called people's democracies without prior nationalization of lands. His thesis had a significant influence on other communist regimes in the region.

Hungary did not have a land act until 1967. Law No. 4 on further developing land ownership and land use, which was published in the Hungarian Gazette on October 11, 1967, was clearly seen as Land Act in the party and in the public as well. What led to this legal measure? In the first years of the Rákosi-era<sup>4</sup> up until the start of the »New Course«, the question of codification of private and/or »socialist« land relations was not raised. As a result, in the first years of collectivization, there was no intention to create a general or partial land code.

## **CODIFICATION ATTEMPTS OF COOPERATIVE LAW AND LAND LAW, 1953–1963**

Law was one of the primary instruments of social and economic change, which began in 1945. By 1950, the Soviet legal system had become a model to be followed by Hungarian legal theorists; however, many peculiarities influenced legal thinking. Significant codifications were in progress before 1953; nevertheless, the most important effect of the »New Course« was that the preparation of a new civil code began. The opinions differed between jurists and economists on the necessary economic and legal measures during the so-called transition period from capitalism to socialism. This is evident in the example of the NEP (named after the Soviet New Economic Policy of the 1920s), as well as in debates on land law and cooperative law.<sup>5</sup>

A proposal for securing the proper cultivation of state reserve lands was prepared in the spring of 1953 in the Department of Agriculture of the Hungarian Workers' Party (MDP), which addressed relevant questions of land law. Shortly, the Political Committee accepted the proposal on July 29, 1953. The content concentrated on the utilization of reserve lands, specifically at that time. The decree of the Council of Ministers on this matter was published on August 2, and the

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4 The period of Mátyás Rákosi's rule in Hungary (1948/1949–1953) was marked by severe repression across political, economic, and cultural spheres, along with forced collectivization, accelerated industrialization, and rigid Soviet-style central planning. Although Rákosi briefly regained power between 1955 and 1956, the process of de-Stalinization continued following his exile to the Soviet Union in the summer of 1956.

5 Luka, *A Contradictory Transition*, 525–43.

implementing decree was published on August 20. On September 9, a decree also came into force regarding the leasing of private lands. These laws were intended to ensure the efficient utilization of arable areas, but they did not address many issues related to land ownership and use. The party leadership planned in the »New Course« a much longer economic transition from capitalism to socialism than the Stalinist party elite. This was possibly one of the reasons that the Department of Agriculture of the MDP proposed on August 6, 1953, in its draft working plan for autumn 1953, the idea of a general land code.<sup>6</sup>

In November 1953, a decision was made to establish governmental committees to codify civil law and criminal law.<sup>7</sup> The committees held meetings from the beginning of 1954; a special committee was preparing the general land code within the Ministry of Justice.<sup>8</sup> This committee held meetings on an irregular basis, probably until the spring of 1955. The archival sources do not indicate that a special committee was formed to codify producer cooperative law. The conception of lawmakers was simple: basic land rights and cooperative law would be regulated in parallel with the codification of civil law. At the meeting of the Political Committee on August 18, 1954, it was decided that there was no need for a separate cooperative act, since the Civil Code would regulate the operation of cooperatives in more detail, while the Land Code would regulate the use of land by cooperatives.<sup>9</sup> The Stalinists' restoration of political power in 1955 paused the codification of land law.<sup>10</sup>

In 1956, the party decided that cooperatives could have more flexibility in developing their charters. It was planned to draft a new cooperative law.<sup>11</sup> A memorandum, prepared in September 1956, mentioned a new codification committee for land law and producer cooperative law, which was set to resume work in the autumn of 1956.<sup>12</sup> The new general cooperative law, which would have partly included the legal material on producer cooperatives, was drafted by the autumn of 1957. József Pál, who had been involved in cooperative legislation and policy-

6 HU MNL OL M-KS 276. f. 93. cs. 444. ő. e., Department of Agriculture, strictly confidential draft of the working plan until November 1, 1953, August 6, 1953.

7 Nagy Imre első kormányának, 748–51.

8 HU MNL OL XIX-K-16-a 42. ő. e. No. 9.640-8/1954, Draft of the system (thematic) of the Land Law Act, May 19, 1954.

9 HU MNL OL M-KS 276. f. 53. cs. 190. ő. e., Minutes of the meeting of August 18, 1954; 5. Proposal for certain principle questions on the civil code, land code, and criminal code; Administrative Department of the Ministry of Justice, No. K/11/E/542/1954, Strictly confidential proposal for the Political Committee on certain principle questions on the civil code, land code, and criminal code, August 16, 1954.

10 Although it is possible that the decision-makers planned later to issue a land act according to political decisions.

11 The actual one, which was in force, was promulgated in 1947 (Law No. 11 on cooperatives).

12 HU MNL OL Deputy of the President of the Council of Ministers Antal Apró (1952–1973) 4. ő. e. No. 452/VIII/1956, Memorandum for comrade Antal Apró, September 26, 1956.

making for over a decade, wrote an overview of this legislative process, which was published in the *Agricultural History Review* in 1997.<sup>13</sup> Zsuzsanna Varga, who has written articles and books on the Hungarian agricultural reforms, also referred to this legislative attempt in her work.<sup>14</sup>

The revolution and freedom fight in 1956, as well as the subsequent events, intensified discussions over legislative matters; additionally, changes in agricultural policy had a profound impact on legislation.<sup>15</sup> The legislative process, which restarted in 1956, resulted in a general cooperative act and a cooperative land act, based partly on the previous drafts of a general land code.<sup>16</sup> After the general cooperative act had been removed from the agenda in 1957, the decree on agricultural cooperatives would have included land rights regulation. In 1958, it was planned that some of these land rights should be regulated separately in the form of a decree of the Presidential Council.<sup>17</sup> Finally, in 1959, in the first phase of mass collectivization, a decree on agricultural cooperatives was published. Authors often referred to this decree in the literature as a cooperative act.<sup>18</sup>

The Cooperative Land Act, drafted in 1957, would have codified the cooperative part of agricultural land law separately. At that time, two jurists were explicitly involved in land law issues and participated in legislation: Imre Seres and László Nagy.<sup>19</sup> In the 1950s, the »New Course« and the post-revolutionary period's land policy changes had a significant impact on regulations that were included in drafts and subsequently published in legal provisions. The legislation process suggests that there has been a shift from a dogmatic, rigid approach towards a »reformist« approach, emphasizing gradualism and facilitating the use of softer methods. Lands were taken into state ownership during Stalinization for the use of state farms and cooperatives. After a limited-scale land compensation of former owners and tenants, the remaining lands which were taken various ways by 1957 were nationalized without any compensation. According to

13 Pál, *Kísérlet szövetkezeti törvény*, 225–38.

14 Varga, *The Hungarian Agricultural Miracle?*.

15 An overview of collectivization in Hungary and especially the role of household plots, see: Kovach, *Hungary: Cooperative Farms*, 125–52; Szakács, *Agrarian Policy in Hungary*, 67–78.

16 HU MNL OL XIX-K-1-y 1479. ó. e. No. 153.834/1957, Thematic draft of the Cooperative Land Act, May 27, 1957.

17 HU MNL OL XIX-E-1-z 98. ó. e., Decree No. ... of 1958 of the People's Republic Presidential Council on certain land law questions related to cooperatives, December 1958.

18 *Hungarian Gazette* 1959; No. 29, Decree No. 7 of 1959 of the People's Republic Presidential Council on the agricultural producer cooperatives and cooperative groups, March 19, 1959.

19 Imre Seres (1928–1983) jurist, legal scholar, and expert on cooperative ownership rights. Finished legal studies in 1952 in Budapest at the Eötvös Loránd University, aspirant at the Lomonosov Moscow State University between 1954 and 1956. He wrote his dissertation about land ownership in the Hungarian producer cooperatives. László Nagy (1914–2005) was a jurist and legal scholar. Associate professor at the University of Szeged from 1957, then head of the Department of Agricultural and Labor Law as a professor from April 1958.

cooperative rules, commonly used private lands could be taken back legally by private farmers, heirs or quitting cooperative members.

The Hungarian agriculture was mass collectivized between 1959 and 1961, which made it necessary to »adjust« the legal framework to large-scale farming. A comprehensive legislation began in 1961, with plans to draft a new act on producer cooperatives and a land code.<sup>20</sup> The Ministry of Agriculture entrusted Imre Seres with the task of drafting a land code to regulate land ownership and use generally. Both this draft and the forthcoming act on producer cooperatives would have allowed cooperatives to acquire arable land. It can be assumed that when the new act on producer cooperatives is promulgated, either later or simultaneously, a general land code will come into force.<sup>21</sup> The new act on producer cooperatives was then removed from the agenda for a while, only to be brought back to the forefront in the mid-1960s, along with a complex economic reform. Numerous questions remained unanswered at that time, mainly related to land use issues, which were the subject of legislative problems – for instance, readjustments of arable land between state farms and cooperatives, or the use of allotted lands.<sup>22</sup> Ongoing »spatial readjustments« have also included various types of cultivated lands, such as orchards, vineyards, and forests. These land consolidations, barely analyzed from new perspectives in the Hungarian literature, continued the »socialization of land use«.

Consolidation of fragmented small parcels into large fields was facilitated by legislation. It is hard to estimate the overall farmland area affected by this procedure in the 1960s. In the first half of that decade, two huge, nationwide programs were initiated and partially implemented. First, readjustment/reallocation of forest areas, second, review and readjustment of building areas, including household plots and backyard areas. In addition, land was taken over by the state in various ways, such as the confiscation of land redistributed during land reform.

20 Some of the jurists believed that due to mass collectivization, both producer cooperative law and land law became independent branches of law. This could also be one of the reasons why the codification of both was on the agenda.

21 HU MNL OL XIX-K-1-b 579. ő. e. No. 2.442/1963, Issuing frame provisions related to various branches of agriculture; Secretariat of the Ministry of Agriculture, Department of Administration, comments regarding the Land Act draft, February 1, 1963; Ministry of Agriculture, Department of Administration, memorandum on the Land Act Draft, February 21, 1963.

22 HU MNL OL XIX-K-1-y 1518. ő. e. No. 44.204/1962, Strictly confidential proposal on certain land policy issues; Proposal for the Agricultural Commission of the MSZMP on certain land use issues, January 19, 1962.

## PEASANT DEMANDS AND COOPERATIVE INTERESTS

The lands taken into collective use by cooperatives were indivisible after consolidation and demarcation. However, the more people who entered the collective farm with land, the more people could leave after the three-year exit ban had expired. It was a real risk for the cooperatives, i.e., that cooperative members could reclaim land for private use. Theoretically, it was possible to leave the cooperatives formed in 1948 as early as autumn 1951. At the end of 1952 and the beginning of 1953, cooperatives and state organs were instructed not to return land from cooperative fields to private use.<sup>23</sup> Keeping collective lands intact was also an important factor in the »New Course« and the implementation of post-revolutionary land compensation. Land compensation restrictions have probably been advocated mainly by radical party cadres who agitated for collectivization. The prohibition of releasing land from collective use came to the fore during the Rákosi power restoration in 1955. Agricultural policy-makers faced the phenomenon of land demands from both non-cooperative and cooperative members since 1951/52. This socio-economic development also had a tremendous influence on land policy.<sup>24</sup>

State organs and cooperatives prevented peasants from reclaiming land for individual use during the mass collectivization. The official grounds for rejection were the common interests of cooperatives. Such decisions, which contradicted the law, involved judicial authorities, courts, prosecutors' offices, and county representatives of the cooperative councils. Cooperative leaders were instructed verbally at the meeting and in writing about the prohibition on land release.<sup>25</sup> The land issues related to the aforementioned problems resurfaced as a central topic in the early 1960s, following the expiration of the three-year exit ban in 1962, which had been implemented after the start of mass collectivization in 1959.<sup>26</sup> Preventing cooperative members from leaving, rejecting the heir's request for

23 HU MNL GyMSVMSL XXIII. 211. 11. cs. 3. ő. e., Ministry of Agriculture, settling the issue of land demands of cooperative members who have been excluded or quit, January 5, 1953.

24 HU MNL OL M-KS 276. f. 93. cs. 654. ő. e., Memorandum on leaving cooperative members in Győr-Sopron County Cooperatives, September 24, 1956; Strictly confidential report for the Political Committee on the leaving cooperative members in Vas, Győr, Zala, Somogy, and Baranya counties, September 27, 1956.

25 HU MNL GyMSVMGyL XXIII. 9.a 36. ő. e. No. 21.157/1961, Győr County Court, procedure regarding the inheritance of cooperative members, June 14, 1961. HU MNL GyMSVMSL XXIII. 211. 3. ő. e. No. 4097-1/1961, Instructions of the Department of Agriculture of the Executive Committee of Csorna District Council for the president of the cooperative in Bősárkány about the prohibition of quitting and taking over land from cooperatives, December 21, 1961. According to the Civil Code and the cooperative decree of 1959, reclaiming land for private use was linked to the agricultural profession. The implementation of this regulation significantly limited further private farming.

26 Varga, »Földindulás« után, 250–55.

land, and preventing the lessor's attempts to break the contract seemed to be a temporary solution from the party state perspective.<sup>27</sup>

Law was subordinated to the interests of the cooperatives. Nevertheless, this situation could have led to instability of collective land use. The agrarian reformers could not stand idly by and watch the chain reaction unfold at any time. It would have meant the risk of a cooperative break up. In this case, the agricultural reform would also have been stalled on the path that could have proved the success of reform concepts. When the act on producer cooperatives was prepared in the 1960s, there were no new elements in terms of land release from collective fields.<sup>28</sup> Analyses of Imre Seres and sources from the Agricultural Department of the Central Committee of the MSZMP written and prepared in the first half of the 1960s, indicate that decision-makers considered the creation of cooperative land ownership. This type of ownership was considered a solution to the aforementioned problems.

## THE NEW ACT ON PRODUCER COOPERATIVES AND LAND LAW

The new act on producer cooperatives resurfaced in the mid-1960s. At this time, preparations were underway for both agricultural and comprehensive economic reform. Reform work on economic management gained momentum from 1964 to 1965.<sup>29</sup> Within a relatively short time, the guidelines for the new act on producer cooperatives were ready. The new act was based on the 1963 draft.<sup>30</sup> According to the draft of the Cooperative Land Act in 1957, cooperatives could

27 HU MNL OL M-KS 288. f. 5. cs. 263. ő. e., Minutes of the meeting of April 19, 1962; 6. Report on the analysis of the leaving cooperative members; Department of Agriculture of the Central Committee of the MSZMP, strictly confidential report for the Political Committee on the analysis of cooperative members who have quit, April 13, 1962. HU MNL OL XIX-K-1-b. 484. ő. e. No. 2.604/1963, Law Department of the Ministerial Secretariat of the Ministry of Agriculture, Secretariat of the Council of Cooperatives, Department of Land Policy of the Ministry of Agriculture, land law issues regarding leaving members of cooperatives and terminations of land lease contracts, September, November, and December 1963. HU MNL OL M-KS 288. f. 28. cs. 1964. 2. ő. e. No. 23/98/1964, Secretariat of the Council of Cooperatives, instructions for the county representatives of the Council of Cooperatives, settling problems related to giving out land from cooperatives, June 6, 1964. HU MNL GyMSMGyL XXIII. 9.a. 79. ő. e. No. 21.827/1966, Ministry of Agriculture, the issue of giving out land from cooperatives, September 9, 1966.

28 HU MNL OL XIX-K-1-bb 263. ő. e. No. 68.065/1962, Strictly confidential proposal for the Agricultural Commission of the Central Committee of the MSZMP on the modification of some regulations regarding the operation of cooperatives, January 20, 1962. HU MNL OL XIX-K-1-b. 382. ő. e. No. 609/1963, Inheritance of lands, which were taken by cooperatives and cooperative groups, May 21, 1963.

29 Varga, *Politika, paraszti érdekvérvényesítés*, 127–29.

30 Ibidem, 139–42.



have acquired arable land by requiring members to transfer their land to cooperative ownership. The draft of the Presidential Council's decree of 1958 contained that if the landowner cooperative member had no heirs, the land would have become automatically cooperative property. The draft of the Land Code prepared by Imre Seres in 1963 would have also allowed this form of ownership.

In 1965, a »land policy law package« was published, which supplemented the regulations on land waiving, land consolidation, and the use of uncultivated land. Relevant to the analysis was Resolution No. 860 of the Civil Chamber of the Supreme Court in 1964, which addressed the distribution of land from the common property of cooperatives. The implementation of the law had shifted away from the official rules to such an extent that the legal framework had to be adjusted to it. This was made urgent by social pressure, which did not ease in the mid-1960s. It is challenging to determine the scope of the debate among agrarian politicians, party leaders, and legislators on land law issues based on the documents of party and state organs. It can be assumed that there may have been some resistance from those who argued for the primacy of state ownership, but the position of agrarian reformers was powerful at the time. The extension of state ownership would have been a difficult alternative to accept, as there was no such large-scale nationalization in the »socialist bloc«. In Bulgaria and Romania, the situation was more advanced in this respect, as in these countries, for example, efforts were made to abolish land rent and to introduce some new forms of collective land ownership.

The search for a solution to secure cooperative land use was primarily left to specific jurists who had already worked on the issue. As early as the first half of the 1950s, Imre Seres analyzed land rights and land relations in the people's democracies. His investigations embraced the legal aspects of lands cultivated by cooperatives. It can be assumed that Seres argued not just before but also after 1963 for the creation of cooperative land ownership.<sup>31</sup> In 1965, one of his articles was published in the *Journal of State and Jurisprudence*, under the title »The question of permanence of collective use of land in the cooperative and the basis of land ownership«. One of his fellow jurists, László Nagy, with whom he worked on the land law questions during cooperative legislation in 1957, also wrote articles reflecting on the issues of land ownership and land use. In 1965, there was undoubtedly considerable background work not only on agricultural reform (e.g., price and tax systems, cooperative management) but also on land issues related to producer cooperatives. Therefore, the central apparatus was able to develop concrete solutions in various proposals and submissions as early as the beginning of 1966. Few information were shared with the public on the codification of land

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31 Seres, A termelőszövetkezeti tulajdon, 75–76.

law since 1953. Agricultural jurists referred to ongoing work in their articles or broader studies on current land law issues and legislation. László Nagy and Imre Seres must have been well-informed, as they were involved in the legislative process of the late 1950s and throughout the 1960s.

In an article published in 1965, László Nagy pointed out that in order to complete mass collectivization, it was necessary to maintain private land ownership. In Nagy's opinion, the introduction of cooperative land ownership would have hindered the process at that time.<sup>32</sup> The extent of the debate among jurists on this issue is unclear, but Seres has pointed out in several studies that dogmatists opposed the new property form.<sup>33</sup> From 1965 onwards, his opinion seems to have gained support, not only for the creation of cooperative land ownership but also for its significant extension. This concept fit well in the planned direction of agricultural reform.

The first serious investigation may have begun in 1965 at a meeting of the State Economic Committee, when the topic of cooperative land ownership was raised in connection with the economic mechanism. In the spring of 1965, Imre Dimény, head of the Department of Agriculture of the MSZMP, requested that the head of the State Land Survey and Mapping Office (Állami Földmérési és Térképészeti Hivatal, ÁFTH) prepare a summary on the ownership of land used by cooperatives. The memorandum had to include the extent of certain ownership forms (i.e., land owned by the state, members and family members of cooperatives, and »outsider« landowners).<sup>34</sup> The data on land ownership structure collected by ÁFTH was probably used during the preparation of the new regulation.

Members were still leaving the cooperatives in the mid-1960s, while many of them demanded the return of all or some parts of their land to use it privately. Not only former cooperative members, but also people from whom cooperatives had leased land and heirs requested the return of their lands. Meanwhile, the Ministry of Agriculture continued to work on specific issues concerning land use, which was supplemented with land ownership.<sup>35</sup> The amendment to the title of the proposal illustrates the Ministry's cautionary approach to land ownership.<sup>36</sup>

32 Nagy, A földreform, 129–30.

33 Seres, A termelőszövetkezeti földtulajdon, 128. Sárándi, Seres Imre: A föld, 692. Seres, A termelőszövetkezeti tulajdon, 74–75, 147–72..

34 HU MNL OL M-KS 288. f. 28. cs. 1965. 3. ő. e. No. Mg/285/2, National Land Survey and Mapping Office, memorandum to Imre Dimény regarding data on cooperatives, April 27, 1965.

35 HU MNL OL M-KS 288. f. 28. cs. 1964. 14. ő. e., Ministry of Agriculture, proposal for the Political Committee of the MSZMP on the guidelines related to settling certain land ownership and land use issues, December 30, 1964.

36 Ibid., Department of Agriculture of the Central Committee of the MSZMP, Department of Administration of the Central Committee of the MSZMP, strictly confidential proposal for the Political Committee on the guidelines related to settling certain land ownership and land use issues, January 16, 1965.

In 1965, as a result of the above-mentioned land legislation on land waiving, land consolidation, and the use of uncultivated land, the »land policy law package« was promulgated. It addressed legal questions related to land protection, land waiver, land consolidation, and expropriation. The further review of residential areas and experimental consolidation of fragmented backyard allotments was also decided at the same time.

It appears that certain politicians had already been promoting the concept of large-scale state intervention in land ownership by the mid-1960s. Abolishing private land ownership by introducing cooperative land ownership seemed a »middle way« measure compared to land expropriation by the state. It is likely that in October 1965, because of such considerations, the decision-makers accepted and enacted »only« the above-mentioned land policy law package, which partially affected land use and ownership.<sup>37</sup> The Political Committee of the MSZMP decided in a relatively short time that the competent organs should examine the state of land use and ownership in the cooperatives and that they should prepare a proposal on »further development of land relations«. At the meeting of the Political Committee on January 4, 1966, additional ideas were outlined on the creation of cooperative land ownership (one method was called redemption in the documents).<sup>38</sup>

The Department of Agriculture, in its report under the title of »On the state of the cooperative movement and guidelines for the task of its consolidation«, outlined to the Political Committee that 17% of the land in cooperative use was state-owned and 15–20% was owned by non-cooperative members, i.e., »outsiders«. Due to deaths, leaving, and exclusions from the cooperatives, the number of non-cooperative landowners and the proportion of land owned by them had increased. Consequently, cooperatives had to pay more rent to non-cooperative landowners. The members of cooperatives owned about 65% of the collectivized lands and received a certain payment as land rent as well.<sup>39</sup> The guidelines in December 1965, which were included in the report, would have prohibited transfer of land out from the producer cooperatives in all possible cases, i.e., in the event of leaving, inheritance and lease termination. It was envisaged to redeem the land of heirs who were not engaged in agricultural production as a profession. This regulation was considered a further development of the regulation that was

37 HU MNL OL Minutes and supplements of the Council of Ministers (1944–1990), Government of Gyula Kállai, June 30, 1965 – April 14, 1967, Minutes No. 325 from October 14, 1965, Decree No. 19, 20, and 21 of 1965 of the People's Republic Presidential Council.

38 Redemption, in this context, means the purchase by the cooperatives.

39 Ibid., Department of Agriculture of the Central Committee of the MSZMP, strictly confidential report to the Political Committee on the state of the cooperative movement and guidelines for consolidating its tasks, December 10, 1965.

proposed from the end of the 1950s. The lawmakers believed that all land law issues could be resolved in the forthcoming act on producer cooperatives.

## THE SEPARATE LAND ACT AND »SOCIALIZATION OF LAND OWNERSHIP«

Chapter V of the draft of the new act on producer cooperatives, which was completed in the first half of 1966, detailed cooperative common property. It has already included redemption among the acquisition of property by the cooperatives under the headword »cooperative property«. Therefore, land redemption would have been an integral part of the land law provisions of the act on producer cooperatives. The draft also included a proposal for a possible separate codification of land-related provisions to be prepared.<sup>40</sup>

The material on legal issues on land, under the title of »The ownership and use of land by producer cooperatives«, listed the reasons for interfering with land rights while keeping the interests of cooperatives in the foreground. Of the 9 million cadastral hold (katasztrális hold, kh)<sup>41</sup> of land in collective use, 2 million kh were owned by the state, 5.2 million kh by members of cooperatives, and 1.8 million kh by outsider landowners. One of the land policy options, namely the prohibition of giving out land from collective use, was elaborated lengthy in the draft with other possible options for »socialization«. Gradual socialization was suggested by limiting inheritance, allowing further land waiver, and immediate redemption through a single act.<sup>42</sup> In the spring of 1966, it was decided, as part of the ongoing abolition of private land ownership, that the land of outsiders would be taken into cooperative ownership.

The creation of cooperative land ownership was combined with some unresolved land law issues that had not yet been addressed by legislation, which also impacted cooperative land use. For instance, the legal issues surrounding workers' land, garden, and backyard allotments. This was also a significant argument in favor of a separate land act.<sup>43</sup> This was partly a continuation of the legislative

40 HU MNL OL XIX-K-1-b. 619. ő. e., Draft of the New Producer Cooperative Act, April 1966, Chapter V. Common property.

41 1 kh was equal to 0.575 hectare.

42 The material which dealt with land law questions was prepared already by May 1966. HU MNL OL M-KS 288. f. 28. cs. 1966. 3. ő. e., Secretariat of the Ministry of Agriculture, land ownership, and land use of producer cooperatives, May 23, 1966. HU MNL OL M-KS 288. f. 28. cs. 1966. 2. ő. e., Ministry of Agriculture, proposal for the Political Committee of the MSZMP on the new act on producer cooperatives, May 25, 1966. HU MNL OL M-KS 288. f. 28. cs. 1966. 8. ő. e., Ministry of Agriculture, proposal for guidelines on the regulation of the operation and farm management of cooperatives. July 6, 1966.

43 HU MNL OL XIX-K-1-b. 620. ő. e., Solution of relevant land law issues of the agricultural producer cooperatives, probably in July or September 1966.

work that had been planned, started, delayed, and interrupted on several occasions since 1953/54. The proposed Land Act could not have been a comprehensive and general land code, but the lawmakers intended to settle land rights issues in one regulation.

At its meeting on September 20, 1966, the Political Committee discussed a proposal to develop land ownership and use further. The politicians argued for establishing a unified form of land ownership and land use. They stressed that securing the use of land by cooperatives required the gradual socialization of private land ownership. This meant, as mentioned above, that the cooperatives acquired the land of outsiders. The purchase price had to be paid in equal instalments over 5 years. If a member of a cooperative died and their heir was neither a cooperative member nor a member who joined the cooperative after the death, the land was automatically redeemed. Private ownership of land would be gradually eliminated over the long term through this legal mechanism.<sup>44</sup> The change of approach is emphasized by the fact that the lands of cooperative members were not socialized by law from above. Inheritance was restricted, allowing the land of a cooperative member to be inherited only by another cooperative member.

The Political Committee decided at its meeting on September 20 that the main aspects of both the Act on Producer Cooperatives and the Act on Land should be submitted to the Central Committee simultaneously.<sup>45</sup> By the end of September 1967, the Department of Agriculture had prepared the main guidelines and proposals to develop further land ownership, as well as land use and operation of producer cooperatives.<sup>46</sup> According to the proposal, the Land Act had to be drafted by August 1, 1967, while the Producer Cooperative Act had to be drafted by August 31, 1967. On October 4, 1966, the Political Committee, and shortly thereafter, on October 13, the Central Committee also put the proposal on its agenda. According to the document, the land law issues were placed in the framework of the gradual cooperativization of land ownership.<sup>47</sup> The first draft

44 HU MNL OL M-KS 288. f. 28. cs. 1966. 1. ő. e., Department of Agriculture of the Central Committee of the MSZMP, strictly confidential proposal for the Political Committee on the development of land ownership and land use, September 12, 1966. HU MNL OL XIX-K-1-b. 620. ő. e., Department of Agriculture of the Central Committee of the MSZMP, strictly confidential proposal (draft) for the Political Committee on the main issues of the operation of producer cooperatives, September 7, 1966.

45 HU MNL OL M-KS 288. f. 5. cs. 405. ő. e., September 20, 1966, Proposal on further development of land ownership and land use; Department of Agriculture of the Central Committee of the MSZMP, strictly confidential proposal for the Political Committee on further development of land ownership and land use, September 10, 1966.

46 HU MNL OL M-KS 288. f. 28. cs. 1966. 3. ő. e., Department of Agriculture of the Central Committee of the MSZMP, strictly confidential proposal (draft) for the Central Committee on the main issues linked to the development of our cooperative policy, September 27, 1966.

47 HU MNL OL M-KS 288. f. 5. cs. 406. ő. e., Minutes of the meeting of the Political Committee on October 4, 1966, strictly confidential; No. 6: Proposal, the main issues linked to the development of our

of the Land Act was prepared by the Land Policy Department of the Ministry of Agriculture and was submitted to the Codification Committee on October 27, 1966.<sup>48</sup>

The political decision has been taken, but there has been no public consultation or cooperation on this critical matter. Neither in newspaper articles nor in scientific writings was there any hint during 1965 and until the end of 1966 that the socialization of land used by the cooperatives was planned. Since the cooperatives were not only a new type of farm that transformed agriculture, but also an economic unit that transformed society, land ownership could be linked to the creation of a new »cooperative peasant class«. At the 9th Congress of the Communist Party, held from November 28 to December 3, 1966, a formal decision was made to introduce economic reform. Agricultural affairs dominated the congress. This event was one of the most outstanding achievements of the Hungarian agricultural reformers.<sup>49</sup> The party leadership announced during this event the introduction of cooperative land ownership.<sup>50</sup> As detailed above, legislation was already in progress at the time.

In contrast to the congress's findings, landowners insisted on private ownership. People gave back land to state ownership mainly because of their disadvantaged economic and financial situation. They ceded land, which was also redistributed during the land reform. Private interests were taken into account to a certain extent during land legislation; for instance, cooperatives paid for the land, meaning the owners could receive compensation.<sup>51</sup> Another important aspect of the economic reform was that the autonomous management of cooperatives was facilitated by their ability to cultivate land, which they acquired through various means.<sup>52</sup>

The first draft of the Land Act was completed by February 1967, and its preparation continued until August.<sup>53</sup> Several points were discussed and agreed upon

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cooperative policy. HU MNL OL M-KS 288. f. 4. cs. 83. ő. e., October 13, 1966, 3. Agricultural policy proposals; Political Committee of the MSZMP, No. K8/70 strictly confidential decision of the Central Committee on agricultural policy measures, draft, October 6, 1966; I. Gradual cooperativization of land ownership. (Modified title: Gradual takeover of arable land into cooperative ownership).

48 HU MNL OL XIX-K-1-b. 620. ő. e., Problematic of the new land act, October 1966, The first draft of the Land Act on the Codification Committee meeting on October 27, 1966.

49 Papp, Fehér Lajos, 316–19.

50 *Népszabadság*, November 29, 1966, 1, Kádár János elvtárs előadói beszéde. *Népszabadság*, December 3, 1966, 6–7, Fehér Lajos: Szocialista alapokon fejlődik a magyar falu.

51 HU MNL GyMSMSL XXIII. 310 28. ő. e. No. 7.010/1967, Guidelines for communists participating in the Congress of Cooperatives, probably February 1967. The first national congress of the cooperatives took place between April 20 and 22, 1967 – Papp, Fehér Lajos, 323–25.

52 On innovation and economic reform see: Schlett, *The Socialist-Type Process*, 900–27.

53 HU MNL OL XIX-K-1-y. 1614. ő. e., No. 35.342/1967, Preparation of the act on further development of land ownership and land use, draft, February 17, 1967. HU MNL OL XIX-K-1-y. 1624. ő. e. No. 36.500/1967, Proposal for the Hungarian Revolutionary Worker-Peasant Government on some

without clarification in the summer of 1967.<sup>54</sup> During 1967, newspaper articles on this subject were published in general, as well as three studies that elaborated on the issue of land ownership among producer cooperatives in particular. The government put the acts on agricultural cooperatives and further development of land ownership and use on the agenda at its meeting on August 31, 1967.

In the autumn of 1967, the Parliament voted favorably, and the two acts were published simultaneously in the Hungarian Gazette on October 11, 1967.<sup>55</sup> In addition to the details mentioned above, the Land Act contained regulations governing personal land ownership and land use, maximizing the area of garden and building plots owned and used by private individuals. The Hungarian legislators created an extremely specific regulation by drafting the Land Act. In fact, the cooperative members gradually abolished private land ownership. They paid for their land theoretically by utilizing their material assets, which were accumulated on their land through collective use. This was likely a truly unique phenomenon in the world. As a »result« of the transformation of land structure, by 1990, only 35% of the land used by producer cooperatives was privately owned.<sup>56</sup>

## ANOTHER ATTEMPT TO DRAFT A GENERAL LAND CODE, 1967–1968

The Land Act triggered major changes in the land tenure system in both the short and long term. The land law textbooks published in the 1960s and 1970s confirm the significance of this legal provision. However, despite the Land Act, legislators planned a separate, general land code once again.<sup>57</sup> It can be assumed that this was also in the interest of agrarian reformers at the time. Land law would have been codified since 1953/54 partially to strengthen »socialist legality«. Thus, the concept of a joint act on producer cooperatives and land law could have been a starting point for reform thinking from a legal perspective. A general land code

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issues of land ownership and land use, June 15, 1967; Law No. ... of 1967 on certain issues of land ownership and land use, June 12, 1967.

54 HU MNL OL XIX-K-1-b. 620. ő. e., Ministry of Agriculture and Food, memorandum on issues linked to the draft of the governmental decrees regarding the implementation of the cooperative and land acts, June 23, 1967.

55 *Hungarian Gazette* 1967, No. 68, October 11, 1967, Law No. 4 of 1967 on further development of land ownership and land use. *Hungarian Gazette* 1967, No. 68, October 11, 1967, Law No. 3 of 1967 on agricultural producer cooperatives.

56 Romány, *Földbirtok-politika és földtulajdon*, 101.

57 Nagy and Seres (eds.), *Mezőgazdasági jog*, 26–27. In the Hungarian land law university textbook, published in 1969, the relevant part of the agricultural law textbook of 1966 was repeated, that is, that land law was not summarized in a code, but in 1969 they already added that the first Hungarian land code will be necessary in the near future. The same was repeated in the 1974 edition – Seres (ed.), *Mezőgazdasági jog I.* Seres (ed.), *Földjog*, 29–30.

would have reinforced the legal-ideological concept of the new form of property, namely cooperative land ownership, in the 1950s and the 1960s as well. Although Imre Seres did not mention it in his land law textbook or his other writings, several newspaper articles confirm that in 1967/68, land law was not only planned to be »recodified,« but its codification also began and was in progress. The reason behind the cancellation or delay of the land code in the late 1960s may be that economic policy interests and views clashed at higher levels of political decision-making.

At the end of September 1967, when the Parliament accepted the acts on producer cooperatives and land ownership and use, Dezső Illés, the new representative of Somogy County, referred in his speech not only to land reform and land compensation issues, but also to the fact that they needed a unified land code to resolve land rights problems.<sup>58</sup> The daily newspaper of the Heves County party committee of the MSZMP and the County Council, *Népújság*, published an article on September 13, 1967, under the title »Who owns the 60 squares«. The article stated that a land code was being prepared as a fact.<sup>59</sup> In both February and June 1968, articles appeared that mentioned the forthcoming land code.<sup>60</sup> In the minutes of the Executive Committee of Somogy County, a report can be found that also refers to the upcoming land code. Following the 1968 attempt, the codification of land law occurred in the mid-1980s. The Land Act (Law No. 1 of 1987) was published in April 1987. It regulated land rights until the change of the political system in the late 1980s.

58 *Somogyi Néplap*, September 30, 1967, 2, Illés Dezső: A földjoggal összefüggő régi rendeleteket revízió alá kell venni. *Országgyűlési Napló* 1967, Seventh plenum of the Parliament on September 29, 1967, Dezső Illés's speech, 464–68. Imre Dimény, minister of agriculture and food, endorsed the proposal in his answer to Illés's speech; however, he expressed his opinion that the preparation of the code will take more time than one year – *ibid.*, 494.

59 *Népújság*, September 13, 1967, 3, Kié a 60 négyszögöl?

60 *Petőfi Népe*, February 9, 1968, 4, Az új földtörvény és végrehajtása. *Kelet-Magyarország*, June 19, 1968, 3, Háromszáz jogszabály helyett kettő.



## CONCLUSION

In this paper, I elaborate on the codification attempts of land law in the first two decades of the communist dictatorship in Hungary. This research topic is almost entirely neglected in the Hungarian literature; however, most authors do refer to land legislation and the Land Act of 1967. Land law codification was first linked to softer economic and agricultural policy in the »New Course«. The archival research revealed that restrictions on private property resulted in social and economic tensions. Land ownership issues raised legal questions as early as the first crisis of the Stalinist regime in 1952. Therefore, forms of ownership were also in focus during legislation in the »New Course«. The legislative concept of the transition from capitalism to socialism was based on a slower, more gradual transformation, which the radical Stalinists rejected. This can be traced by analyzing archival sources on land legislation in general, as well as the preparation of land acts and codes in particular. On the one hand, documents were evaluated for the codification of land law; on the other hand, political decisions and policy changes were elaborated to contextualize the legislative process.

The agrarian reformers clearly represented continuity from the first half of the 1950s in this regard. They combined the reform approach with the real or perceived possibilities inherent in the given socio-economic conditions during legislation. However, among the main goals was to reinforce common property forms and to abolish private ownership. Already in the »New Course«, lawmakers were discussing the possibility of introducing cooperative ownership of land. After 1956, in the post-revolutionary period, this form of ownership had to contribute to keeping land in collective use as a tool. Since there is a lack of documents on the general codification attempt of land law in the first half of the 1960s, one could only speculate that private ownership of land was regulated to a limited extent. The agrarian reformers also sought to emancipate cooperatives in a legal sense; such a form of ownership may have been the most acceptable for them. Researching records on land issues at the local level can reveal the dynamics of socio-economic relations and the effects of actions by council and party administrations. Furthermore, not only the analyzed two decades, but also the codification attempts and land legislation of the following two decades, could be subject to further archival research at the national level to fill gaps in the literature. The creation of cooperative land ownership was an option to expand the economic independence of cooperatives and to resolve decades-old land conflicts. Undoubtedly, at the end of a lengthy legal process, the interests of cooperatives were placed at the center to ensure the long-term integrity of collective large-scale land use. A theoretical suggestion of this research is that the

concept of »socialization of land ownership« implies further collectivization in the Hungarian countryside after 1961. Summarily, it can be stated that without proper insight into the land law codification process up until 1967, the agrarian reforms and cooperative legislation cannot be fully understood as a whole.

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