

## *Chapter 6*

# Purposes and Pressure: Issues of Reform Design

STOLYPIN'S PURPOSES have occasioned endless debate. Despite Lenin's complex ambivalence, Soviet historians have tended to treat Stolypin as little more than a pawn of the gentry, setting out to destroy the commune as a possible source of organized political resistance to the regime, or to weaken the peasants politically by setting them at odds with one another. His liberal fans have seen him as a true reformer, completing Alexander II's emancipation of the serfs by enabling willing peasants to escape the yoke of the commune that had replaced that of the pre-emancipation owners.

People have mixed motives. Idealism, generosity and love of country were doubtless among the tsar's feelings, and surely featured among the gentry in something like the mix that they would have in any large group. But it seems safe to assume that both tsar and gentry included among their goals the preservation of their economic and political advantages. Certainly that goal must have constrained their views of what constituted acceptable policy.<sup>1</sup> For members of the gentry seeing their houses torched and crops destroyed—or those of

1. See, e.g., Alexander Gerschenkron, "Agrarian Policies and Industrialization, Russia 1861–1914," in Alexander Gerschenkron, *Continuity in History and Other Essays* (1968), 140–248 (arguing throughout that the reforms were driven by a political purpose of obtaining security from peasant uprisings).

their friends and neighbors, or even those of any fellow landowner—the impulse must have been strong.

However powerful that impulse may have been, the purposes of the tsar, and of the gentry who favored the Stolypin reforms, remain deeply ambiguous. Depending on one's values, goals, and sense of how the world works, one might think that opening the door to peasant privatization of commune land would reduce the risk of peasant uprisings in a variety of quite different ways. It might do so, for example, by: (1) enhancing peasant productivity and thereby reducing peasants' coveting of gentry land; (2) fostering a bourgeois ethic among the peasantry and inducing a respect for gentry property; (3) putting peasants at odds with one another over the process and thus weakening their force against the gentry; or (4) atomizing the peasantry by placing them on isolated farmsteads and thereby weakening them politically. The first two routes to security look liberal, promoting private property for the classic liberal purposes of enhancing people's wealth-producing ability and independence. The third and fourth look mean-spirited and negative.

A process by which commune members elect private property could, if pursued by enough peasants, look like the "crushing" of the commune against which Soviet observers have inveighed. It could also look like the creation of a class of yeoman farmers, which Stolypin hailed.<sup>2</sup> The two are just different sides of the same coin.

Given the ambiguity and overlap, one might inquire about the relative weights of the tsar's and gentry's liberal and illiberal purposes, looking for answers in their writings. But another approach is to examine the reform itself to see how, given at least some liberal means and goals, they may have been tainted by an illiberal context. For these questions, a key issue is the options and constraints the rules of the reform gave the various players in the Russian countryside.

2. *Ibid.*, 236 (quoting Stolypin as saying the reforms would create "a class of small proprietors," which was "in its very nature an adversary of all destructive theories").

I start with the premise that in many situations it is hard to know, with any great certainty, precisely what property relationship is best for a particular resource. My own sense is that property rights held by individuals or voluntary associations (partnerships, corporations or their equivalents) are typically the best way to facilitate productive use of resources, as they give owners relatively accurate incentives and broad opportunities for innovation and require little administrative complexity. But that is plainly not the case for all resources in all circumstances. For rivers and oceans, for example, there are compelling arguments for systems radically different from the familiar ownership of discretely defined segments, controlled exclusively by a single private owner.<sup>3</sup> Where that form of ownership imposes transactions costs that are high in relation to valuable uses—i.e., where owners would have to make many deals with many other owners in order to pursue those uses—other forms of property rights (or a non-property regime) may make sense, at least if rules can be devised to give users good incentives.

It seems overwhelmingly likely that, by 1906, in broad swaths of Russia, private ownership would have prevailed over repartitional open fields in a completely neutral competition. But it is utopian to expect such a competition. History creates a starting point, and anyone who would change bears at least the burden of evaluating unfamiliar alternatives. In assessing the possible taint of illiberalism, it makes sense to ask—without descending into utopianism—whether citizens were allowed to make reasonably independent and unbiased choices among the possible forms of holding their interests. The more independent and unbiased the choices—the more liberal the reform’s methods, the more reliable the volume of peasant choices to convert title or consolidate tracts as a measure of their embrace

3. Resources that for the first time become valuable enough to merit attention (such as the radio magnetic spectrum) pose related issues. See, e.g., Kevin Werbach, “Supercommons: Toward a Unified Theory of Wireless Communication,” *Texas Law Review* 82 (2004): 863–973.

of private property, and the less the risk that the reforms' methods might have reinforced peasants'—and others'—suppositions about government arbitrariness.

In this chapter I first discuss a number of arguments that seem to me red herrings: attacks that attempt to exile the reforms to a kind of rhetorical outer darkness through mere word play or the use of some unrealistic premise. Then I address briefly claims of what I'll call "administrative pressure": devices said to have been employed, apart from the rules themselves, to pressure peasant choices. Finally, and most important, I examine real or arguable design flaws of the rules themselves: (1) unduly biasing peasant choice between electing title conversion or consolidation and retaining the status quo; (2) allowing title conversion to impede consolidation; (3) unduly preferring forms of land restructuring that splintered villages;<sup>4</sup> and (4) failing to give peasants complete access to the benefits of private property.

### *Red herrings*

There are several claims against the reforms that, had they not been much repeated, would not deserve discussion. But their repetition may have given them a spurious legitimacy, so it is worthwhile to analyze them briefly.

1. *Force by definition.* It is possible—but uninformative—to see any new rules allowing peasants to extract their land from the commune as a use of "force" against the other peasants. Thus, one writer says that when matters could be decided by a simple majority (as was true after the 1910 Act for communes with exclusively hereditary tenure choosing consolidation), "the minority had to submit: and it is easy to see that the right of one holder to divide out and consoli-

4. In technical terms, the argument is that the reforms favored *khutors* at the expense of *otrubs*. The terms are defined below and in the Glossary.

date his holding would come very near to the compulsion of another to accept an exchange.”<sup>5</sup> Or consider the pronouncement by Paul Miliukov, the Kadet leader: “You are giving freedom to one million persons in order to bind the other one hundred million with the help of policemen and guards.”<sup>6</sup> Even the sober Robinson, focusing on the reform as an alternative to confiscation of the gentry’s property, imputes to the gentry an idea that “the communal property-right of the peasants must be abolished, in order that the private property-right of the landlords will not have to be.”<sup>7</sup>

When one party to a collective entity is for the first time given a right to extract his interest, those from whom he can now make the extraction have been subjected to a new legal obligation (i.e., to allow the escape). That follows inevitably. And where a majority is given the right to dissolve a commune that was formerly divisible only with unanimity, the law has brought a new “compulsion” into play. But if we characterize these changes as destruction of the commune “by force,” then *any* adjustment in existing legal rights is a destruction of some entitlement by “force”—i.e., the force of the state’s authority. Because the principle applies to all adjustments of existing legal rights, it is either meaningless fluff or a mandate of virtually complete legal stasis. Stamping the Stolypin reforms with such a brand would be especially bizarre, as the reforms always gave

5. John Maynard, *The Russian Peasant and Other Studies* (1942), 59. Note that Maynard’s attack telescopes the rules for individual and all-village conversions and consolidations.

6. Thomas Riha, *A Russian European: Paul Miliukov in Russian Politics* (1969), 172.

7. Geroid T. Robinson, *Rural Russia Under the Old Regime* (1969), 183. Compare the suggestion of Esther Kingston-Mann that “only 20 percent [of those leaving the commune between 1906 and 1917] seem to have done so on their own initiative,” *Lenin and the Problem of Marxist Peasant Revolution* (1983), 120 and n. 59, citing Dorothy Atkinson, *The End of the Russian Land Commune, 1905–1930* (1983), 86. The page cited does not seem relevant at all, but nearby (Atkinson, *The End of the Russian Land Commune*, 89) is the observation that only 27 percent of applications for title conversion met with commune approval. Kingston-Mann seems to have transformed commune resistance into convertor involuntariness.

the “losers,” those outvoted or subject to another’s right to withdraw, implicit or in-kind, compensation. Where householders lost the right of repartition against others, they became free of the others’ future repartitional claims against themselves. When those retaining unconsolidated land were required to give up specific parcels, they received in exchange land intended to be of equal value.<sup>8</sup>

Moreover, in communities that switched to hereditary title or consolidation, a simple or a two-thirds majority preferred the switch (subject always to the possibility that government pressure or undue sweeteners skewed the choice). Absent the reforms, then, a minority would have continued to subject a majority to rules the majority rejected. As force is always applicable for enforcement of rules, even unchanging rules, the “force” epithet is largely meaningless apart from specific rules or practices.

Interestingly, at least by the time of the 1911 Act, peasants who were outvoted by a converting or consolidating majority enjoyed substantial rights to *retain* repartitional status or open fields. Thus, in a village with mixed tenure (hereditary and repartitional), a commune member who wanted to retain repartitional status could do so after the commune voted to consolidate (art. 42). And under Article 50(1), an owner’s scattered plots (*cherezpolosnye zemli*) were subject to obligatory consolidation only if land settlement authorities found that inclusion of the owner’s parcels was necessary for the consolidation.<sup>9</sup> These protections for outvoted minorities contrast sharply

8. Some authors seem to suggest that the existence of village majorities against letting individual households convert title or consolidate tracts somehow delegitimizes the reforms. See, e.g., Grigorii Gerasimenko, “The Stolypin Agrarian Reforms in Saratov Province,” in *Politics and Society in Provincial Russia, Saratov Province, 1500–1917*, eds. Rex A. Wade and Scott Seregny (1989), 235, 238, 243. The in-kind compensation for those sticking with the commune largely undercuts the suggestion. See “Administrative pressure” below in this chapter for a discussion of claims that departers received outsized parcels, which if true would short-change the stay-putters.

9. Article 50(3) of the 1911 Act might be read as allowing obligatory consolidation when two-thirds of the holders of repartitional land voted for a whole-village *razverstanie*, but such a reading would substantially undercut Article 50(1). George

with the claims of the reforms' fiercer critics, who, by implication, favored a rule locking every commune member into repartition and open fields unless he could get the village to bless his departure unanimously.

2. *The "wager on the strong."* In debate in the Duma on December 5, 1908, Stolypin said that, in issuing the 1906 ukaz, the government had placed its wager "not on the poor and drunk but on the sturdy and strong."<sup>10</sup> Soviet demonologists have ever since used the phrase to imply that Stolypin used the reforms to favor "kulaks," itself a word whose meaning is largely rhetorical; it is a term used to denounce any peasant disliked by the speaker, usually because he seemed too rich, or wrongly rich.

The context in which Stolypin used the phrase makes plain that he was *not* expressing a belief that the reforms would especially help peasants who were already prosperous, much less ones who were enjoying ill-gotten gains. He made the point in a debate on whether, in the law that eventually emerged in 1910, newly converted titles should go to a single head of household or to the household as an aggregate. An important argument for assigning title to the household was the hope that this would protect wives and children from being dragged into poverty by the misbehavior of drunk, profligate

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L. Yaney, *The Urge to Mobilize: Agrarian Reform in Russia, 1861–1930* (1982), 360, says that under the 1911 Act peasants in a commune undergoing *razverstanie* could in fact divide their fields in strips. As a practical matter, it is hard to see why officials would pressure anyone to consolidate unless it were necessary or convenient for others' consolidation. Compare Article 36 of the 1910 Act, which subjects a household with converted title to obligatory consolidation only where either (1) inclusion of the household's land is necessary for a consolidation that others were entitled to choose or (2) a majority of those remaining in repartitional title "demands" its inclusion. See also Yaney, *The Urge to Mobilize*, 264.

10. P. A. Stolypin, *Nam nuzhna velikaia Rossiia: polnoe sobranie rechei v gosudarstvennoi dume i gosudarstvennom sovete, 1906–1911* [*We Need a Great Russia: Complete Collected Speeches in the State Duma and State Council, 1906–1911*] (1991), 178. Just before this phrase, Stolypin urged that in drafting general laws one should have in mind "the intelligent and the strong, not the drunk and the weak." *Ibid.*

and incompetent menfolk. Stolypin responded that it was wrong to frame the law to handle the exceptional case, “to deprive the peasant of his creditworthiness, of his trust in his own strength, of his hope for a better future; to create an obstacle to the enrichment of the strong so that the weak will share their poverty with them.”<sup>11</sup> Better, he said, to solve special problems with special institutions for care of spendthrifts’ dependents, as under legislation then being considered (and adopted in May 1911).<sup>12</sup> He followed up these themes in a speech of March 15, 1910, and also stressed the importance of marketability of title, which family ownership would obstruct.<sup>13</sup> His attitude here was of a piece with his advocacy, at least as early as 1903, of expanding peasant suffrage so as to assure the presence of more “serious and hard-working” colleagues in the *zemstvos* (organs of local self-government).<sup>14</sup>

The speeches plainly indicate Stolypin’s position that the ordinary Russian peasant deserved the label “strong.” He sought simply to make sure that concern for the profligate minority—a concern best solved, in his opinion, by pinpoint solutions—shouldn’t lead to decisions that would stifle the self-development of ordinary peasants.

We’ll return to the reforms’ inadequacy on the subject of peasant creditworthiness. Serious as that flaw is, it cannot be chalked up to a sinister preference for kulaks. In fact, quite the reverse.

3. *The quarrel with arithmetic.* Soviet historians have delighted in showing that the tracts emerging from consolidation were often relatively small and even insufficient for assuring a peasant household a survival income. Sometimes this is explicitly seen as proof

11. Ibid.

12. G. I. Shmelev, *Agrarnaia politika i agrarnye otnosheniia v Rossii v XX veka* [*Agrarian Policy and Agrarian Relations in Russia in the 20th Century*] (2000), 25.

13. Stolypin, 251.

14. Thomas Fallows, “Governor Stolypin and the Revolution of 1905 in Saratov,” in *Politics and Society in Provincial Russia, Saratov Province, 1500–1917*, eds. Rex A. Wade and Scott Seregny (1989), 162.



that Stolypin lost his “wager on the strong”: the average emerging farmer was not “strong,” in the sense that the historian has erroneously assigned the word (a holder of much property).<sup>15</sup>

It seems obvious that giving communal land holders the right to change the land’s legal form or physical layout would not in itself have changed the peasant/land ratio. Apart from the supposed contradiction with the purposes wrongly imputed to Stolypin, references to the scale of the average holding seem intended simply as a reminder that the reforms did not involve any confiscation or redistribution of gentry land. True, but obvious.

The critics’ observations may also suggest that the reforms did not create holdings large enough for efficient agriculture. Given the Soviet preference for mammoth enterprises, this may have seemed to the critics a strong point against the reforms. But just as the optimal property rights regime for specific resources may be uncertain, so may be the optimal size of agricultural enterprises. Indeed, there presumably isn’t a single optimal size. The relevant circumstances will vary by crop, soil character, topography, access to markets, the technologies available for planting, cultivating, and harvesting, and the personal characteristics of owners. Private exclusive ownership of fully marketable holdings enables those who spot advantages in larger holdings to take a chance on their insights. Given full marketability, and rules allowing development of a sound mortgage market (both issues on which, as we’ll see, the reforms fell short), farms can evolve toward an optimal array of sizes. And, in the meantime, if the government’s hopes about productivity per unit of land were realized (as evidence reviewed in the next chapter suggests), the reforms would enhance peasant welfare despite the harsh logic of arithmetic.

4. *Implications from sale of converted titles.* Many of those con-

15. V. S. Diakin, “Byl li shans u Stolypina?” [“Did Stolypin Have a Chance?”], in *Gosudarstvennaia deiatel'nost' P. A. Stolypina: Sbornik Statei* [State Activity of P. A. Stolypin: Collected Articles], eds. N. K. Figurovskaia and A. D. Stepanskii (1994), 28.

verting their titles took advantage of their newfound ability to sell their land—about 40 percent of those converting made sales, selling about 25 percent of the converted land.<sup>16</sup> The discrepancy in percents seems due in part to many sales being of only part of the converter's holdings, in part to the relative prevalence of small entitlement holders among the sellers.<sup>17</sup> Many who sold did so in order to buy other land (about 25 percent according to a 1914 survey by the Interior Ministry).<sup>18</sup> Others migrated (presumably to a more urban life or to Siberia) or remained on hand either to work in other fields of endeavor, to be landless agricultural laborers, or, for those who sold only part of their holdings, to farm on the remainder.<sup>19</sup>

The Soviet tendency is to label these developments as the “mobilization of allotment land”<sup>20</sup> and the “process of differentiation of the peasantry.”<sup>21</sup> The Soviets seem right to claim that the reforms promoted these. If underlying economic trends reduced the need for agricultural workers and increased the need for non-agricultural labor, then the newly created convertibility of title would have allowed a peasant to cash out the value of his land and move to non-agricultural pursuits. And a working land market would have made it possible for farm sizes to adjust.

The Soviet historians necessarily had mixed views on this. Steps toward capitalism are steps toward socialism and therefore desirable

16. Avenir P. Korelin and K. F. Shatsillo, “P. A. Stolypin. Popytka modernizatsii selskogo khoziaistva Rossii” [“P. A. Stolypin. Attempts at Modernization of Russian Agriculture”], in *Derevnia v nachale veka: revoliutsiia i reforma* [*The Countryside at the Beginning of the Century: Revolution and Reform*], ed. Iu. N. Afanasev (1995), 28. See also S. M. Dubrovskii, *Stolypinskaia zemelnaia reforma* [*The Stolypin Land Reform*] (1963), 361 (roughly similar figures).

17. Korelin and Shatsillo, 361–75.

18. Korelin and Shatsillo, 28.

19. *Ibid.*; see also A.A. Kofod, *Russkoe zemleustroistvo* [*Russian Land Reorganization*], 2d ed. (1914), 165–69 (giving data on the new lives of sellers in various provinces).

20. Dubrovskii, 359.

21. *Ibid.*, 381.

in the long run. But as, in their view, capitalism is bad, the process had to be described in terms that gave it a negative spin. “The process of concentration of landholdings in the hands of the rural bourgeoisie is evident.”<sup>22</sup> But if one believes that welfare will generally be enhanced by increased productivity, and that, on the whole, larger tracts would make for more productivity (a plausible claim for early twentieth-century Russia), it is unclear why one should sniff at land sales tending to increase average farm size—there being no hint on the horizon of monopoly and its distortions. That the sellers typically had less land and the buyers more doesn’t change the picture; the sellers evidently thought they could make themselves better off by selling. The reform enabled them to do so.

Unsurprisingly, the sellers disproportionately included families lacking an adequate labor supply for efficient farming—widows and peasants too old or incapacitated to farm. Not only did the reforms allow them to sell, but, because they tended to hold more land than they could have kept in the next repartition, the reforms also protected them from that repartition’s effects (whether they wished to sell or keep their land).<sup>23</sup>

5. *Absence of regional variation in the law.* As conditions clearly varied across regions, critics and even enthusiasts of the reforms have objected to their lack of regional differentiation.<sup>24</sup> But the reformers’ object was to create a general framework through which owners of certain kinds of property rights (repartitional, scattered) could exchange them for others (hereditary, consolidated). So long as the general rules were reasonably neutral and were applied evenhand-

22. *Ibid.*, 380.

23. Atkinson, *The End of the Russian Land Commune*, 99.

24. See, e.g., George Tokmakoff, *P. A. Stolypin and the Third Duma: An Appraisal of Three Major Issues* (1981), 51 (quoting Count Witte’s speech in the Duma debate over the bill that was adopted in 1910). Boris Fedorov, an enthusiast of the reforms, also expresses concern that they failed to take adequate account of “concrete conditions in one region or another.” Boris Fedorov, *Petr Stolypin: “Ia Veriu v Rossiuu” [Peter Stolypin: “I Believe in Russia”]* (2002), 1:401.

edly, peasants would presumably have made whatever choices were best for them in the light of local conditions.

A related critique argues that the reforms favored the completely separate farm, with the family's house in its midst (a *khutor*), as opposed to tracts grouped around a village, like wedges of a pie, with the owners' huts clustered at the pie's center and separate from the arable land (*otrubs*).<sup>25</sup> Quite apart from individual preferences (women seem to have generally preferred otrubs' greater sociability), geographic variations affected access to water and thus the relative benefits of the two types. But the formal rules of the reforms gave no preference to the khutor over the otrub; so this complaint mainly addresses defects in implementation. In that form, the claim is discussed below.

### *“Administrative pressure”*

Official abuses of power obviously could have transformed a liberal law, allowing peasant-driven exit from the commune, into an illiberal shambles. Was this the case for the Stolypin reforms?

Even enthusiasts for the reforms acknowledge that acts of improper pressure occurred. Tiukavkin wrote that such acts were “not few,” and attributed them “in part to the characteristic zeal (‘ustremlenie’) of bureaucrats, in part to personal qualities (intoxication with power, bad character).”<sup>26</sup> Boris Fedorov, a contemporary Russian liberal and biographer of Stolypin, believes that officials sometimes used pressure against peasant councils and “administrative measures” against opponents of the reforms, including even exile—though presumably the latter only for opponents who themselves

25. See, e.g., Diakin, 26. For technical definitions, see Glossary and discussion below.

26. V. G. Tiukavkin, *Velikorusskoe krestianstvo i Stolypinskaia agrarnaia reforma* [*The Great Russian Peasantry and the Stolypin Agrarian Reform*] (2001), 156 (“*nemalo*”).

used force to prevent others from exercising their rights under the reform.<sup>27</sup> But he regards such behavior as simply an aspect of “Russian reality.”<sup>28</sup> Indeed, a certain amount of it would seem probable, for *any* program, in a state whose institutions had little ability to discourage or remedy executive arbitrariness.

It’s hard to get a very precise sense of the scope of official power abuses; no one was systematically tabulating them. Further, sorting out responsibility would not have been easy, as some official uses of force were reactions—sometimes overreactions—to the use of force by peasant resisters, some of whom, at the reforms’ outset, indulged in vandalism, trespass, arson and even murder.<sup>29</sup> This uncertainty especially shrouds the claim that reform officials induced peasants to apply for consolidation by promising and giving the early applicants preferred parcels.<sup>30</sup> Absent an active land market, the usual problems of valuation would have been at their most acute, and either side could easily have depicted the other as wrongly favored. And if surveyors tended to assign consolidating peasants larger parcels of lower-quality land—as some evidently did, on the theory that consolidators could handle the challenge better—the others could easily

27. Fedorov, 1:379.

28. Ibid.

29. See, e.g., Atkinson, *The End of the Russian Land Commune*, 88; Shmelev, 19–20 (claiming 6828 cases of arson against separators or title convertors, 1907–14); David A. J. Macey, “The Peasant Commune and the Stolypin Reforms: Peasant Attitudes, 1906–14,” in *Land Commune and Peasant Community in Russia: Communal Forms in Imperial and Early Soviet Society*, ed. Roger Bartlett (1990), 219, 225–29; David Kerans, *Mind and Labor on the Farm in Black-Earth Russia, 1861–1914* (2001), 356–57. For an especially vigorous account of the opponents’ activities, see Gerasimenko, 233–54. For a contemporary observer’s view that the violent expressions of hostility tapered off once peasants saw the potential agricultural advantages, see Petr Polezhaev, *Eksperiment Stolypina ili ubitaia perestroika [The Experiment of Stolypin or Perestroika Destroyed]* (1992) [Russian translation of original 1912 French book], 80–82.

30. See, e.g., Judith Pallot, *Land Reform in Russia, 1906–1917: Peasant Responses to Stolypin’s Project of Rural Transformation* (1999), 133–34; Dubrovskii, 176.

have seen themselves as being short-changed. Finally, if the consolidating peasants rapidly and radically improved their productivity (and they seem to have, by and large), it would have been only human for the others to discount the role of human skill and energy and to exaggerate the role of the initial allocation.<sup>31</sup>

But it seems clear that such abuses had little or no endorsement or encouragement from central authorities. The official leaders of the reform—Stolypin, Krivoshein (head of the Ministry of Agriculture<sup>32</sup> for most of the period), Kofod, and Rittikh (head of the department of state domains in the Ministry of Agriculture and “executive manager” of the reforms)<sup>33</sup>—insisted that the reform be built on the voluntary decisions of peasants seeking either title conversion or consolidation, and that efforts to coerce the peasants would defeat the reforms’ purposes.<sup>34</sup> Of course they could have been presenting a false front, surreptitiously promoting the opposite. But there is no evidence of that. On the contrary, Stolypin, for instance, said in a private letter to Krivoshein that no one had ever proposed the use of force.<sup>35</sup> To the extent that garnering peasant support—or merely

31. David A. J. Macey, “Government Actions and Peasant Reactions During the Stolypin Reforms,” in *New Perspectives in Modern Russian History*, ed. Robert B. McKean (1992), 153–54 (also pointing out complexities of valuation in the absence of a land market).

32. Following Yaney, for simplicity’s sake I use this term for the agency, other than the Interior Ministry (MVD), with principal authority over the reforms, although for much of the relevant period it went by the name “chief administration of land settlement and agriculture” (“*Glavnoe Upravlenie Zemleustroistva i Zemledeliia*,” or “GUZiZ”). See Yaney, *The Urge to Mobilize*, 133–34, 233–34.

33. *Ibid.*, 207.

34. Tiukavkin, 154–55. See also Dubrovskii, 176 (quoting a circular from Ia. Ia. Litvinov, head of the land department of the MVD, arguing that efforts simply to rack up large numbers will in fact set the reforms back).

35. Fedorov, 1:379. A June 1908 speech by the incoming governor of Moscow Province reflected this, declaring that any efforts to produce artificial title conversions would “completely contradict the basic idea” of the ukaz. A. P. Borodin, *Stolypin: reformy vo imia Rossii* [*Stolypin: Reforms in the Name of Russia*] (2004), 190–91.

reducing peasant hostility—was among the reforms' political purposes, any use of force that riled the countryside would obviously have been counterproductive.<sup>36</sup> And on the tricky issue of actual parcel specification, the central authorities exhorted officials in the field to exercise extreme care to become fully informed.<sup>37</sup>

Some of the supposed evidence of endorsement of force or administrative pressure appears to be weak or, in fact, to show the opposite. The literature includes a vivid account of the activity of a *zemleustroistvo* commission member who tried to persuade a commune council to vote in favor of village consolidation, threatening to bring soldiers and to arrest opponents. All in vain. Finally, he forbade the peasants to leave the meeting, while he had tea and took a nap (a nice touch, the nap). When he ultimately returned to the fray, he asked them again, and now they voted for consolidation.<sup>38</sup> The trouble with the story is that there was a sequel: a local land captain discovered the behavior and had it remedied.<sup>39</sup>

Another standard piece of evidence is an Interior Ministry circular, issued to the provincial governors in 1908, which included the sentence: "Carrying out *vydels* [single-household consolidations] without the agreement of the commune undoubtedly will render them [the peasants] more tractable."<sup>40</sup> Because consolidation of a single household outside of a general redistribution could greatly inconvenience the remaining members of the commune (causing a complex reshuffling of tracts, but accomplishing nothing for the non-consolidators), this may appear to be an encouragement to use single-household consolidations to pressure communes to vote for *razverstanie*, a whole-

36. Macey, "Government Actions and Peasant Reactions," 135–36, 142, 151, 157–59.

37. *Ibid.*, 154.

38. Ministerstvo Ekonomicheskogo Razvitiia i Torgovli, "Agrarnaia reforma Petra Stolypina" ["The Agrarian Reform of Peter Stolypin"], <http://www.economy.gov.ru/stolypin.html> (downloaded June 18, 2002), 16. See also P. N. Zyrianov, *Petr Stolypin: Politicheskii Portret* [*Peter Stolypin: Political Portrait*] (1992), 59–60.

39. Tiukavkin, 157.

40. Diakin, 26.

village consolidation. But the circular was more complex. It faithfully paraphrased the provision of the 1906 ukaz that a single-household consolidation could occur either as part of a repartition (*peredel*), or separately if it did not involve “special inconvenience for the remaining members.” And the circular pointed out that limiting *vydels* to the time of general redistributions would effectively deprive peasants of any right to single-household consolidation in communes that did no redistributions. Further, review of the inconvenience issue by the zemleustroistvo commission, in which opponents of the *vydel* could be heard, may have constrained any abuse of this process (abuse presumably taking the form of an unduly narrow a reading of “special inconvenience”).<sup>41</sup> It seems doubtful that the circular tells us more than that the Interior Ministry recognized the possible impact of single-household consolidations outside of a general redistribution. We’ll return to that impact in discussing the pros and cons of allowing this type of consolidation.

Officials in the field may have thought, and perhaps correctly, that successful implementation of the reforms was key to their personal success. The governor of one province (Ufa) expressly instructed provincial land captains that, by direction of the interior minister (Stolypin), their service would be evaluated solely by reference to the progress of the reforms.<sup>42</sup> (How Stolypin expressed this direction, if at all, is obscure.) Such a message, of course, could have encouraged an excess of zeal. And many land captains, about 45 percent of whom were former army officers, were quick to call out the police to put down conflicts between separators and commune adherents, rather

41. Tiukavkin, 155. Until 1910, however, the function of the zemleustroistvo commission was only to mediate disputes between villages and would-be consolidators, with the matter going to the land captain and then the uezd congress if the commission could not achieve agreement. Yaney, *The Urge to Mobilize*, 261–62, n. 5. Tiukavkin notes that this circular is just four documents away from a Stolypin letter aggressively opposing any use of force, which Diakin ignores. Tiukavkin, 155–56.

42. Diakin, 26–27.



than negotiating compromises.<sup>43</sup> But Stolypin had publicly insisted that conversions and consolidations be voluntary. An ambitious official, then, at least assuming any serious monitoring of local activities by the central authorities, would presumably have manifested his zeal in ways consistent with that injunction—or at least that appeared to be consistent.<sup>44</sup> And the center gradually intensified its rules against local officials' reliance on the police.<sup>45</sup>

Careful modern scholars of the reforms, including sharply critical ones, seem largely to discount the claims of serious administrative pressure.<sup>46</sup> There is one striking fact supporting that conclusion: the extreme variation in acceptance of the reforms, running from 4.9 percent of eligible households in Viatka to 56.8 percent in Mogilev for title conversions, and from half a percent of households in Archangel to 33 percent in Ekaterinoslav for consolidations. If the center generally commanded or encouraged “administrative pressure,” then the encouragement must have produced very little such pressure in the low-scoring provinces, or resistance there must have been adamant. Yet reform critics have never pointed to resistance in such places as Viatka so staggering as to account for its low levels of implementation.

Serious “administrative pressure” would somewhat undermine the conclusions drawn from the volume of peasant applications. And

43. Macey, “Government Actions and Peasant Reactions,” 157–58.

44. Tiukavkin, 157, makes this point.

45. Macey, “Government Actions and Peasant Reactions,” 158.

46. Among the quite severe critics, see Yaney, *The Urge to Mobilize*, 186–92, 297–306; Pallot, *Land Reform in Russia*, 133–34, 143–44 (acknowledging general overstatement as to use of pressure, except through subtle methods such as preferential land allocation discussed above). See also, e.g., Macey, “Government Actions and Peasant Reactions,” 151; Atkinson, *The End of the Russian Land Commune*, 88. Borodin, *Stolypin: reformy vo imia Rossii*, 191–96, reviews the materials; he finds little evidence of government pressure and some evidence of sloth and foot-dragging by land captains; the latter evidence includes a 1907 petition by peasants in Kursk complaining of delay and asking for prompt action on their petitions to convert their titles.

if we see the creation of private property as a policy of teaching people the value of rights as a shield against the state's and others' predation, the use of coercion would undercut that lesson. That there was some pressure seems undeniable, but, given the absence of evidence of encouragement from the center, the level was probably no more than would be inevitable for any reform in an illiberal state.

***Biases in favor of title conversion and consolidation***

The reforms plainly deviated from pure neutrality. Three key items were the treatment of owners possessing more than they would have been entitled to in the event of a new *peredel*; the problem of "homecoming proletarians"; and single-household consolidations. The deviations were not trivial, but were they drastic enough to justify a claim that the reform methods were themselves illiberal? Certainly some land-titling schemes, such as those implemented in Africa, both by colonial powers and their successor independent states, have been illiberal in method, overriding local entitlements without a trace of consent.<sup>47</sup>

Apart from the possible pressures from the actual reform rules, some have suggested that subsidies and loans made to cover transition expenses, as for movement of dwellings and farm buildings, tempted otherwise unwilling peasants into consolidation.<sup>48</sup> But the amounts loaned or granted seem to have been considerably less than these expenses.<sup>49</sup> For some of those benefiting, the assistance likely

47. Jean Ensminger, "Changing Property Rights: Reconciling Formal and Informal Rights to Land in Africa," in *Frontiers of the New Institutional Economics*, eds. John N. Drobak and John V. C. Nye (1997), 165–96.

48. See, e.g., Kerans, 316, 358.

49. Glavnoe Upravlenie Zemleustroistva i Zemledeliia ("GUZiZ"), *Zemleustroemnye khoziaistva: svodnye dannye sploshnogo po 12 uezdnam podvornago obsledovaniia khoziaistvennykh izmenenii v pervye gody posle zemleustroistva* [Economies on Reorganized Land: Collected Data from 12 Uezds of Agricultural Changes in the First Years after Land Reorganization] (1915), Ch. XI, 21.

tipped the balance from remaining with the status quo to consolidating. But as actual transition costs exceeded the subsidies, the payments could hardly have won over anyone who actually preferred scattered plots to consolidated land.

We now turn to the sets of three rules that most plausibly could be said to have distorted peasants' choices in favor of using the reforms.

1. *Effect of expected losses in a future redistribution.* Perhaps the most fairly criticized feature of the 1906 ukaz was the way it treated a converting peasant's possible allotment losses in a hypothetical future redistribution. The ukaz allowed a converting peasant to keep the land he had in current use, including land he would have lost in the event of a new redistribution occurring at the time of his application.

The ukaz had different rules for such extras (*izlishkek*, pl. *izlishki*), depending on whether there had been a general redistribution within twenty-four years of the application to convert. If there had been no such general redistribution, Article 2 (of part I) allowed the peasant simply to keep the extra land. Thus, if his family had shrunk in the years since the original allotment (or since a redistribution occurring more than twenty-four years before application for title conversion), he kept the extra, with no adjustment for the cutback that would have occurred if a redistribution were made at the time he applied to convert.

If there had been a general redistribution within the previous twenty-four years, Article 3 stated that the peasant would keep the extra if he paid for it. But the price for the extra was the value per *desiatina* that had been calculated for purposes of the commune's redemption payments. Given the increases in land values in the era between Emancipation and the Stolypin reforms, this was a bargain for the converting peasant. Of course, it was not so great as the bargain a peasant received when there had been no general redistribution in the past twenty-four years—getting the extra land free. And in practice, in some undetermined number of cases, the peasant

made his payment either in vodka (presumably with the computation correspondingly fudged), or not at all.<sup>50</sup> Once conversion had occurred, the commune could enforce its money claim only in court, not through direct recovery of the extra land.<sup>51</sup> As in the case where there had been a general repartition within the prior twenty-four years, the rules offered what may seem a kind of bonus for title conversion.<sup>52</sup>

The government plainly reasoned that in cases where there had been no general redistribution over the past twenty four years, the commune's redistributive feature was dead in all but name. The inference is fairly plausible. There was a popular misconception that a June 1893 statute, which in fact limited redistributions to no more than one every twelve years, actually *required* them that frequently. For a commune to resist a supposedly required redistribution suggests quite a lapse of the repartitional impulse. Further, redistributions had been associated with the taking of official censuses. None had occurred between 1858 and 1897, so lack of a repartition in that period may show little; but once there was a census, that obstacle to repartition disappeared. There are data suggesting that in some areas 60 percent of communes had redistributions between 1895 and 1906;<sup>53</sup> the remainder—most holding off repartition until a census, and even afterwards—seem to have been at best dimly interested in repartition. Moreover, the tsar's termination of redemption collections had, even before the ukaz of November 9, 1906, exacerbated the conflict between those favoring and those resisting repartition, giving resisters a new rhetorical weapon: with redemption at an end,

50. Dubrovskii, 220–21.

51. *Ibid.*

52. The Act of May 29, 1911, allowing a peasant in repartitional tenure to apply directly for consolidation, seems not to specify the treatment of *izlishki*. It may be that as the November 1906 ukaz was never repealed, a household in repartitional tenure had the theoretical right to convert, and that allocations took that right's existence into account.

53. Atkinson, *The End of the Russian Land Commune*, 74–75.

what was the point of repartition?<sup>54</sup> This suggests that even without the reforms, some sort of compromise was in the cards—giving less than full protection to expected winners in the next repartition.

Commune procedures for deciding to redistribute also complicated the issue. In some cases the obstacle to redistribution may have been opposition by prospective losers, who proved able to dominate the communal *skhod* and prevent proponents from assembling the needed majority. This blockage may or may not have been unjust, but even if we assume some injustice in the blocking of redistribution, there seems no *extra* unfairness in a rule that simply allowed the beneficiaries to convert their title.

What about a continued practice of partial redistributions, with ongoing adjustments to fit recent household changes? Would that have undermined the inference that redistribution was moribund in communes without a general redistribution? Very little. A commune that was religiously practicing partial redistributions would likely have more or less kept up with changes in household size, so that the extras received free under the ukaz would typically have amounted to little land. Frequent and thorough partial distributions, on one hand, suggest a surviving impulse to redistribute, but they also imply that *izlishki* acquired under the rules would be relatively small.

Some (sketchy) polling evidence suggests that the desire to benefit from these rules—i.e., to protect a family's holding from future adverse redistribution—may have driven some decisions to convert title. One poll involved 139 appropriators, of whom 27 percent acknowledged their goal of not losing land in a redistribution.<sup>55</sup> The

54. Andrew Verner, "Discursive Strategies in the 1905 Revolution: Peasant Petitions from Vladimir Province," *Russian Review* 54 (1995): 78.

55. Dubrovskii, 213. Another Dubrovskii table on polling data refers to similar motives for choosing *vydel*, but, at least in the stage preceding the 1911 Act, *vydel* would have applied to a previously fixed entitlement. (Dubrovskii, 217.) For other survey material on the aim of averting the effect of another repartition, see Pallot, *Land Reform in Russia*, 110–11.

survey was conducted in 1909, which may have been the last year these rules had any impact. When the Interior Ministry asked provincial governors in 1913 why conversion applications had declined after 1909, they all replied that the early takers had been disproportionately moved by the chance of averting losses through redistribution.<sup>56</sup> This suggests that few of the peasant uses of the reforms *after* 1909 can properly be credited to the izlishkek issue. Also, it is unclear whether, even for the 27 percent in that poll, the reforms' treatment of izlishki was decisive at the margin. Would all of them have refrained from appropriating if forced to give up izlishki or buy them at fair market value?

Was the treatment of izlishki inconsistent with the private-property principle of the reform? The answer depends on how we characterize the baseline rights of participants in the process. If we think of the baseline as the commune members' lawful holdings at the moment of a would-be converter's application, then pre-existing private rights were fully honored. If we think of them more as part of a process, encompassing the risks and benefits of prospective redistributions, then the rule curtailed—without compensation—the expectations of commune members likely to gain in future *peredels*.

There seems no analytically definitive answer. Use of existing holdings as the baseline (rather than an uncertain future entitlement) follows an ancient intuition that, everything else being equal, taking what someone *has* is more troubling than taking away a prospect of gain, especially an uncertain gain. And some of the peasants motivated by a desire to preserve their izlishki may have felt entitled to do so if—as commune enthusiasts often claim happened, despite the apparent disincentive effects of repartition—they had invested in fertilizing and sought mainly to hold onto the results of their labor.<sup>57</sup> On the other hand, the government did not claim that the redistributive practice was so uniformly deleterious to peasant in-

56. Pallot, *Land Reform in Russia*, 109–10.

57. Macey, "Government Actions and Peasant Reactions," 149.

terests that it should be abolished. Rather, it implicitly acknowledged that the practice had some legitimacy—an acknowledgement that makes its treatment of izlishki seem a little askew. But perhaps the treatment chosen can be viewed as a reasonable compromise: the government viewed repartition as not bad enough to abolish from above, but bad enough to justify allowing converting peasants to escape its clutches at low cost.

In the end, the question whether the treatment of izlishki created an improper pressure for title conversion seems to exemplify a problem endemic for liberal reform in an illiberal regime. The regime's illiberal character was, in fact, manifested in a set of obscure rights; this obscurity, in turn, gave rise to unanswerable questions about the rights' value and obstructed any search for pure neutrality in their conversion.

Apart from possibly creating too much incentive to convert title, it is hard to see anything very troubling in the ukaz's treatment of izlishki. Those who used these provisions to secure tracts larger than they would have obtained in the next peredel were largely widows, the elderly, couples in poor health, or couples with large numbers of daughters.<sup>58</sup> While their prevalence presumably didn't much advance the productivity goals of the reform (at least until they sold to more active farmers), the relief for the otherwise disadvantaged must appeal to the Robin Hood in us all. Besides, the commune was evidently often able to buy up the izlishki at a relatively low price.<sup>59</sup>

Two arguments that Stolypin made in the State Council deserve brief mention. Defending the treatment of izlishki, he argued first that since historic redemption value would be much simpler to calculate than market value, its use would avoid endless quarrels. This makes practical sense. Second, he claimed that use of market value

58. Pallot, *Land Reform in Russia*, 106–7; Corinne Gaudin, “‘No Place to Lay My Head’: Marginalization and the Right to Land during the Stolypin Reforms,” *Slavic Review* 57 (1998): 750.

59. Tiukavkin, 191.

would be a “second redemption from the commune of land already once redeemed.”<sup>60</sup> This makes no sense at all, confusing the commune’s initial payment for the land with the problem of sorting out the mutual relations of departing and non-departing members. One can only hope that the idea played no real role in the decision.

2. “*Homecoming proletarians.*” Another possible distortion of incentives relates to what are sometimes called the “homecoming proletarians.”<sup>61</sup> When a member of a repartitional commune left the village to seek employment elsewhere, he didn’t lose his basic status as a member of the commune. His right to allotment land survived in principle; if he turned up at the time of a redistribution and claimed readiness to resume cultivation of an allotment, he was supposedly entitled to one. And, again in principle, these emigrants retained a claim on the commune for relief.<sup>62</sup> Departed commune members might have swarmed back, drawn by the possibility of demanding their shares.

There were two possible treatments of the homecoming proletarians’ claims, both problematic. Peasants who had converted their titles might have been viewed as exempt from any obligation to help satisfy them. In this case, a kind of meltdown might have occurred, as even peasants who preferred to retain repartition might have converted their titles simply to avoid the risk that homecoming proletarians would encroach on a radically shrunken base of repartitional holders.<sup>63</sup> But the alternative rule also was problematic. If those who converted their title were subject to the claims of the homecoming proletarians, then the title acquired through conversion would not have been wholly free from repartition, and conversion thus would

60. Stolypin, 249 (speech of March 15, 1910).

61. Yaney, *The Urge to Mobilize*, 237–38.

62. Gaudin, “‘No Place to Lay My Head,’” 752–53.

63. Yaney, *The Urge to Mobilize*, 237–38 (stressing the potential impairment of supposed title conversion); Gaudin, “‘No Place to Lay My Head,’” 749–56 (stressing the possible meltdown of a repartitional commune that preferred to keep that status).



not fully have cured repartition's effects on incentives. In the end (but not until 1913), the Senate resolved that the title acquired through conversion remained subject to the homecoming proletarians' claims.<sup>64</sup> In retrospect, then, we know that fears of a meltdown would have been misplaced.

In any event, other forces seem to have worked against the meltdown possibility—or indeed any big impact from homecoming proletarians. Communes became astute at developing stringent interpretations of the rules governing returnees, successfully arguing that a peasant who returned but had not yet taken up farming was not entitled to an allotment—even though, obviously, it was hard to resume farming without any land.<sup>65</sup> There seems to be agreement that neither version of the risk materialized in any great degree,<sup>66</sup> but the fear may have been real enough to account for some title conversions.

3. *The individual household's right to consolidate.* The reform's grant of an *individual* right to consolidate also had a potential impact on villagers' choice. Recall that under the ukaz a householder who had converted his title could proceed to consolidation. If he sought consolidation in the course of a general repartition, when there would be little or no inconvenience to those remaining, this was an unequivocal right. Otherwise, if consolidation was inconvenient or impossible, the commune could satisfy the request with money (art. 13).<sup>67</sup> Fear of incessant disruption at the behest of individual consolidators, a kind of death by a thousand cuts, may have driven villagers to throw in the towel and vote for whole-village consolidation. And

64. Yaney, *The Urge to Mobilize*, 237–38.

65. Gaudin, “‘No Place to Lay My Head,’” 759–60.

66. *Ibid.*, 756, 758–64; Yaney, *The Urge to Mobilize*, 237–38.

67. The 1910 and 1911 Acts repeat that rule. One section of the later acts uses a term that is arguably harder on the commune resisting a member's consolidation, denying the right to cash out when consolidation is “possible and not connected with *special* inconvenience” (art. 34(2)(b)) (emphasis added), and see Article 36 of the 1911 Act, but as Article 33 of the 1910 Act uses the old “inconvenient or impossible” formula, it seems doubtful that any change was intended.

if early consolidators received more than their correct share of land, or were even perceived as doing so, reluctant peasants might have consolidated to avoid being left with little or nothing to divide.

It might seem self-evident that a reform based on ideas of individual responsibility would have included the option of individual consolidation. Further, as Kofod remarked, individual consolidations could serve as a kind of sample, enabling reluctant peasants to see the benefits of moving away from open fields before taking the risks of doing so; it was this effect that brought Kofod around from his earlier opposition to single-household consolidations. Kofod noticed that many provinces started with a high proportion of *vydels* but gradually evolved toward dominance of *razverstaniies*.<sup>68</sup> Allowing individual consolidation thus facilitated innovation by allowing the boldest to plunge ahead.<sup>69</sup>

But for peasants uncertain as to how the relevant authorities might interpret “inconvenience,” or about the exact equity of assignments to early consolidators, their fellow peasants’ right to individual consolidation may have seemed threatening. Because it was the individual consolidations that created peasant anxiety, not the whole-village ones, Kofod said that the more quickly the *vydels* accomplished the function of providing an example, the better for *zemleustroistvo*.<sup>70</sup> So there’s some plausibility in Yaney’s argument that the threat of *vydels* played a serious role in spurring the early (1907–08) petitions to consolidate.<sup>71</sup>

But Yaney seems to undermine his claim by placing the individual consolidation threat on a par with that of simple conversion and sale. He says that with each departure of a title converter who sold to resettle in Siberia or the cities, “the remaining villagers had to get

68. Karl Kofod, *50 Let v Rossii, 1878–1920* [50 Years in Russia, 1878–1920] (1997), 206; A. Kofod, *Russkoe zemleustroistvo*, 133–35.

69. See Chapter 2—“The costs of open fields, repartition, and family ownership.”

70. A. Kofod, *Russkoe zemleustroistvo*, 135.

71. Yaney, *The Urge to Mobilize*, 278–79.

up the money to buy the strips left vacant,” as otherwise “outsiders could come in and occupy it, thus becoming members of the village whether the residents liked it or not.”<sup>72</sup> To the extent that Yaney’s judgment rests on a strong concern for protecting peasants’ insularity, it seems so conservative as to bar almost any provision for new individual rights.

The reforms’ designers might have partially vindicated the reforms’ individualism with less risk of loading the dice. If, say, the law had given village members a strong voice, even a veto, on the issue of “inconvenience,” it could have enabled a departing individual to buy his own consolidated parcel so long as it guaranteed his right to demand payment in lieu of specific land. There was no question, after all, of a householder getting to keep a familiar tract of land; even with individual consolidation, he would have had to adjust to new land. But at least one problem here would have been the higher market value of consolidated land (discussed below), presumably reflecting its greater productivity. If the individual who was denied consolidation were compensated only at his land’s value as scattered fields, he would have effectively been forced to give the commune the extra value inherent in the possibility of consolidation. So avoiding a tilt to one side would have produced a tilt to the other.

As a practical matter the right of individual consolidation may have only modestly affected the volume of applications. Because single-household consolidations cost more per household consolidated than did whole-village ones,<sup>73</sup> it seems unlikely that authorities pushed them hard. Indeed, the authorities seem fairly early to have shifted their priority to whole-village consolidations,<sup>74</sup> and rules adopted by the Committee on Land Settlement Activities on June 19, 1910 explicitly gave the single-household consolidations the low-

72. *Ibid.*, 279.

73. A. Kofod, *Russkoe zemleustroistvo*, 135.

74. Macey, “Government actions and Peasant Reactions,” 155–56.

est priority.<sup>75</sup> The 1911 Act underscored that subordination by telling land settlement authorities to be sure that partial consolidations in a village would not hinder future ones (art. 21).

A December 9, 1906 Interior Ministry circular temporarily established a peculiar rule tending to artificially encourage title conversions. It said that a peasant who filed for title conversion at any time *after* a commune council adopted a repartition, but *before* the uezd council affirmed the commune's decision, could nonetheless convert his title as if the repartition had not occurred.<sup>76</sup> This put would-be converters in a heads-I-win-tails-you-lose position: they could wait to see whether the forthcoming *peredel* favored them. If so, they could stick with the commune; if not, they could exit. The Senate found the circular invalid in December 1907, on the ground that it read the ukaz almost as a bar on *peredels*, and the Interior Ministry promptly retreated.<sup>77</sup>

4. *Offsetting slants against conversion and consolidation.* It should not be thought that every discontinuity between the reform and prior practice worked in favor of peasants claiming title or consolidation. The reform was aimed at arable land, with little focus on pastures or other lands where the case for collective possession was more powerful. The ukaz itself appeared to preserve title converters' rights to the use not only of hayfields, forests, and other areas that were divided up, but also those that were used on an undivided basis in accordance with an understanding of the commune (art. 4). Despite this provision (which didn't apply to pasturing on fallow and stubble in open fields), communes resisting conversions and consolidations

75. See art. 3, "Pravila o vydelakh nadelnoi zemli k odnim mestam" ["Rules for Separation of Allotment Land to One Place"] (June 19, 1910), in P. A. Stolypin: *Programma reform*, [P. A. Stolypin: *Program of Reforms*], ed. Fond izucheniia naslediia P. A. Stolypina (2002), 1:434.

76. Fedorov, 1:370; Ministerstvo, 10.

77. Ministerstvo, 10.

often succeeded in thwarting the converters' use of their rights.<sup>78</sup> And even communes that didn't do so often managed to deny the rights once a converter sold his tracts and a purchaser tried to step into his shoes.<sup>79</sup>

There is no way of knowing to what degree this chiseling on pasturage and similar uses offset the pro-conversion and pro-consolidation incentives of the first three rules discussed. But its presence tends to undercut the idea that the central authorities deliberately wrote or interpreted the rules to maximize peasants' incentives to withdraw from the commune. To be sure, the rules hang a question mark about the significance of the volume of applications under the reforms. But it seems likely that the various distortions—the ways in which converters or consolidators might end up with an expanded or shrunken share of commune assets—resulted largely from the center's ignorance of just how the rights worked or from the rights' ambiguity.<sup>80</sup>

### *Title conversion as an impediment to consolidation*

The ukaz and the 1910 Act both made title conversion a predicate to single-household consolidation. Only with the 1911 Act could an individual household consolidate without taking this prior separate step. Soviet critics have seen the pre-1911 relationship as rather sinister. Discounting the incentive effects of a peasant's escape from repartitional title (while accepting the productivity advantages of

78. Pallot, *Land Reform in Russia*, 167–69; Tiukavkin, 191, 196.

79. Tiukavkin, 191, 196.

80. Compare D. N. McCloskey, "The Economics of Enclosure: A Market Analysis," in *European Peasants and their Markets*, eds. W.N. Parker and E.L. Jones (1975), 143–44 (calling attention to the frequent ill effects of enclosure on "those with vague rights in the open fields"). See also Daniel Fitzpatrick, "Evolution and Chaos in Property Rights Systems: The Third World Tragedy of Contested Access," *Yale L. J.* 115 (2006): 996, 1014–16, 1032–33 (stressing way in which background

consolidation), they've argued that mere conversion was not only useless, but that it even impeded consolidation; as the converters' land would not be subject to a *peredel*, peasants could no longer use a *peredel* for consolidation. Having thus convinced themselves that title conversion's only effects on serious agricultural reform were negative, these critics infer that the governmental purpose must truly have been destruction of the commune, with intent to sap the peasants' political strength.<sup>81</sup> The analysis seems wrong on all counts.

First, although the government did not have regression analyses showing that repartition discouraged investment and innovation, the proposition seems intuitively powerful. Because few cultures have indulged in repartition, scholars have had little incentive to pursue it; but research on China in the late twentieth century showed that vulnerable tenure discouraged investments with long-deferred pay-offs.<sup>82</sup> In initially proposing a reform delinking title and consolidation, made in a report for Witte in April 1903, A. A. Rittikh argued that, because of improved incentives, title conversion would be a comparatively simple way of securing an immediate gain in productivity.<sup>83</sup> There seems no reason to doubt the bona fides of Stolypin's concern that vulnerable tenure was a serious disincentive to productive effort.

Second, title conversion's tendency to obstruct consolidation was

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obscurity of competing claims frustrates achievement of intended goals of property titling).

81. P. N. Zyrianov, "Problema vybora tselei v Stolypinskom agrarnom zakonodatelstve" ["The Problem of Choice of Goals in the Stolypin Agrarian Legislation"], in *Gosudarstvennaia deiatel'nost' P. A. Stolypina: sbornik statei* [*State Activity of P. A. Stolypin: Collected Articles*], eds. N. K. Figurovskaia and A. D. Stepankii (1994), 99–118; A. A. Kaufman, *Agrarnyi vopros v Rossii* [*The Agrarian Question in Russia*] (1918), 129.

82. See Chapter 2—"The costs of open fields, repartition, and family ownership."

83. David A. J. Macey, *Government and Peasant in Russia, 1861–1906: The Pre-history of the Stolypin Reforms* (1987), 62–65.

trivial. True, if those remaining in repartitional tenure sought to use a *peredel* to achieve consolidation, *and* if land of converted title were immune, the result would have been a pattern criss-crossed with the unconsolidated tracts of households that had converted. But at least by 1910 it was clear that lands with converted title could be consolidated as needed to carry out a consolidation of other village holdings.<sup>84</sup> And before the reforms *peredel* seems never to have been used to achieve consolidation.<sup>85</sup>

Further, freedom from the risk of a *peredel* would have opened the door to land purchases, sales, and exchanges aimed at consolidating scattered plots: only a holder of hereditary title could offer potential buyers a definite property right.<sup>86</sup> It is unclear how often such transactions occurred before the reforms. Diakin reports, without citation, that in eastern Belarus and in the Ukraine a “zealous farmer could . . . agree with his neighbors to exchange fields so as to take his land in a single wedge.”<sup>87</sup> And Tiukavkin asserts (also without citation) that title conversions enabled sales tending to reduce plot scattering.<sup>88</sup> Certainly transactions of this sort were part of the solution for open fields in Western Europe, and it seems probable that the same would have been true for any areas of Russia that had similar conditions—e.g., the combination of hereditary tenure and economic conditions that would justify incurring the transaction costs. Indeed, peasants often leased very distant scattered plots to entrepreneurial peasants (land collectors, *sobirатели земли*, or land

84. Act of June 1910, art. 36. Such lands could also be consolidated by vote of a majority of those remaining in repartitional title. *Ibid.*

85. Yaney, *The Urge to Mobilize*, 173–74 n. 21.

86. Even a converted title would be subject to consolidation, but that of course would result in compensation in kind. And while in theory land held in converted title could be diminished without compensation to meet the demands of a homecoming proletarian, in fact that peril seems not to have seriously materialized. Thus the possibility of a *peredel*, where it remained, posed a unique risk to the title of an allotment land holder.

87. Diakin, 24.

88. Tiukavkin, 210.

traders, *zemlepromyshlenniki*), who then released them for cultivation by others on a consolidated basis.<sup>89</sup> So peasants were quite able to implement a market solution at least as a short-term remedy. Of course, apart from the nature of tenure, Russia may have presented higher transactions costs because of underdeveloped systems for transferring title generally.<sup>90</sup> And on top of the technical underdevelopment of title transfer systems, Russia's weak tradition of respect for property rights<sup>91</sup> might have made the expected gain in moving to hereditary title a good deal smaller than it would have been in a country with firm property rights. Nonetheless, title conversion must have made purely private consolidating transactions more feasible (and thus more attractive), as well as improving incentives to invest in land improvements.

In short, making title conversion possible as an independent move was a perfectly creditable way of easing into the reforms,<sup>92</sup> especially as consolidation (but not title conversion) required skills in short supply at the start of the reforms—land surveying and negotiating the details of consolidation.<sup>93</sup> The likely effect of title conversion on commune life was not as unsettling as single-household consolidation, yet it probably tended to improve investment. It didn't adversely affect consolidation, and it may even have facilitated consolidation through purely consensual transactions.

This said, it seems indisputable that the government made one false move regarding conversion—Article 1 of the June 1910 Act, which transformed into hereditary tenure any commune in which

89. Macey, "The Peasant Commune and the Stolypin Reforms," 227.

90. Yaney, *The Urge to Mobilize*, 386, n. 9 (noting that reformers before the Revolution deplored the obstructions to simple title recordation for real property of all kinds in Russia.)

91. See, e.g., Arcadius Kahan, *The Plow, the Hammer, and the Knout: An Economic History of Eighteenth-Century Russia*, ed. Richard Hellie (1985), 124–25, 160–61, 264, 312. See also discussion in Chapter 2 of the government's casual attitude toward property rights.

92. Macey, "Government Actions and Peasant Reactions," 137, 150.

93. *Ibid.*, 153–57.



there had been no peredel in the past twenty-four years. It appears that in practice this gave a weapon to peasants opposing the reforms; simply by filing a document invoking this provision they could—and deliberately did—tie a commune up in prolonged battles over when the last peredel had occurred.<sup>94</sup> That such a pivotal issue could so often be so hard to resolve is itself a stark statement about the gap between pre-reform practices and a modern real estate market. In any event, in hindsight this aspect of title conversion seems a plain error, probably due to government officials' failure to grasp the full complexity of the commune. Apart from this article, however, the reformers' provision for separate, prior title conversion seems a reasonable and coherent way to start the process of giving peasants access to novel forms of landholding.

### *Government insistence on form of consolidation*

One of the most damning assertions about the reforms is that the land settlement authorities, driven by abstract ideas about how a modern farm should look, or by a desire to thwart peasant self-organization, muscled peasants into accepting consolidated land in arrangements that were anathema to the peasants.

First, some terminology. In defining “khutor” and “otrub,” the land settlement authorities focused on the relation between a farmer's house and garden plot, on the one hand, and his field(s), on the other. Thus, a farm with house and garden united to arable land (even if the arable land was in several parcels) was a khutor; a farm

94. Atkinson, *The End of the Russian Land Commune*, 76–77; Fedorov, 1:371; Yaney, *The Urge to Mobilize*, 381. The decision under the ukaz as to whether a holder of lands exceeding his prospective entitlement got the extra completely free or had to pay (at the initial redemption value) also turned on when the last general peredel had occurred. Although the distinction presumably had the same potential for obstruction, it may be that in that context the dispute was more readily solved by haggling, and thus provided less occasion for prolonged obstruction.

in one or more parcels, but with the house and garden plot separate from any of the parcels, was an otrub.<sup>95</sup> The khutor thus somewhat resembles the general layout of farms in the United States, the otrub the layout common in much of Europe. The authoritative circulars setting out the definitions of khutor and otrub also assigned them ranks, placing at the top a khutor “as nearly square as possible, consisting of a single parcel of land and incorporating the house and garden plot,” and at the bottom a multi-parcel otrub.<sup>96</sup>

Reorganization into otrubs, as defined by the land settlement authorities, was consistent with retention of the village layout, with its historic rhythms and sociability. The same wasn’t true for khutors. This feature seems to have driven women’s strong preference for otrubs; and those seeking to paint the land settlement organizations in the most pejorative light claimed that they ranked the otrub low because of “its failure to disperse peasants’ dwellings from their villages.”<sup>97</sup> The implication, of course, is that the authorities cared little for either productivity or peasant preference, and much for the peasants’ political atomization. In this view, the rankings assigned in the circulars were invitations or mandates to local officials to lure or bludgeon the peasants into khutors.

But these claims seem ill-supported. While the government harvested endless statistics on its property-rights program, it didn’t systematically collect data on the division of consolidations as between khutors and otrubs (though the Peasant Bank did collect such data on its land *sales* to peasants).<sup>98</sup> For a land settlement official seeking

95. Judith Pallot, “*Khutora and Otruba* in Stolypin’s Program of Farm Individualization,” *Slavic Review* 42 (1984): 242, 243–44; Pallot, *Land Reform in Russia*, 38–39. Occasionally, the terms are used more casually, simply to indicate the degree of consolidation, with khutor applied only to complete consolidation of all a household’s allotment on a single parcel. Use of the definitions of the land settlement authorities states the critics’ position in the way most favorable to the critics.

96. Pallot, *Land Reform in Russia*, 38–39.

97. *Ibid.*

98. David A. J. Macey, “‘A Wager on History’: The Stolypin Agrarian Reforms as Process,” in *Transforming Peasants: Society, State and the Peasantry, 1861–1930*,

advancement by racking up good numbers, it must have been clear that spending time on the khutor-otrub distinction was largely a waste.

It seems to be commonly thought that households consolidated under the land reform split between khutors and otrubs in a ratio of three-to-one.<sup>99</sup> The supposition seems odd, given the absence of comprehensive data. A possible source is a study performed by the Ministry of Agriculture in 1913 covering twelve uezds scattered over twelve provinces.<sup>100</sup> The researchers looked into, among many other things, the degree of consolidation achieved by zemleustroistvo. The answers were quite favorable: post-reform, 26.4 percent of holdings (among consolidators) were in a single parcel, 48.9 percent were in two, and 24.7 percent were in three.<sup>101</sup> Thus, the ratio of one-parcel to multi-parcel farms was one-to-three. Before the consolidations, the mean and median number of fields per household had been in the range of six-to-ten.<sup>102</sup> If these data are the source of the supposed khutor-otrub ratio, they have been misperceived, for they say nothing about the relation of fields to home and garden in the new holdings; they tell only the numbers of parcels.

Further, even a fierce critic of the reforms says that the “vulnerability of communes to pressure to enclose contrasted with their relative strength when it came to negotiating the terms of enclosure.”<sup>103</sup> She attributes this to the officials’ eagerness to achieve consolidations, seeming to accept by implication the point that officials were not being scored on their khutor-otrub ratios. In light of anecdotal evidence of some high-level efforts to whip lesser officials into insist-

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ed. Judith Pallot (1998), 149, 162; David A. J. Macey, “The Role of the Peasant Land Bank in Imperial Russia’s Agrarian Reforms, 1882–1917” (1998), 12.

99. Atkinson, *The End of the Russian Land Commune*, 86. Cf. Pallot, *Land Reform in Russia*, 216 (not asserting three-to-one ratio but presupposing comprehensive information on the split, without explaining how it would be known).

100. See Dubrovskii, 270 and n. 72.

101. *Ibid.*, 279 (Table 57).

102. *Ibid.*; see also Tiukavkin, 208.

103. Pallott, *Land Reform in Russia*, 149.

ing on khutors,<sup>104</sup> it may be an exaggeration to dismiss the government's khutor preference (in land settlement, as opposed to Peasant Bank sales, discussed below) as "primarily . . . a means of demonstrating the viability of such forms of land-use and the government's unshakable commitment to reform."<sup>105</sup> But overall there is a striking lack of evidence of any systemic effort to use land consolidation to shoehorn peasants into khutors.

There are, however, two related programs in which the government tried to favor particular farm types: provision of agronomic aid and Peasant Bank sales. The first, agronomic aid, seems never to have involved a preference for khutors over otrubs, only for consolidated farms over open fields. In any event, although the central government evidently wanted to direct the aid to farmers working consolidated property, the agronomists themselves successfully resisted any such policy. Their reasons included hostility to the reforms themselves and a belief that, in distributing agricultural know-how, it was inappropriate to play favorites on the basis of what they believed was an irrelevant characteristic. That the agronomists were able to pursue this preference was due in part to inattention from the supervising zemstvos and in part to zemstvo leaders' sharing the same viewpoints.<sup>106</sup>

The Peasant Bank, by contrast, really did favor khutors, and the preference may have had some effect. Until 1906, its direct sales of noble land, or financing of peasant purchases from nobles, had overwhelmingly involved villages or associations.<sup>107</sup> Over the course of 1906–08, under pressure from Stolypin, the bank shifted towards explicitly favoring individuals over villages or associations, khutors and otrubs over any alternative (such as open fields), and khutors

104. Ibid., 147–48.

105. Macey, "A Wager on History," 153.

106. Kimitaka Matsuzato, "The Fate of Agronomists in Russia: Their Quantitative Dynamics from 1911 to 1916," *Russian Review* 55 (1996): 172–85; Pallot, *Land Reform in Russia*, 242–47.

107. Macey, "The Role of the Peasant Land Bank," 7–9.

over otrubs; the new policy continued up to 1916.<sup>108</sup> For example, for financing of purchases from nobles, the loan ceiling was 100 percent of value for land purchased as a khutor, 95 percent for land purchased as an otrub, and 90 percent for the rest.<sup>109</sup> (Presumably, most noble land would have been comparatively consolidated at the outset and would have remained so unless sold to a village or association that had established open fields.)

But the Peasant Bank played only a modest role in the overall process of consolidation. In 1907–15 the bank sold a little under three million desiatinas to individual peasants (plus another 700,000 to villages or associations). This was only 19.1 percent of all land transferred into consolidated peasant ownership in the period, as opposed to 79.4 percent via the property-rights program on allotment land (and another 1.5 percent through sales of state lands).<sup>110</sup>

And even for Peasant Bank sales to individuals, the proportion of farms taken in the form of a khutor was far from overwhelming. Of individual peasant buyers from the bank in 1907–15, 29 percent purchased khutors and 71 percent otrubs.<sup>111</sup> Thus, even the bank, the governmental entity that preferred khutors to otrubs strongly enough to bother with systematically recording the distinction, still left plenty of room for otrubs.

### *Shortfalls in the rights granted*

If the reforms may be faulted for having created artificial enticements to conversion and consolidation, they may also be faulted for

108. Yaney, *The Urge to Mobilize*, 273, 281–87.

109. Macey, “The Role of the Peasant Land Bank,” 11.

110. Dubrovskii, 585–88; Macey, “The Role of the Peasant Land Bank,” 12, 17. Dubrovskii’s figures do not include the 4.6 million desiatinas bought by peasants from private landowners with Peasant Bank financing. But these purchases evidently contributed little to privatization, as the bulk, 3.8 million desiatinas, went to associations and villages. (Dubrovskii, 12.)

111. Dubrovskii, 12.

having not given adequate property rights to those enticed. Peasants converting their titles under the reforms received “personal property” rather than “private property.” As a result, the new property remained subject to some of the traditional fetters on allotment land, and to some new ones as well. Owners of the new property received no right to sell or mortgage outside the peasant estate, were limited in their maximum holdings of allotment land, and were denied the access to the franchise that holders of equivalent non-allotment property enjoyed. In addition, the new property rights were subject to physical disruption, mainly to facilitate additional consolidations; the reform program itself imposed this vulnerability, and did so not only on the newly created personal property, but also on classical “private” property in agricultural land.

To take up the last point first: The risk of disruption stemmed from the reformers’ zeal to facilitate consolidation whenever convenient. Even before the 1911 Act, land converted to personal property under the reforms was subject to reshuffling to carry out a village-wide consolidation.<sup>112</sup> And, as we’ve seen, the 1911 Act provided for inclusion of purely private land when interstripped with allotment land,<sup>113</sup> thus allowing even already consolidated allotment land to be re-consolidated if necessary.<sup>114</sup>

It’s unclear how much this should alarm us. American states commonly enable the owner of a landlocked parcel to acquire an easement across neighboring land for access purposes, subject to compensation for the landowner forced to give the easement. The trade-offs in that context, of course, are slightly different: being newly

112. Act of 1910, art. 36. See discussion in Chapter 6—“Red Herrings, 1. Force by Definition.”

113. Yaney, *The Urge to Mobilize*, 382 (citing arts. 50 & 54 of 1911 Act).

114. George L. Yaney, “The Concept of the Stolypin Land Reform,” *Slavic Review* 23 (1964): 286, n. 50. We’ve already seen how the Senate ultimately concluded that land with converted title was subject to the claims of the “homecoming proletarians.” See above in this chapter. And see in this Chapter, “Red Herrings,” “Force by Definition,” discussing circumstances under which an individual may be forced to consolidate against his will.

subject to an easement is typically less burdensome than having part of your land replaced altogether, and the landlocked owner's necessity is grave. Perhaps a closer analogy is provision for compulsory "pooling" and "unitization," which prevails in all American oil-and-gas states, and which replaces owners' individual extraction rights with partly collective rights that are much more efficient.

In any event, the whole idea of involuntary consolidations was built—as it had been for the enclosure process all over Western Europe—on the principle that the prevailing complex entanglements made it almost impossible to achieve a physical "reform" of open fields exclusively by private-sector transactions. Because of very small plot sizes and extreme intermingling, creating tracts suitable for modern cultivation would have required many transactions; some owners would likely have held out for disproportionate shares of the gains in value, and as a result bargaining costs would have been high. Of course the idea that a second consolidation might have been required makes one wonder about the quality of the initial zemleustroistvo work. But the principle adopted in the 1911 Act seems a sensible qualification of purely private rights, so long as the substitute land was truly equivalent (thus preserving improvement incentives) and authorities did not apply the process promiscuously.

When we look at the Stolypin reforms' context, however, we find grounds for anxiety. One is that the 1911 Act went surprisingly far in precluding any independent review of the land settlement authorities' decisions: Article 18 of the Act gave them exclusive authority over "disputes arising out of zemleustroistvo, not excluding disputes about the boundaries of the lands subject to zemleustroistvo." Judges could still hear complaints of procedural violations and "violations of law,"<sup>115</sup> but that line—between the categories exempt from and subject to judicial review—was obscure. Further, the land settlement commissions were sometimes bold to the point of arrogance. Agricultural specialists in the Ministry of Agriculture, for example,

115. Yaney, *The Urge to Mobilize*, 382.

advocated extension of certain forest protection laws to cover any case where an owner's practices were "endangering the rural economy,"<sup>116</sup> and a group of agronomists later (1922) called for land settlement purely on an "agronomic-economic" basis, treating the owners' views as irrelevant and ignoring the ability of ordinary market forces to provide sound incentives (e.g., the reduced return of owners practicing foolish husbandry, and the bids of entrepreneurs seeking to profit by buying up land to use it more skillfully).<sup>117</sup> Given these attitudes, it is not alarmist to worry that high-handed administrators might have used these otherwise reasonable provisions to obliterate the kind of property rights needed for an effective market.

The remaining inadequacies of the new property rights were special to "personal" as opposed to "private" property. Under the law governing zemstvo elections, peasants holding only converted allotment land didn't qualify for the more powerful voting status enjoyed by holders of private property.<sup>118</sup> One can imagine various theoretical reasons for privileging the votes of property owners: that they had a greater "stake" in the community; that they were relatively unlikely to be attracted to predatory redistributive schemes; that their possession of a modest amount of property reflected some combination of talent and effort (or at least that they hadn't blown away the accumulation won by ancestors with talent and diligence). For the first two of these, the distinction between allotment and other land seems wholly irrelevant. For the third, a case might be made that the acquisition of non-allotment land reflected more get-up-and-go than did merely pursuing the title conversion options presented by the

116. *Ibid.*, 386.

117. *Ibid.*, 387.

118. Atkinson, *The End of the Russian Land Commune*, 63; Zyrianov, "Problema vybora," 104–05. But the 1911 Act provided that when a single owner's allotment and non-allotment land were consolidated under the act, title to the entire resulting tract would be classified as private property unless the owner elected otherwise (art. 3). See also George Pavlovsky, *Agricultural Russia on the Eve of the Revolution* (1968), 128.



reforms. But that argument clashes with Stolypin's own image of the type of peasant expected to take the lead in invoking the reforms: the "strong," i.e., the skilled and enterprising. If the reform attracted that sort of peasant (as we have seen, the record is more complex), it seems strange to have assigned him a lower political status than a peasant holder of equivalent non-allotment property. Further, it conflicted with Stolypin's goal of integrating peasants into the culture of other Russians.

The remaining defects of the peasants' new property relate to how much a peasant could acquire, and to whom he could make transfers. The 1910 Act imposed ceilings on any single peasant's acquisition of allotment lands in any one *uezd*—with various geographically differing measures. The ceilings for Great Russia and the Ukraine were the allotments for six males.<sup>119</sup> The aim, it seems, was either to preserve the small cultivator or, to put it negatively, to prevent the cities from being filled with unemployed and the villages with landless would-be farmers.<sup>120</sup> The negative version resonates with an abiding anxiety of the regime: that land reform might increase proletarianization and the accompanying social and political hazards. Either way, the limits seem small and, whatever their level, inconsistent with the idea of enabling the enterprising peasant to fully exploit his talents, subject to the constraints of market forces. After all, a farmer's territorial expansion was subject to natural limits: The more he relied on agents, the less he would have been able to prevent their shirking—indulging not merely in sloth but in pilfering and any kind of failure to put the farmer's interests first.

It was in their limits on transfers that the reforms tilted the balance most powerfully toward retention of the old system of tutelage (*opeka*) for peasants and against the creation of full property rights.

119. 1910 Act, arts. 56 & 57. For example, the allotment for six males would have amounted to eighteen *desiatinas* in Moscow Province and 12.6 in Kursk. See Tiukavkin, 191–92; Yaney, *The Urge to Mobilize*, 380.

120. Compare Tiukavkin, 192 (small cultivator), with Zyrianov, "Problema vybora," 104 (unemployment and landless farmers).

Article 50 of the 1910 Act said, as had prior Interior Ministry circulars,<sup>121</sup> that alienation of allotment land that had become personal property could be effected only in accordance with the system established by the Emancipation. This prevented sale, mortgage, or gift to anyone not a member of the peasant estate, or the enforcement of the owner's personal debts (by any non-peasant creditor) against the owner's interest in the land. Two later changes slightly relaxed the strict Emancipation regime: a ukaz of October 5, 1906 allowed sale to a peasant from another village, and one of November 15, 1906 allowed mortgage to the Peasant Bank for loans to improve allotment land (including improvement via consolidations) and to purchase allotment land from departing villagers.<sup>122</sup> The exception for the Peasant Bank left a loophole for modest extensions of secured credit, but exclusively as a government monopoly and only for limited purposes. As the basis for a regime in which market forces would effectively control the size, shape, and use of agricultural tracts, the reforms were stillborn.

Stolypin's speeches in defense of these restrictions were strikingly defective. In his other speeches on the reforms in the Duma or state council, he generally marshaled fact and analysis to make a case that the consequences of his proposals would be desirable and those of his adversaries undesirable. But when it came to the restrictions on allotment land, he was reduced to a kind of semantic conjuring trick. In his speech of December 5, 1908, he staunchly advocated ownership in the head of household (as opposed to some broadly defined "family") for reasons that included protecting the creditworthiness of peasants taking title; then he sought to reconcile that policy choice with the limits on acquisition, sale, and mortgaging of allotment land by saying that the law should impose limits "on the land,

121. Louis Skyner, "Property as Rhetoric: Land Ownership and Private Law in Pre-Soviet and Post-Soviet Russia," *Europe-Asia Studies* 55 (2003): 889–905.

122. Yaney, *The Urge to Mobilize*, 255 (re: transfer to non-village members); Macey, "The Role of the Peasant Land Bank," 12; Korelin and Shatsillo, 25.

and not on the owners.”<sup>123</sup> But property rights are simply legal principles governing the relations between people (and firms) with respect to resources. To treat restrictions on the behavior of owners of allotment land as if they were not restrictions on the owners was nonsense.

To be sure, Stolypin added the point that these limits preserved the land for the group of people who devoted their labor to it.<sup>124</sup> This might have been the beginning of an argument that peasants’ experience with markets was insufficient, so that, without restrictions on their disposition of the land, they might well drink it away or lose it through other improvidence. But any such claim would have run straight into his accompanying reasoning on why it made sense for Russia to place its “wager on the strong.”

The upshot here was an unfortunate failure to explore alternatives. Those who argued for “family” property because of the risks of peasant improvidence surely had a point. Members of a group long denied most opportunities for holding property (who in fact had until recently *been* items of property), and now suddenly enabled to hold it, were relatively likely to run amuck with the entitlement, compared to a population that had long enjoyed these rights. In fact, Russia had in 1869 given the Bashkirs the right to sell their land; they promptly sold off a large amount and, after 1874, periodically rebelled to get the sold land back.<sup>125</sup> And peasants’ anxiety about their own possible improvidence seems to have been a major ground of opposition.<sup>126</sup> But one can imagine devices that would have given a measure of protection without so drastically impairing peasants’ access to non-Peasant Bank sources of capital. For example, a requirement that peasants must be able freely to back out of transac-

123. Stolypin, 177.

124. *Ibid.* See also *ibid.*, 218–23 (speech of March 26, 1910 and supplement in response to Stishinskii).

125. Yaney, *The Urge to Mobilize*, 175.

126. Tiukavkin, 180.

tions for a week or so after signature would have screened out many momentary follies. But these seem not to have been explored.

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The details of the reform don't seem to reflect any purpose to twist the peasants' arms into either title conversion or consolidation. The reform provided options, and even the rules governing the *izlishki*—the part of the reform most readily viewed as placing the government's thumb on the scales—were hardly extreme. The viability of repartition varied broadly over Russia, but the government seems to have reasonably believed that, wherever it existed, the practice reduced productivity without much offsetting benefit in redistributive terms. No absolutely neutral resolution was possible.

But the illiberal context cast a shadow over the reform process. The peasants' social and economic isolation cut against a sophisticated participation in developing rules for property rights conversion; that isolation and the embryonic nature of the rule of law exposed them to risks of "administrative pressure." In so far as the transition rules themselves biased peasant choices, this was at least in part the result of the prior absence of clear property rights. The uncertainties of the repartitional process precluded any clearly neutral treatment of the *izlishki*, and the absence of a sophisticated land market increased the risks that individual household consolidations would create unfairness or its appearance. Finally, the limits on aggregation of tracts and on mortgaging allotment land—seemingly the results of the regime's continued belief in the need for tutelage of the peasants—denied peasants access to the full benefits of private property.

In the next chapter we face longer-term issues relating to the reforms. This includes, first, a consideration of their impacts in several dimensions, such as on productivity and peasant attitudes. More important, we have to contemplate the ways in which the illiberal context itself generated policy decisions that tended to thwart the reforms' capacity to advance liberal democracy.