

## *Chapter 2*

# The Property Rights to Be Reformed

“REFORM” MAKES SENSE only if there is a problem. Indeed, a problem did exist, and to understand it, it is important to examine the characteristics of “open fields,” repartition, and family tenure and to explore some of the theories of their origins. If these reflected some almost unchangeable attribute of the Russian character, then remedies such as Stolypin’s would have been naïve; but the character explanation seems most unlikely. The next step is, then, to look at how these practices were likely to have inflicted serious productivity losses, and to ask why, if these losses were substantial, the peasants didn’t cure them through voluntary transactions among themselves or between individual peasants and their communes. Finally, this chapter explores some more general questions about peasants’ habits of mind, solidarity, and outlook on some of the key attributes of modernity such as law and property.

### *Open fields*

“Open fields” mixed individual and collective ownership; while individual households owned tracts, many operations were collectively

controlled.<sup>1</sup> In addition, each household possessed multiple, widely scattered plots. Although the two features—plot scattering and the mixture of individual and collective control—were conceptually independent, they seem to have generally existed together.

In mixing collective and individual control, open fields enabled farmers to use the same land for activities that were best conducted on different scales. Animals grazed over large tracts, reducing the costs of fencing and of keeping an eye on the animals. Meanwhile, individual peasant households tilled small plots.<sup>2</sup> To make open fields efficient, the group often had to work out grazing norms to solve the “tragedy of the commons”—the waste that occurs when any single participant enjoys all the gains from his use of a resource but inflicts many of the costs, such as crowding, on others. The solution might, for example, involve limiting a peasant’s grazing entitlement based on his share of the land under cultivation. But even with a good solution to the tragedy of the commons, some cost would have been exacted in cultivation, as each household would still have had to conform its timing to the collective decisions on when to graze.<sup>3</sup> And to the extent that fallow land was used for grazing, decisions even on the years of cultivation also had to be communal. But

1. I generally use the past tense to describe these practices, as they are gone from Russia. But they continue to exist elsewhere. See D. N. McCloskey, “The Persistence of the English Common Fields,” in *European Peasants and their Markets*, eds. W. N. Parker and E. L. Jones (1975), 91.

2. See discussion in Chapter 7 on the change in fencing costs and possible effect on animal husbandry. David Kerans, *Mind and Labor on the Farm in Black-Earth Russia, 1861–1914* (2001), 331–34.

3. David Moon, *The Russian Peasantry, 1600–1930: The World the Peasants Made* (1999), 222. See also Robert Pepe Donnorummo, *The Peasants of Central Russia: Reactions to Emancipation and the Market, 1850–1900* (1987), 15 (discussing use of one of the three fields in three-field system for collective pasture); V. S. Diakin, “Byl li shans u Stolypina?” [“Did Stolypin Have a Chance?”] in *Gosudarstvennaia deiatelnost P. A. Stolypina: sbornik statei* [*State Activity of P. A. Stolypin: Collected Articles*], eds. N. K. Figurovskaia and A. D. Stepanskii (1994), 23 (analyzing activities for which collective control works and ones for which it obstructs progress).

the long and pervasive use of open fields suggests that, at many times and places, it was worth it for farmers to accept these constraints on individual choices about the timing of crop rotation, planting, and harvesting.

But the mix of collectivism and individualism makes sense only under some circumstances. Elinor Ostrom argues that common-pool management of a resource is likely to prove efficient when “(1) the value of production per unit of land is low, (2) the frequency or dependability of use or yield is low, (3) the possibility of improvement or intensification is low, (4) a large territory is needed for effective use, and (5) relatively large groups are required for capital-investment activities.”<sup>4</sup> Her examples of successful common-pool management include such resources as fisheries, irrigation projects, underground water basins, and high mountain meadows. Conspicuously missing is the sort of intensive grain cultivation that was coming to prevail in Russia.

However comprehensible the combination of whole-village grazing with household-specific cultivation, a much less easily explained feature came along with it: the practice of each peasant household holding its land in many separate plots. Table 2.1, for example, shows the numbers of plots each peasant held in some northern and central

**Table 2.1. Numbers of Plots Held by Peasants**

<i>Fraction of peasants holding the specified number of strips</i>	<i>Number of strips</i>
4.6%	10 or fewer
10.5%	11–20
32.9%	21–40
25.6%	41–60
19.6%	60–100
7.7%	Over 100

4. Elinor Ostrom, *Governing the Commons: The Evolution of Institutions for Collective Action* (1990), 63.

Russian provinces.<sup>5</sup> (I recognize the saying that economists use decimal points only to prove that they have a sense of humor. They are included here and in other figures not because of confidence in the detail, but because the source chose to express them that way.)

With each household having relatively little land in the aggregate, many plots meant tiny plots—often only about 1.5 yards wide<sup>6</sup>—and the usual linear shape prevented a peasant from cross-tilling and sometimes even from turning his plow around.<sup>7</sup> Many plots also meant great distances between plots. Table 2.2 shows the distances that peasants in some Russian provinces had to travel to reach their most remote tracts.<sup>8</sup>

The resulting time losses were severe. The table shows the median distance for a peasant to his most remote tract as 5.1 to ten versts, or about 3.3 to 6.6 miles. In 1913, land-surveying students engaged by the Ministry of Agriculture estimated that for a plot 6400 meters from a peasant's hut—i.e., a little under four miles and at the short

**Table 2.2. Distance Traveled from Village to Most Remote Tract**

<i>Fraction of peasants with most remote strip at specified distance</i>	<i>Distance (in versts—i.e., 0.66 miles) from village to most remote strip</i>
5.3%	1
7.4%	1.1 to 3
11.5%	3.1 to 5
38.7%	5.1 to 10
37.1%	10 +

5. George P. Pavlovsky, *Agricultural Russia on the Eve of the Revolution* (1968), 82, n. 1. For holdings with 10 or fewer plots, see 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), 35–36. The percentages add up to more than 100 percent, presumably due to rounding.

6. Peter I. Lyashchenko, *History of the National Economy of Russia to the 1917 Revolution*, trans. L.M. Herman (1949), 444.

7. Kerans, 328.

8. Pavlovsky, 82, n. 2. See also A. M. Anfimov, *Krestianskoe khoziaistvo evropeiskoi Rossii, 1881–1904* [*The Peasant Economy of European Russia, 1881–1904*] (1980), 84.

end of the median range—the time consumed traveling from hut to work roughly equaled the time spent at work.<sup>9</sup> In some areas, the solution was for villagers to make one annual trip out to a distant field for hoeing and sowing, and a second one for harvesting.<sup>10</sup>

For some time, historians tended to attribute plot scattering to egalitarian purposes.<sup>11</sup> But the fit between phenomenon and explanation was never good. Most obviously, there was no need to splinter each household's lands in order to equalize their value. More recently, scholars have invoked ideas of efficiency. In a series of articles, McCloskey has argued that the scattering provided each household with insurance against hazards that correlated with location. “[B]irds flock and insects swarm, spotty in their depredations.”<sup>12</sup> If risks from pests, drought or deluge, heat or cold, varied with location (valley bottoms being especially at risk in seasons of heavy rain, for example), scattered plots would have enabled each household to hold a balanced portfolio of risks. With scattering, the vicissitudes of nature could rarely have doomed a household to starvation. Just as we incur the cost of insurance to protect us from the risk of life- or lifestyle-destroying calamities, so peasants may have incurred the inconveniences of scattering for protection against famine.<sup>13</sup>

9. V. G. Tiukavkin, *Velikorusskoe krestianstvo i Stolypinskaia agrarnaia reforma* [*The Great Russian Peasantry and the Stolypin Agrarian Reform*] (2001), 207. The numbers seem to suggest either rather slow walking (four miles shouldn't take much over an hour, unless perhaps the walker is bowed down by heavy equipment) or a rather short workday (including travel time). See Chapter 7 for discussion of dispute over Tiukavkin's source. For more data on travel time losses, see Kerans, 325–27, 342–43.

10. Karl Kofod, *50 Let v Rossii, 1878–1920* [*50 Years in Russia, 1878–1920*] (1997), 44.

11. McCloskey, “The Persistence of the English Common Fields,” 93–99 (countering the claims of egalitarian purposes). For a recent assertion of the egalitarianism claim, see Kerans, 323 (“the leveling impulse . . . at the heart of open fields”), 329.

12. D. N. McCloskey, “English Open Fields as Behavior Towards Risk,” in *Research in Economic History*, ed. Paul Uselding (1976), 114, 146.

13. *Ibid.*, passim.

The distribution of plot scattering in Russia may provide oblique support for McCloskey's insurance theory: the more varied were the soil conditions and landscape in a region (and thus the greater potential for risk diversification via scattering), the greater the number of strips.<sup>14</sup> Thus, in the non-black-soil areas, soil variety and scattering were both high in relation to those in the black-soil areas. But the Russian pattern also cuts somewhat against McCloskey. The non-black-soil areas (with more scattering) were also the ones where peasants were more engaged in non-agricultural pursuits; their greater involvement in complex markets would seem to spell better access to alternative protections against disaster and *less* need for scattering as a risk-control device.

Smith, a proponent of an alternative explanation, identifies some other problems with McCloskey's theory. Among these are the arguments that the year-to-year variation in weather was not as severe as the theory assumes; that more efficient forms of insurance may have been available, such as manor lords varying household dues to adjust for variations in production; that because of lords' potential in this role, scattered fields should have been less common where lords were present than where they were absent, while, in fact, the reverse was true (for England, the primary subject of Smith's inquiries).<sup>15</sup>

Smith sees scattering instead as a device to control strategic behavior in the management of grazing. Grazing provided benefits and detriments to land that was alternately being used for crops. Manure was a plus, trampling a minus. With fully consolidated tracts, the peasant in charge of supervising the animals could favor his own land

14. Lazar Volin, *A Century of Russian Agriculture: From Alexander II to Khrushchev* (1970), 89–90.

15. Henry E. Smith, "Semicommon Property Rights and Scattering in the Open Fields," *J. Leg. Stud.* 29 (Jan. 2000): 131, 154–57. In a poll of peasants in Tula Province, only one out of 163 mentioned a possible insurance benefit. (Kerans, 335–36.) But unless the others offered cogent alternative explanations, which Kerans doesn't say, the poll tells us little; practical people often find practical solutions without putting their purpose into words.

to get disproportionate manure most of the time, but lead the cattle to others' land when it was soggy or otherwise at high risk from trampling. Monitoring the herder could limit this, but would itself be costly. Small, scattered plots would make such chicanery virtually impossible.

Apart from pointing to drawbacks in McCloskey's theory, Smith reasons from the coincidence of scattering with areas where arable and pasture were mixed (again in England). While an insurance theory might lead one to expect scattering to have been more prevalent in a region of an area of exclusively arable land than in a mixed area (where the peasant's portfolio was already more diversified), it was, in fact, present in mixed areas and absent in areas with only arable.<sup>16</sup>

We need not choose between these theories, as they both support two conclusions important for our purposes. First, the presence of scattering was not strong evidence of some unusually powerful commitment to egalitarianism or redistributionism deep in the Russian soul, which would have rendered establishment of real private property virtually impossible. *Some* impulse to socially organized redistribution is probably hard-wired into humans. It is plausible that in hunter-gatherer societies, where much of our nature seems to have formed, modest redistributive practices would have given a group some advantage vis-à-vis neighboring groups that failed to apply such practices. The group would have benefited from the survival of families whose hunter had been temporarily unlucky. And the cost was low: The successful hunter couldn't store his game for long; hardworking group members could fairly easily detect malingering; and reciprocity could be fairly easily enforced. And the genetic relation between donors and recipients helped to make such redistribution a genetically winning strategy.<sup>17</sup> But because of the non-

16. Smith, 156. Or so Smith finds for England; I've seen no effort to evaluate the relationship in Russia between scattered plots and intermixture of grazing and cultivation, but it appears that after harvest the "stubble" was "as a rule used as a common pasture." Volin, 91; Moon, 222.

17. Paul H. Rubin, *Darwinian Politics: The Evolutionary Origin of Freedom* (2002), 66–67. And see Richard A. Posner, "A Theory of Primitive Society, with

egalitarian functions of plot scattering, its presence in Russia doesn't suggest any special leaning toward an egalitarianism that would have made strong property rights peculiarly unfit for Russia.

Second, whether McCloskey or Smith (or some combination) is right, modernization is likely to reduce the payoff to scattering. With modernization, various forms of alternative insurance—even including explicit crop insurance itself—become available. With improving technology, long-term storage is less costly. With the transportation network lengthening and thickening, the region from which stored grain may be drawn expands, and with improved communications and increased monetization of the economy, the ability to quickly summon up stored supplies improves.

Modernization also changes the costs and benefits of scattering under Smith's theory. Separation of arable from pasture is a form of specialization, which tends to increase as markets broaden and as each kind of productive enterprise requires more sophisticated know-how or equipment.<sup>18</sup> With those changes comes an increase in the strains of combining two systems and, as it were, two cultures (small-plot individual cultivation and large-scale community grazing), somewhat like the strains of managing a conglomerate. In England, Smith finds that new crops, clover and turnips, made it possible to raise sheep efficiently without grazing them on arable.<sup>19</sup> The specialization that accompanies modernization would likely also have tilted the cost-benefit analysis in Russia.<sup>20</sup>

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Special Reference to Primitive Law," *J. L. Econ.* 23 (1980): 1, 32–34; Kristen Hawkes, "Why Hunter-Gatherers Work: An Ancient Version of the Problem of Public Goods," *Current Anthropology* 34 (1993): 341–361.

18. Smith, 160; see also Carl J. Dahlman, *The Open Field System and Beyond: A Property Rights Analysis of an Economic Institution* (1980), 179–80.

19. Smith, 160.

20. Yaney expresses a good deal of doubt whether open fields are inefficient even under modern conditions, pointing to the apparent success of a German professor, Otto Schiller, who masterminded establishment of a kind of open fields system in agricultural areas of the Soviet Union occupied by the invading German army in 1941–43. George L. Yaney, *The Urge to Mobilize: Agrarian Reform in Russia, 1861–1930* (1982), 167. See Otto Schiller, "The Farming Cooperative: A New System of



In short, it seems quite likely that, in Russia as elsewhere, open fields at one time served a utilitarian function fairly consistent with western levels of individualism, but that changes in the technological and economic environment gradually raised the institution's costs and reduced its benefits.

***Repartition***

Open fields inherently imply a commune. Assuming that individual cultivation alternates seasonally with joint grazing, the latter needs collective management. And even without joint grazing, tiny strips would require coordination in sowing, plowing, etc. In this communal governance of peasant agriculture, Russia was not unlike Western Europe, except in the delay of its erosion. But Russia added a wrinkle. There, communes took two forms: hereditary, with ownership passing down in the family as in Western Europe,<sup>21</sup> and repartitional, in which the land was subject to periodic repartition. Principles of repartition varied somewhat, but seem to have been overwhelmingly aimed at matching the land resource to households' working capacity.<sup>22</sup> That capacity might have been defined, for instance, in terms

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Farm Management," *Land Economics* 27 (1951): 1. But Schiller makes clear that the Reich (curious model!) implemented his system as a short-term expedient compromising between the wish to give farmers better incentives than under the kolhoz system and the wartime exigencies of extremely scarce machinery and the technical difficulties of making permanent divisions of the land. *Ibid.*, 1–3. Schiller is enthusiastic but not quantitative about the results. Assuming the best, the episode is a reminder that there may prove many ways to skin a cat, and that an elite hierarchy's imposition of *any* single model is very risky. As will be clear, the Stolypin reforms were in most respects not such an imposition.

21. Alan Macfarlane, *The Origins of English Individualism: The Family, Property and Social Transition* (1979), 23–24.

22. Similar systems prevail in parts of Africa to this day, with households exercising use rights to land but with elders empowered to reallocate land to keep land-to-people ratios roughly constant. The elders are reported to do so quite effectively, at least where land hasn't become marketable, a process that generates abuses. See Jean Ensminger, "Changing Property Rights: Reconciling Formal and Informal

of adult workers of both sexes or males of all ages (sometimes with adjustment for youth, so that a younger male counted only as a fraction of an adult male).<sup>23</sup> At least in some repartitional communes, it appears that marriage was the key to entitlement, leading, at times, to arranged child marriages.<sup>24</sup> This repartitional process didn't apply to a peasant's actual home and some small surrounding space, which was held in hereditary tenure even on a repartitional commune, or to resources held completely in common, such as hunting, fishing and firewood rights. Between the serfs' emancipation and the launch of the Stolypin reforms, repartition required a two-thirds majority of those eligible to vote in the commune council.

As with open fields, there is some impulse to explain repartition as arising from a deep-seated egalitarian yearning. Here, at least, there is a plausible fit between the practice and the explanation: repartition *did* equalize landholdings—at least by reference to the criterion the commune used. Repartition operated at the expense of approaches that could have better encouraged productivity, either by secure property rights and free exchange or possibly by rewarding productivity administratively. The first would have treated a peasant as entitled to whatever he lawfully inherited, plus whatever he acquired by free gift, purchase or exchange. Such a principle would have supported productivity indirectly, as those most capable of improving the yield would have been well positioned to bid land away from the less skillful or energetic. The second approach (entirely theoretical, I hasten to add) would have explicitly rewarded those

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Rights to Land in Africa,” in *Frontiers of the New Institutional Economics*, eds. John N. Drobak and John V. C. Nye (1997), 165–96.

23. Geroid T. Robinson, *Rural Russia Under the Old Regime* (1969), 35; Moon, 211–12; Francis Marion Watters, *Land Tenure and Financial Burdens of the Russian Peasant, 1861–1905* (1966), 144–45; Jerome Blum, *Lord and Peasant in Russia from the Ninth to the Nineteenth Century* (1961), 512–13.

24. Steven L. Hoch, *Serfdom and Social Control in Russia: Petrovskoe, a Village in Tambov* (1986), 116–17.

who produced the best yield from tracts they started out with and penalized those with modest yields.

Nonetheless, it would be overly hasty to think that repartition manifested exceptional peasant egalitarianism. Although the data are incomplete, repartition seems to have originated with the “soul” or “poll” tax, instituted by Peter the Great and first collected in 1724 (and mainly abolished as of 1887).<sup>25</sup> Only in the middle of the eighteenth century did repartition become widespread.<sup>26</sup> Its spread also correlated with increasing population density. Before the soul tax, communes had allocated land to new households, but they appear to have done so from unclaimed land, so that in that era the practice involved no repartition, no taking from an existing occupant.<sup>27</sup> With increasing population density, giving to A required taking from B. In addition, Peter radically increased the overall tax burden and, thus, taxes’ role in the peasant economy.<sup>28</sup> In this light, one can see repartition as a communal response to land scarcity and the state’s increasing tax burdens, mirroring the state’s decision to impose the tax burden on a per-capita basis. In addition, the state itself favored the practice at times, not only requiring it for villages on lands of the state and imperial family, but also pressuring villages on the gentry’s land to adopt it, largely on the theory that this would improve the extraction of revenue and services from the peasants.<sup>29</sup>

The geographic distribution of the repartitional commune also

25. Moon, 80; Blum, 464.

26. Moon, 213–15. Petrovich notes that tracing repartition to the head tax depends mainly on the *absence* of record evidence of earlier repartition, and there is scarcely any record evidence from that period one way or the other. Michael B. Petrovich, “The Peasant in Nineteenth-Century Historiography,” in *The Peasant in Nineteenth Century Russia*, ed. Wayne S. Vucinich (1968), 210.

27. Compare Moon, 211 with Moon, 213–15.

28. *Ibid.*, 215.

29. See, generally, Sergei Pushkarev, *Krestianskaia pozemelno-peredelnaia obshchina v Rossii* [*The Peasants’ Repartitional Land-Commune in Russia*] (1976), especially Parts I and III.

suggests that the process may have been, in part, a response to the Russian state's taxation policies. It was only in 1783 or later that Russia extended the soul tax to eastern Ukraine,<sup>30</sup> to Ukrainian peasants in Russian provinces, and to Belorussia, Lithuania and the Baltic provinces.<sup>31</sup> In virtually all of those regions, repartition developed slightly or not at all.<sup>32</sup> The following map and Table 2.3 (on pages 43–45) show the geographic prevalence of the repartitional commune.

But even though an “egalitarian” allocation system may have paralleled the soul tax, and seems in some measure to have followed in its wake, there is a logical disconnect between the two. Egalitarian allocation of land isn't self-evidently the best way to reconcile such a tax with commune members' own needs. Merely because the state computed the tax as an amount per unit of population, communes weren't obliged to have a parallel system of assessment (with a parallel system of land allocation to match). While assigning the tax burden to the commune as a whole, the state left its allocation either to the commune or, before Emancipation, to the landlord.<sup>33</sup> A

30. Russia acquired eastern Ukraine, or so-called “left-bank Ukraine” (i.e., the portion of Ukraine left of the Dnieper viewed by someone traveling south with the current), together with Smolensk, by the 1667 armistice concluded with Poland at Andrusovo. See John Channon with Rob Hudson, *The Penguin Historical Atlas of Russia* (1995), 50–51. It acquired the rest of Ukraine in 1793, in the second partition of Poland. *Ibid.*, 52–53.

31. Moon, 80, 215.

32. *Ibid.* Owen says that Belorussia was only 25–50 percent hereditary ownership, Launcelot A. Owen, *The Russian Peasant Movement, 1906–1917* (1963), 57, but Dubrovskii lists the six provinces of Mogilev, Vitebsk, Vilno, Kovno, Grodno and Minsk as having 72.6 percent of their communes hereditary, S. M. Dubrovskii, *Stolypinskaia zemelnaia reforma [The Stolypin Land Reform]* (1963), 570–73. The latter is also the source of Table 2.3. The discrepancy seems to arise from Owen's listing of Smolensk (shown in Dubrovskii as having 99.4 percent hereditary communes) as part of Belorussia.

33. Dorothy Atkinson, “Egalitarianism and the Commune,” in *Land Commune and Peasant Community in Russia: Communal Forms in Imperial and Early Soviet Society*, ed. Roger Bartlett (1990), 9; Dorothy Atkinson, *The End of the Russian Land Commune, 1905–1930* (1983), 8–9.



**Table 2.3. Geographic Prevalence of the Repartitional Commune**

<i>Province</i>	<i>% of Households in Repartitional Tenure</i>
<i>Central Black Earth</i>	
Orel	89.7
Tula	85.3
Riazan	97.4
Tambov	97.0
Kursk	69.7
Voronezh	98.6
<i>Central Industrial</i>	
Tver	99.0
Yaroslavl	99.8
Kostroma	100.0
Kaluga	99.7
Moscow	100.0
Vladimir	97.3
<i>Middle Volga</i>	
Penza	96.5
Kazan	100.0
Nizhgorod	99.6
Simbirsk	98.5
Saratov	99.9
<i>Lakes</i>	
St. Petersburg	97.8
Olonets	98.2
Pskov	100.0
Novgorod	99.9
<i>White Russia</i>	
Kovno	0.0
Vitebsk	53.0
Grodno	0.0
Vilno	0.0
Minsk	0.0
Mogilev	80.5
Smolensk	99.4
<i>South-West (or Right-bank Ukraine)</i>	
Volyn	1.8
Podolia	0.4
Kiev	9.0

**Table 2.3. (Continued)**

<i>Province</i>	<i>% of Households in Repartitional Tenure</i>
<i>Little Russia (or Left-bank Ukraine)</i>	
Chernigov	51.5
Poltava	17.9
Kharkov	93.2
<i>New Russia (or Ukrainian Steppe)</i>	
Bessarabia	28.1
Kherson	93.3
Ekaterinoslav	99.2
Tauride	92.1
Don [Cossacks]	100.0
<i>Lower Volga</i>	
Samara	99.1
Astrakhan	100.0
Orenburg	100.0
<i>Urals</i>	
Viatka	99.2
Perm	100.0
Ufa	97.8
<i>Northern</i>	
Archangel	97.4
Vologda	96.7
<i>Total</i>	76.7

commune could have allocated land with the aim of maximizing productivity (e.g., by simply establishing secure rights and allowing free exchange) and then set each household's tax burden as a fixed or increasing fraction of its product. Does the choice of egalitarian repartitioning over these alternatives imply strong egalitarian preferences? It seems doubtful.

The process of repartition, after all, had begun in the era of serfdom. The peasants were themselves the property of private landowners (the gentry or pomeshchiki), the Russian state, or the imperial

family.<sup>34</sup> The owners were in a position to decide whether a head-based tax should be matched by head-based landholding. Hoch's studies of a serf village before Emancipation shows the bailiff doing just that (in this respect, presumably reflecting the owner's judgment, or at least in sync with it): pressing the commune hard for an even matching of land and labor.<sup>35</sup> Such matching could easily have been consistent with reasonable productivity (at least compared with unchanging land allotments)—if variations in individual peasant skill and labor were relatively unimportant or simply hard to estimate in advance; if it was difficult or impossible to realize economies of scale in production; if long-term investments in property improvement were not especially valuable; and, perhaps most critically, if free exchange among peasants was inconsistent with landowner control. Under these conditions, a serf owner's choice of egalitarian repartition, evidently with support from state officials (and, in fact, chosen by the state for its and the imperial family's lands),<sup>36</sup> would have been explicable in terms of simple greed. It is only a slight exaggeration to say that the practice is no better evidence of egalitarianism than is a factory owner's "equal" allocation of machines to factory floor space.<sup>37</sup>

The sequence in which repartition spread suggests that, at the time, it exacted little penalty in productivity. Serfs' obligations to their owners could be due in fixed quantities or in labor. Under "obrok," the serf simply paid the owner a fixed sum of money (or in the early centuries a fixed quantity of agricultural products or

34. As of 1857, the percentages in these three categories were, respectively, 42 percent, 52 percent and 6 percent. See Moon, 99.

35. Hoch, *Serfdom and Social Control in Russia*, 117–26. See also Moon, 217–18.

36. Moon, 217–18.

37. Compare V. V. Kabanov, *Krestianskaia obshchina i kooperatsiia Rossii XX veka* [*The Peasant Commune and Cooperative in Russia of the 20th Century*] (1997), 145 ("[E]galitarianism was imposed from above, by the pomeschchiki and the state, primarily as a means of collecting payments," quoting N. N. Pokrovskii, *Mirskaia i monarkhicheskaia traditsii v istorii rossiiskogo krestianstva* [*Village and Monarchial Traditions in the History of the Russian Peasantry*] (1989), 229).



handicrafts);<sup>38</sup> under “barshchina,” he commonly worked half the time (e.g., three days a week) for his own benefit on land allotted to him and half on another portion of the owner’s land for the owner’s benefit (i.e., with the entire product on the latter going to the owner). A serf’s incentives for hard work and ingenuity were naturally better under obrok, as he was free to keep his entire surplus. As a result, obrok tended to prevail in the areas where agricultural productivity was the most variable and the payoff for sound incentives the greatest. And the practice of repartition came earliest to the regions with barshchina, latest to those with obrok.<sup>39</sup> In short, it appears that the less important productivity incentives were for a region, the earlier the spread of repartition, confirming the view that repartition partly depended on the relative insignificance of such incentives.

Further, in areas where non-agricultural production was substantial and people were more likely to vary in their productivity, owners or the commune itself often chose less egalitarian allocations of land and tax burden. In one village in Nizhnii Novgorod, for example, rich peasants were taxed at a theoretical equivalent of thirty “souls” and poor ones at half a soul, with the “rich” peasants presumably being allowed to hold land in proportion to their tax burden.<sup>40</sup>

But the record is nothing if not complex. Peasants who migrated to Siberia or other frontier areas, and who settled free of any owner, often chose a repartitional commune. This may have been because they believed that egalitarian repartition was consistent with reasonably high productivity, or because they brought the idea along “with them as part of their ‘cultural baggage.’”<sup>41</sup> But even on the latter theory, the peasants may well have acquired the “baggage” through a history that owed little to a passion for egalitarianism.

38. Moon, 70.

39. *Ibid.*, 218.

40. *Ibid.*, 208–09.

41. *Ibid.*, 220 (offering the latter view).

After the end of serfdom, repartition lapsed to some degree, suggesting that the forces initially driving the process, whatever they may have been, were by then largely spent. But there is dispute over the degree of the lapse. Tiukavkin points to evidence that, as of 1910, about 60 percent of communes had had no redistribution (*peredel*) since the end of serfdom (nominally 1861, but the process was, in fact, uneven and in some areas did not progress into the “redemption” phase (see below) until 1883).<sup>42</sup> But there is evidence the other way. Repartition was typically based on census numbers, and no census was held between 1858 and 1897,<sup>43</sup> which may explain a slacking off in that period. In a sampling for the period from 1895 to 1910 addressing only the central agricultural and mid-Volga provinces, the Free Economic Society found that more than 90 percent of 400 communes reporting had held a repartition in that period.<sup>44</sup>

Villages in rural Russia likely shared some of the characteristics that may have led to a measure of egalitarian redistribution in hunter-gatherer societies: numbers small enough that the hard-working could monitor shirking and enforce reciprocity; family links among those within geographic reach of each other; and difficulties in storing surplus. While this is consistent with the commune’s role in providing relief for widows, orphans, or other commune members temporarily down on their luck, relief activity is peripheral to repartition of the land itself. That phenomenon seems most easily explained by the Russian state’s system of taxation and an agricultural system in which the productivity costs of egalitarian repartition were modest. Again, the origins and history of repartition in Russia fail to

42. Tiukavkin, 171–74.

43. 1897 is in fact the date of the first complete, all-Russia census. But censuses for purposes of the household tax started in 1678 and then for purposes of the poll tax in 1719. Moon, 20.

44. Atkinson, *The End of the Russian Land Commune*, 74–75. Compare Tiukavkin, 173–74 (arguing that the percent of communes having a repartition since Emancipation was in fact much lower).

show a deeply embedded peasant hostility to private property and markets; more likely, they simply reveal responses to circumstances that even quite individualistic people might choose.

***Family v. individual tenure***

It appears to have been households rather than individuals that held such private ownership as peasants enjoyed in allotment land.<sup>45</sup> This restraint on the head of household somewhat protected women and minor children, whose risks from the profligacy of a husband or father might otherwise have been greater. (The basic risks were far from trivial; sloth and drunkenness in the head of the family spelled penury anyway.) This restraint also protected the commune in its role as a provider of relief to the poor. And it protected mature sons, who might otherwise have been rendered landless through their father's sales or efforts to will land outside the family. But under the imperial statutes, local custom controlled the exact rules of inheri-

45. The controlling statutory provisions, Arts. 8 and 165 of the *Polozhenie o vykupte*, seem ambiguous, giving the right of redemption to the "householder" ("domokhoziain"), but without saying whether he could act alone over familial opposition, or whether his act vested the new title in himself individually. See also John Maynard, *The Russian Peasant And Other Studies* (1942), 56–57; Volin, 104 (contrasting provisions of June 14, 1910 law for appropriation and consolidation by head of household in repartitional commune with prior practice of allocation to the household in repartitions); Teodor Shanin, *The Awkward Class: Political Sociology of Peasantry in a Developing Society: Russia 1910–1925* (1972), 220–25 (observing that legislative efforts to establish individual ownership foundered on peasant resistance); Moon, 181 (finding concept of household rather than individual property "enshrined" in the Emancipation statutes of 1861); Avenir P. Korelin, "Sotsialnyi vopros v Rossii v 1906–1914gg. (Stolypinskaia agrarnaia reforma)" ["The Social Question in Russia in 1906–1914 (The Stolypin Agrarian Reform)"], in *Gosudarstvennaia deiatel'nost' P. A. Stolypina: sbornik statei* [*State Activity of P. A. Stolypin: Collected Articles*], eds. N. K. Figurovskaia & A. D. Stepanskii (1994), 79 (alluding to decisions of the 1880s and 1890s enlarging the family's control at the expense of the household head's).

tance, so it's unsafe to generalize about the limits on a household head's power to devise land.<sup>46</sup>

This negation of individual ownership is characteristic of peasant life as conceived by Marx and Weber. They used the peasant label for a system in which a family, rather than an individual, owned land, and in which the head of family could neither sell nor transfer the land, nor much control its disposition at his death. In addition, in the Weberian peasant economy, marriage was early (as the family was the main source of labor) and had few romantic implications (as people rarely even met someone of the same age whom they hadn't known since childhood). Sales and purchases of land were rare, and transfers occurred mainly in the interest of equalization—to give more land to branches with more children. Production and consumption were largely within the family; relatively few people were completely landless and earned their living solely by their labor. The young rarely branched out, either vocationally or geographically.<sup>47</sup>

This Weberian peasant culture seems to have persisted far longer in Russia than elsewhere in Europe. Macfarlane, for example, argues that by 1300 England no longer had “peasants” in the Weberian sense. Working with documentary records that are skimpy relative to those of modern times, he finds that by 1300 English farmers had broad freedom to make transfers outside the family while alive; there is no evidence of equalizing transfers and little of the extended family as an economic unit; marriage was later, as a young man could, as a practical matter, marry only when he could support himself and his wife and children independent of his family of origin. As Macfarlane observes, this individualistic pattern led to inegalitarian variation in wealth within the low-income working class, but was egalitarian in opportunity: it allowed a smart, hard-working farmer to rise into the

46. Jane Burbank, *Russian Peasants Go to Court: Legal Culture in the Countryside, 1905–1917* (2004), 103, 106. See also *ibid.*, 194–95, describing application of the concept of “just deserts” in inheritance cases.

47. Macfarlane, 23–25, 39–52, 82–84.

gentry. As we'll see, there was clear movement away from the classic image of the peasant economy by the end of the 1800s in Russia; but as to transfer and exchange of allotment land, the Weberian peasant model seems to have prevailed, with the household head exercising authority more as a trustee than an owner.

***The costs of open fields, repartition, and family ownership***

A modernizing economy changed the costs and benefits of Russia's special rules for peasant allotment land. Even from the start, all three practices had their downsides: Open fields involved practical inconveniences; repartition dulled incentives to invest and tended to thwart market exchanges (a transferor could not immunize his transferee against a later adverse repartition); and family ownership not only thwarted exchanges but also held the young in a kind of prolonged wardship. The trammeling of exchanges prevented productivity-enhancing transfers both obvious (such as consolidations that would realize economies of scale or scope) and subtle. Had land been freely exchangeable, a peasant handling his land ineptly would have been subject to bids from people who saw how to use it better and whose greater expected efficiency enabled them to offer a price that would have left both seller and buyer better off. And under the collective control that all three of the special Russian practices tended to produce, innovative decisions could be taken only by consensus or majority, rather than by the boldest individuals.

Soviet scholars historically have spotted only the problems with open fields and taken little interest in those posed by the other peculiarities of allotment land. Scattered plots of course thwarted economies of scale, a value that inspired almost religious awe among the makers of Soviet agricultural policy. By contrast, repartition worked its harm mainly through effects on individual, self-regarding incentives, generally viewed as obsolete for the New Soviet Man. And even if, in reality, the Soviet state used very steep incentives, such as the

promise of luxury perks and the threat of the gulag, it never countenanced incentives arising from consumer choices refracted through a market.

*Open fields.* Many of the drawbacks of open fields were physical and, therefore, obvious. Given the sort of distances depicted in Table 2.2, peasants obviously lost a lot of time traveling to the outlying tracts. The results of a study of some seventy-two farms in Penza Province, shown in Table 2.4, suggest that the resulting labor waste was serious.<sup>48</sup>

The labor required to cultivate any given quantity of land rose steadily as the average plot size fell. Most of the extra labor was presumably spent in travel between home and plot, the rest in circumventing the awkwardness of the workspace. (In addition, strips were commonly so thin, often ten- to fourteen-feet wide, that plowing was possible only along one axis.<sup>49</sup>) Although total labor input

**Table 2.4. Labor Input in Man-Labor Days (Per Unit of Land) on Seventy-Two Farms in Penza Province**

Average size of strips, in <i>desiatinas</i> (One <i>desiatina</i> = 2.7 acres)	Man-Labor Days	
	Non-black-soil region	Black-soil region
Under 0.2	29.1	—
0.2–0.4	28.8	22.1
0.4–0.8	20.9	21.7
0.8–1.2	—	16.6
1.2 and over	—	12.6

48. Volin, 91. See also Tiukavkin, 207 (relating time spent traveling to time spent in productive work, as a function of the distance from the peasant's hut); Leonid Panov, *Zemelnaia reforma v Rossii. Istoki i uroki* [Land Reform in Russia. Sources and Lessons] (2001), 27 (chart reflecting a German economist's estimates of loss of profitability associated with distance from village, claiming plots more than 4 kilometers away had only 2 percent the productivity of adjacent ones). McCloskey, addressing primarily England, somewhat discounts the significance of distance. See D. N. McCloskey, "The Prudent Peasant: New Findings on Open Fields," *J. Econ. Hist.* 51 (1991): 343, 348.

49. Blum, 328.

varied between the two different soil types (necessitating the two sets of figures above), the range suggests that high levels of scattering could have doubled the necessary work effort for any given amount of land.

Of all the costs of open fields, this seems to have been the one most easily remedied through bargains between households. Peasants could have agreed at least on year-to-year swaps that would have enabled them to cut travel time. In fact, such deals occurred. Entrepreneurial peasants—known as land collectors (*sobirateli zemli*) or land traders (*zemlepromyshlenniki*)—leased multiple fields on a village's extreme periphery and then released them for cultivation as larger aggregates.<sup>50</sup> The fact that the practice seems to have been limited to the periphery, and was not universal even there, suggests that the negotiation costs of such transactions were, for closer-in plots, higher than the potential gains.

The other costs of open fields fit into the category of neighborhood effects. At the obvious physical level was the waste of land used as a boundary between strips.<sup>51</sup> But neighborhood effects also changed the returns to innovation. Because of the strips' thinness, a peasant trying to use machinery had either to accept serious, sometimes insuperable, physical inconvenience if he stuck to his own strips, or to bargain with his neighbors to verge over into theirs. With the first course, the innovator would use the new machinery inefficiently; with the second, he would incur the costs of bargaining and, even if he got consent, would likely bear the full cost of new equipment while sharing the benefits with his neigh-

50. 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), 227. Compare Kerans's confusing discussion of *okruglenie*, an apparently rather limited practice of temporary aggregation of plots not limited to ones on the periphery. Kerans, 337. See, generally, Paul Gregory, *Before Command: An Economic History of Russia from Emancipation to the First Five-Year Plan* (1994), 45–51 (stressing potential economies through bargains among peasants).

51. Volin, 91.

bors. Similarly, scattering discouraged the use of pure or improved seeds, as anyone who tried better seeds would see the benefits diluted by his neighbors' use of inferior ones.<sup>52</sup>

Of course, many of these neighborhood effects were in principle curable by decisions of the commune assembly (*skhod*). If a mismatch of costs and benefits retarded individual adoption of an innovation, the *skhod* could—and sometimes did<sup>53</sup>—solve the problem by adopting it as commune practice. (For mechanization, this would likely require the commune to give up individual plowing altogether.) But to think of the communal conference as a cheap route to innovation is naïve. There are reports that communes often had three meetings a week during haying season.<sup>54</sup> It reminds one of Oscar Wilde's point, "The trouble with socialism is that it takes up too many evenings." Apart from general talkiness, solution through the *skhod* would encounter at least two difficulties. First, the *skhod* itself mismatched burdens and power—between the young and middle-aged adults, who did the work and were little represented in the *skhod*, and the elders, who controlled the *skhod* but were little involved in field work. Second, all innovation entails risks and thus appeals primarily to the boldest. Where the adventuresome are free to innovate, the more cautious can learn from their example, good or bad. But if an innovation requires a majority decision, as it did in the *skhod*, it won't be adopted until the median risk-taker is ready to jump.<sup>55</sup> Everything else being equal, the more people who can

52. *Ibid.*, 90–91. McCloskey, incidentally, believes that in the English context another kind of neighborhood effect was also costly—escape of cattle into the crops. McCloskey, "The Prudent Peasant," 348–49.

53. Esther Kingston-Mann, "Peasant Communes and Economic Innovation: A Preliminary Inquiry," in *Peasant Economy, Culture, and Politics of European Russia, 1800–1921*, eds. Esther Kingston-Mann and Timothy Mixter (1991), 43.

54. Bernard Pares, *Russia: Between Reform and Revolution* (1962), 83.

55. See Boris Nicolaevich Mironov, with Ben Eklof, *The Social History of Imperial Russia, 1700–1917* (2000), 336 (noting that innovators had difficulty getting the commune to alter traditional ways). Kingston-Mann confirms that owners on private plots were more likely to innovate, but cites reports that once an innovation occurred, it "spread more quickly in commune districts." Kingston-Mann, "Peasant



individually embark on the experimental gambit, the better the prospects for innovation.<sup>56</sup> Open fields' drag on novelty seems to have played a major role in Russia's persistence in the costly "three-field" system, under which each field lay fallow every third year.

The collective decision making associated with open fields is analytically separable from the dominance of village elders, but in Russia the two went hand-in-hand, giving disproportionate power to those least inclined to innovation. Elders' resistance to modernizing ideas was often extreme. In one account, a son who had left the commune sent his father a subscription to the *Agricultural Gazette* (*Zemledelcheskaia gazeta*) and returned to find that his father had used its pages to paper the walls of his hut. The father explained, "They write about household economies, but it is fools who do the writing and fools who do the reading; what they know, we abandoned a long time ago."<sup>57</sup>

*Repartition.* The practice of repartition seems plainly to have created a drag on productivity growth. For any improvement that would have resulted in extra yield occurring after the next likely repartition, the enterprising peasant was likely be denied some of the improvement's benefit. At the margin, he'd naturally have been less inclined to make the investment. Nikolai Bunge, finance minister in 1881–87 and an advocate of reforming peasant property rights, evidently often used to quote the rather extreme formulation of Arthur Young, the famous English agricultural reformer: "Give a man the secure posses-

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Communes and Economic Innovation," 43. Detailed numbers are not supplied. A speedier spread once a private owner had visibly pioneered could occur simply because, after the private owner's adoption revealed the benefits of the innovation, adoption by a commune would automatically cover its whole area.

56. Joel Mokyr, *The Lever of Riches: Technological Creativity and Economic Progress* (1990), 176–77. See also Richard C. Hoffman, "Medieval Origins of Common Fields," in *European Peasants and their Markets*, eds. W. N. Parker and E. L. Jones (1975), 30–31, 52, 60–62, discussing the conformity and conservatism flowing from open fields.

57. Mironov, *Social History of Imperial Russia*, 346–47.

sion of a bleak rock, and he will turn it into a garden; give him a nine years' lease of a garden, and he will convert it into a desert."<sup>58</sup>

China's method of decollectivizing farmland has provided experimental data on the effect of repartition on investment. Households were assigned use rights in specific land and allowed to keep all production above specific norms. But the land holdings were susceptible to continual "readjustment" by local cadres until 1998, when a new law provided for freedom from readjustment for a thirty-year term. After 1998, some readjustment continued, but practice varied radically between areas, with some areas even giving assurances against readjustment for fifty years. In areas where farmers came to believe they were safe from readjustment, they proceeded with long-term investments, including planting fruit trees, shifting from chemical to organic fertilizer, building greenhouses, and digging irrigation ponds.<sup>59</sup>

Russian communes could and sometimes did recognize the problem. Some would adjust repartitions either by allowing the investing peasant to keep the areas he had improved, or at least to receive an adjustment in light of the quality he had contributed. Indeed, a statute of June 8, 1893 provided that peasants who had improved their land should, to the extent possible, receive their new entitlement in the same place.<sup>60</sup> And some communes mandated sound practice or

58. David A. J. Macey, *Government and Peasant in Russia, 1861–1906: The Prehistory of the Stolypin Reforms* (1987), 266, n. 87.

59. Roy Prosterman and Brian Schwarzwald, "Rural China Update" (Draft, 2004), 13–22. See also Hanan G. Jacoby, Guo Li, and Scott Rozelle, "Hazards of Expropriation: Tenure Insecurity and Investment in Rural China," *American Economic Review* 92 (2002): 1420–47. In this study, the focus was on fertilizer use, which did respond to differences in expected tenure. But effects on productivity proved relatively slight because farmers could substitute chemical fertilizers, whose pay-out occurred in the very short term; this option was, of course, much less available to the Russian peasant.

60. Act of June 8, 1893, part I, art. 9 (3 *Polnoe sobranie zakonov* [Complete Collection of Laws], No. 9754).

penalized its absence with less generous treatment on repartition.<sup>61</sup> Kingston-Mann cites a report from Western Siberia in which the observer said he was “unable to discover a *single* instance in which peasants failed to receive compensation at the time of repartition for any investments of labor or capital that were out of the ordinary.”<sup>62</sup>

If it cost a centralized decision maker nothing to acquire information, and if actors never indulged in self-serving strategic behavior, these reports would set one’s mind at rest about the commune. But it is precisely because those assumptions are false that private property has generally promoted efficiency and increased productivity—except for special resources, such as rivers (as a means of navigation), for which collective or state ownership can achieve efficiencies of scale and scope. Consider the report that all investments “that were out of the ordinary” received compensation on repartition. Who decided what was “ordinary,” and on what data? Would that have included innovative investments whose returns were as yet unknown? How would “out of the ordinary” have been measured? An innovator would have faced not only the usual economic risk, but also the burden of trying to persuade the *skhod*. In practice, members who had been especially successful, presumably the industrious and innovative, were evidently in the vanguard of those resisting repartitions,<sup>63</sup> which required a two-thirds vote;<sup>64</sup> this suggests that *skhod*-approved adjustments at the time of repartition were no panacea for

61. Judith Pallot, *Land Reform in Russia, 1906–1917: Peasant Responses to Stolypin’s Project of Rural Transformation* (1999), 81–83.

62. Kingston-Mann, “Peasant Communes and Economic Innovation,” 45 (emphasis in original). See also 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), 30–31 (reporting on various commune efforts to respond to opportunities and challenges in the early twentieth century).

63. Moon, 223.

64. Robinson, 74.

repartition's adverse incentives. While we know relatively little about peasants' ability to reach bargains offsetting the disincentive effects,<sup>65</sup> repartition, at a minimum, created the need for circumventing transactions that otherwise would have been unnecessary.

All this is not to say that the practice of repartition was an absolute barrier to improvements in yield. Far from it. As we shall see in the next chapter, there is evidence of steady, substantial productivity improvement in Russia from Emancipation to World War I. But in a world where innovation was plainly feasible, economies of scale and scope were relevant, local surpluses could be shipped into regional, national and international markets, managerial talent could be effective, and alternatives to agriculture could provide work for peasants whose labor in the fields was marginal—in short, in Russia as it was developing at the end of the nineteenth century—it is hard to believe that repartition did not exact a serious cost in productivity growth.

It is sometimes said that the repartitional commune created additional costs by giving artificial incentives for reproduction.<sup>66</sup> The implicit logic is that if more children resulted in more resources, people (at least some people) would have more children. But the intervals between repartitions, their unpredictability, and the criteria for a greater allotment probably dampened any such effect. Normally there would have been quite a few years between a birth and a repartition in which the child was old enough to increase the family's entitlement, years in which the child's consumption would have likely offset his labor. Besides, another girl would not have expanded the entitlement at all (though she might well have garnered a bride-price for her family)!<sup>67</sup>

65. Gregory, *Before Command*, 49–52 (noting both the desirability of such bargains and considerable ignorance about practice).

66. Pavlovsky, 81–84; see also Donald W. Treadgold, *The Great Siberian Migration* (1957), 44.

67. Hoch, *Serfdom and Social Control in Russia*, 94–96.

Atkinson tried to assess the issue by comparing birth and death rates in different provinces with the prevalence of repartition in those provinces between 1861 and 1914. She exonerates repartition, arguing that her data show “that higher birth-rates in communal [i.e., repartitional] provinces were offset by even higher death rates.”<sup>68</sup> This seems an odd defense, as if people concerned about population growth would find comfort in news of an exceptionally high death rate. It does, however, suggest that something else may have been going on. If the less heavily repartitional communes were a good deal further along in the classic demographic transition—from high birth and death rates, to high birth and lower death rates, and finally to lower birth and death rates—the pattern observed would be no surprise. Indeed, if involvement in markets and rarity of repartition go hand in hand, this is just what one would expect; and one also would expect it to swamp the direct incentive effects of repartition on family size. The only surprise is that the non-repartitional areas seem to have been so far ahead of the others in the demographic transition that not only death rates, but also birth rates, had already fallen sharply there.

*Family ownership.* The practice of family rather than individual ownership in Russia has received relatively little attention. Yet it seems to have been a major obstruction to Russia’s achieving the full benefits of markets. It plainly retarded the mobility of both land and labor: land—because many voices had to approve before a transaction could go forward (and some necessary persons, such as children, may have been disabled from assenting); and labor—because young adults, rather than making their way in the world independently, were likely to stick around the ancestral village, using the patrimony to which they were entitled (and couldn’t sell). Both these immobilities would have stifled economic growth, which occurs, as Paul

68. Atkinson, *The End of the Russian Land Commune*, 383–84.

Romer observes, “whenever people take resources and rearrange them in ways that are more valuable.”<sup>69</sup>

My focus is property rights in land, and so, although the highest-ranking property right is a person’s ownership of his own person, I won’t dwell on the mobility of labor. But the restrictions imposed at Emancipation, which were toughened in legislation adopted in December 1893, clearly tended to keep the post-Emancipation peasant immobilized in the way depicted by Marx, Weber, and Macfarlane.

As for land, immobility of title thwarted both innovation and efficiency. It limited the supply of sites on which an innovator could experiment—not only with new technologies, but also with new products, forms of management, marketing, finance, etc. Slothful or inept quasi-owners (as it seems fair to call those lacking a ready power of disposition) would have remained ensconced, not subject to the bids of more resourceful farmers. The only way to dislodge them would have been through a politically organized system of monitoring and redistribution; but that would have required a collective evaluation of the costs and returns. Especially with underdeveloped markets, there would have been little clear market evidence for many of the values at stake. Even if we could assume away the information problems, the ensconced quasi-owners, as the “establishment” in the ultimate sense, would likely have had the political clout to stop serious change. Papua New Guinea offers an extreme example of how multiple veto-holders can produce resource immobility and wasteful use. At least until the 1980s, transfer of communal land there required unanimous consent of “customary land owners.” Underuse and nonuse of land was so great that the amount of land usable for agriculture exceeded land actually used by a ratio

69. Paul Romer, “Economic Growth,” in David R. Henderson, ed., *The Concise Encyclopedia of Economics*, <<http://www.econlib.org/LIBRARY/Enc/EconomicGrowth.html>> (March 2, 2006).

of eight to one,<sup>70</sup> and innumerable projects were stillborn through inability to acquire land.<sup>71</sup>

Quasi-ownership may also have led to an undue discount of future returns.<sup>72</sup> When an exclusive individual owner adopts an improvement with a prospect of yielding income well into the future, and it succeeds, he can realize the benefit immediately by selling the property at a price that capitalizes the enhanced future income stream. This is true even if much of the expected benefit would be realized long after his likely death. With family ownership, the head of the family could do so, if at all, only at the cost of securing multiple consents. Although family ownership sounds as if it implies great respect for the welfare of future generations, it tends not to—at least by the key criterion of encouraging long-term investment.

I do not mean to flay these three property-rights villains as the sole source of Russian agricultural backwardness at the start of the Stolypin era. There is one analysis, for example, that focuses on a completely different feature of the countryside. Chayanov, a well-known Marxist economist later shot in Stalin's purges, argued that peasant families commonly used family labor inefficiently, putting an extra family member to work on land even when the marginal product of his labor was less than its theoretical marginal product with a better mix of land and labor (i.e., more land and less labor) or in another activity.<sup>73</sup> The argument assumes serious defects in the labor market. Without such defects, the family would have been

70. Michael J. Trebilcock, "Communal Property Rights: The Papua New Guinean Experience," *U. of Toronto L. J.* 34 (1984): 377, 380, 386. Trebilcock also cites estimates that this ratio was twenty to one. (Trebilcock, 380.) See, generally, Robert D. Cooter, "Inventing Market Property: The Land Courts of Papua New Guinea," *Law & Soc. Rev.* 25 (1991): 759–801.

71. Trebilcock, 380–82.

72. *Ibid.*, 407.

73. A. V. Chayanov, *A.V. Chayanov on the Theory of Peasant Economy*, eds. Daniel Thorner, Basile Kerblay, and R.E.F. Smith, with a foreword by Teodor Shanin (1986), 9–10, 39–40, 236–37.

better off if extra household members worked for hire and earned their marginal product away from the family's land. As we shall see, the labor market *was* impaired, in part by legal restrictions on commune members' leaving to work elsewhere. But even with labor market flaws, those of communal ownership remain a major culprit. And there were, as we shall see in the next chapter, other factors impairing Russian agricultural development.

Further, despite all the impediments, the Russian economy made remarkable progress after Emancipation. Nevertheless, we have good grounds for doubting that the devices mitigating the commune's retrograde impacts were able to fully offset them, as some scholars argue.<sup>74</sup> To believe that, we have to believe that economic growth will flourish where experimental decisions are subject to multiple vetoes, many of them held by parties who have only peripheral stakes in the outcome. The twentieth century does not bear out such a view. So property rights reform made economic sense.

### *Post-Emancipation limits on exit, sale, or exchange*

If the costs of open fields, repartition and family tenure increasingly outweighed their benefits, why, one may well ask, didn't the peasants themselves contrive means to correct them? The answer probably lies in various state-imposed restrictions on peasant efforts to change their landholdings, as well as in some of the transaction costs (e.g., costs of negotiating with multiple neighbors) that would have impeded such efforts. I am not arguing that a majority of peasants were actively interested in radically changing their landholding rights. But a picture of just how far the government had gone in imposing immobility on the countryside helps us understand what Stolypin and other reformers faced.

Under the Emancipation rules, each commune became obligated

74. See, e.g., Pallot, *Land Reform in Russia*, 69–90.



to pay the state a “redemption fee”: enough money to cover most of the state’s financial burden in paying off bonds it had issued to fund its reimbursement of the gentry for land allotted to the peasants under Emancipation. Just as the peasant’s labor had formerly been an asset of his owner, it was now, *de facto*, an asset of the commune and security for the commune’s redemption obligation. In designing peasant rights to the allotment lands, the state sought to minimize its risks as creditor. The state applied a principle of collective responsibility (*krugovaia poruka*) to both the hereditary and the repartitional commune. It also locked the individual peasant into the commune by a series of restrictions not only on his sale or exchange of land, but even on his simple exit from the commune and its obligations. Besides advancing the state’s fiscal purposes, the limits also slowed migration to the cities and consequent “proletarianization,” viewed by many as a great source of turbulence.<sup>75</sup>

A member of a repartitional commune could withdraw and abandon his interest only if, besides surrendering the allotment, he paid off half the related redemption fee, secured the commune’s consent, and persuaded it to assume responsibility for the remaining half.<sup>76</sup> Thus, he could now buy his way out of the commune, just as he could have bought his way out of serfdom before Emancipation. If the value of his share of the land was high enough, there would be some chance of a mutually advantageous deal with the commune; but, even then, the obligation to pay off half would likely be an obstacle, given the rudimentary character of credit markets and the impossibility of securing a loan by a pledge of one’s future labor. A member of a hereditary commune appears to have faced economi-

75. See, e.g., Kerans, 307.

76. Robinson, 75–76; Watters, 140. As mutual consent was needed, presumably any split that the parties agreed to for the debt would have controlled over the usual 50–50. In 1889, the commune’s refusal of consent became appealable to the local land captain. 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), 162.

cally equivalent limits on departure without property, being required either to pay off the whole of the applicable redemption debt or to find someone willing to take on the allotment and its obligations. Again, such a transaction would have been feasible only if the parcel's productivity were high enough in relation to the redemption debt.

On top of these limits, a junior member of a household could not leave the area without a passport, which the authorities would withhold on the head of household's word.<sup>77</sup> Because of the meaning of "household," this rule was more restrictive than it may seem; neither the maturing of sons, nor the death of a father of multiple sons, would lead automatically to new "households" splitting off. A father's death often led simply to the oldest brother's becoming household "head."<sup>78</sup> And, as a household member's departure from a repartitional commune would reduce the household's claims in the next repartition, household heads had an incentive to withhold consent.<sup>79</sup> One might suppose that incentive to have been slight, as the ratio of land to workers after repartition would presumably have been the same whether the member left or not. Perhaps so—but the indirect benefits of being a household head, discussed below, likely increased with size of the household. The restrictions, of course, by no means locked peasants in their villages. Even during serfdom, many lived in towns or cities or at least migrated there temporarily in pursuit of economic opportunity; one survey found that nearly a quarter of adult male peasants in five central Russian provinces had received passports or "tickets" (shorter-term permissions) for migra-

77. Macey, "Government Actions and Peasant Reactions," 118.

78. See, e.g., Rodney D. Bohac, "Peasant Inheritance Strategies in Russia," *Journal of Interdisciplinary History* 16 (1985): 23, 27.

79. Alexander Gerschenkron, "Agrarian Policies and Industrialization, Russia 1861–1914," in Alexander Gerschenkron, *Continuity in History and Other Essays* (1968), 194.

tion elsewhere for periods of up to three years in the mid-1850s.<sup>80</sup> After Emancipation, internal migration to the cities only increased, providing an urban labor force whose growth was rapid in comparison with other nations' at the time.<sup>81</sup> Whatever the exact weight of the restriction, rules of this sort would not have led peasants to conceive of themselves as independent, self-reliant human beings or eased their transition to work in an industrializing economy.

Similar restrictions burdened a peasant seeking to exit by means of sale—i.e., aiming to keep the value of his allotment in the form of its proceeds. The limits were staggeringly complex and, on some issues, varied from province to province. Thus, the summary below, though it may seem painfully detailed, is in fact an oversimplification. We take first the hereditary commune, then the repartitional.

Once redemption was under way, a peasant in a hereditary commune could, until 1882, transfer his allotment to anyone who was willing to assume the related debt.<sup>82</sup> As the obligation often exceeded the allotment's value in the early days, willing transferees were rare. In 1882, the state threw up a new roadblock, denying any means of registering the transfer and thus preventing purchasers from getting a secure title.<sup>83</sup> In 1893, it added a further restriction, requiring that transfer could be only to a member of the commune or to someone becoming a member.<sup>84</sup>

A peasant in a hereditary commune could secure consolidation of his scattered allotment strips only with the consent of all whose

80. Boris B. Gorshkov, "Serfs on the Move: Peasant Seasonal Migration in Pre-Reform Russia, 1800–61," *Kritika* 1 (Fall 2000): 627, 635–37. The provinces were Yaroslavl, Kostroma, Moscow, Tver and Vladimir.

81. Gregory, *Before Command*, 51.

82. Robinson, 73.

83. *Ibid.*, 112–13.

84. Law of December 14, 1893, art. I(2), 3 *Polnoe Sobranie Zakonov*, No. 10151; Robinson, 113; Seymour Becker, *Nobility and Privilege in Late Imperial Russia* (1985), 68.

strips would be affected.<sup>85</sup> Although the requirement was reasonable, indeed protective of property interests, the large number of tiny strips made it very hard to secure the needed consents. Nevertheless, gradual consolidation through a succession of exchanges was feasible to a degree; and it somewhat reduced scattering, especially in areas such as eastern Belarus and Ukraine (which were dominated by hereditary communes),<sup>86</sup> even though these exchanges lacked a clear legal foundation.<sup>87</sup> There was also provision for collective consolidation—i.e., an end to scattering throughout the commune. The nominal rule was that the hereditary commune could do so by a two-thirds vote. But the law provided no rules for executing such a complex transaction and was evidently understood to require unanimity.<sup>88</sup>

In the repartitional commune, transfer and consolidation were even more difficult, and post-Emancipation legislation only increased the difficulties. Transfer was nominally possible with the consent of the commune's assembly, but the repartitional character of the commune made these sales risky for the buyer: anything he received could be subject to cutback whenever the commune might next decide on repartition.<sup>89</sup>

Directly after Emancipation, there were two ways out of that box—one individual and the other collective. Under Article 165 of the Emancipation statutes, a former serf of the gentry (but not of the state) could change his title from repartitional to hereditary, or could secure consolidation, either with the consent of the commune or by fully paying off his share of the redemption debt.<sup>90</sup> Obviously,

85. Becker, 73–74.

86. Diakin, 24; Mironov, *The Social History of Imperial Russia*, 336.

87. Pallot, *Land Reform in Russia*, 89–90.

88. Robinson, 72.

89. *Ibid.*, 75.

90. See Article 165 of the second of the three statutes of February 19, 1861 effecting Emancipation, “Polozhenie o vykupe krestianami, vshedshimi iz krepostnoi zavisimosti, ikh usadebnoi osedlosti i o sodeistvii pravitelstva k priobreteniiu

few peasants were in any position to pay off the redemption debt.<sup>91</sup> And the government closed off even this escape hatch with a statute adopted on December 14, 1893. Under the law's provisions, at any time before repayment of the redemption dues (evidently extinction of the *entire* commune's redemption debt), a former serf could obtain his share separately, or pay off his redemption debt early, only with the approval of the commune assembly.<sup>92</sup> From Emancipation to the start of the Stolypin reforms in 1906, only about 150,000 householders converted their title from repartitional to hereditary, and even fewer consolidated their tracts.<sup>93</sup> And by confining sales of even hereditary allotment land to current or future commune members,<sup>94</sup> the statute limited exchange opportunities even if a peasant in a repartitional commune managed to convert his title.

As with hereditary communes, repartitional ones could embark on collective change. By a two-thirds vote, the assembly could convert the commune to hereditary status;<sup>95</sup> at this point, of course, under the rules for hereditary communes, the commune could move, by two-thirds vote, all the way to consolidation on unscattered tracts. Even the less drastic collective change to hereditary status evidently occurred rarely, and peasants often seemed not to fully grasp the full meaning of the change—i.e., that it foreclosed any future collective repartition.<sup>96</sup>

A description of the legal restrictions on transfer probably over-

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*simi krest'ianami v sobstvennost' polevykh ugodii*" (translation in Appendix). See also Gerschenkron, "Agrarian Policies," 186–87.

91. Robinson, 77, 119. Strangely, there was an interpretation of the payoff requirement as involving one-time payment of the entire initial amount, regardless of interim payments, but this strange reading was scuttled in 1882. See Gerschenkron, "Agrarian Policies," 219.

92. Law of December 14, 1893, art. II; Robinson, 119.

93. Robinson, 119–20.

94. Law of December 14, 1893, art. I, cl. 2.

95. Christine D. Worobec, *Peasant Russia: Family and Community in the Post-Emancipation Period* (1995), 27–28.

96. *Ibid.*

states the real limits. Even before Emancipation, serfs had had some practical ability to rent allotment land, and even to buy and sell it, subject to the lord's and commune's approval.<sup>97</sup> And communes, after all, had authority to shuffle interests via partial repartition; it may be that peasants seeking to buy and sell land did so, secured commune approval, and then cloaked the transaction as one directed by the commune. This is, at least, a plausible interpretation of some court records.<sup>98</sup>

It's commonly said that whatever the perverse incentive effects of the repartitional commune, it provided a mechanism for curing the dysfunctions of open fields: consolidation through communal decision.<sup>99</sup> This notion matches a recurrent critique of the Stolypin reforms—that by facilitating change of title from repartitional to hereditary, they tended to obstruct consolidation. We'll deal with that in the context of the reforms themselves, but even for the pre-reform period the claim is greatly oversimplified.

In any scattered-field situation, there are, in principle, two ways of obtaining consolidation: by collective, quasi-political action or by a succession of two-sided or multi-sided exchanges. In fact, the statutes allowed the hereditary commune, like the repartitional, to consolidate collectively by a two-thirds vote; the flaw was a lack of provisions for carrying out the transformation, and the flaw appears to have applied equally to the repartitional commune. Despite that legal gap, some all-village consolidations occurred, almost exclusively in the villages of hereditary tenure in the northwest.<sup>100</sup> The fact that

97. L. S. Prokofeva, *Krestianskaia obshchina v Rossii vo vtoroi polovine XVIII pervoi polovine XIX v., na materialakh votchin Sheremetevykh* [*The Peasant Commune in Russia in the Second Half of the 18th and First Half of the 19th Century, in Materials of the Sheremetev Estates*] (1981), 96–126.

98. Burbank, *Russian Peasants Go to Court*, 97–101.

99. See, e.g., Pavlovsky, 83; 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), 5; Volin, 92.

100. Kofod, *50 Let v Rossii*, 162–69, 134–42.

spontaneous consolidation occurred predominantly in communes with hereditary tenure may or may not show that hereditary tenure facilitated spontaneous consolidation; alternatively, the combined presence of the two might simply show that markets had penetrated the area relatively early. But the success of these consolidations certainly gives the lie to the idea that repartitional tenure was somehow conducive to consolidation. Indeed, there seems to have been no known case of a repartitional commune exercising its repartitional power to achieve consolidation.<sup>101</sup>

As for gradual consolidation via two- or multi-sided transactions, these were clearly more plausible in the hereditary commune, for only there did the parties have fixed entitlements to trade. As we saw earlier, the necessary exchanges did, in fact, occur in hereditary communes, but I have found no evidence as to frequency.<sup>102</sup>

To sum up: A peasant could initially have withdrawn his property from the process of repartition only by full repayment of his redemption share or with the commune's consent, and, after 1893, *only* with the commune's consent. Consolidation required the consent of all affected parties. Peasants could, alternatively, have achieved consolidation through a long string of exchanges (hampered in the repartitional commune by the inability to give clear title), but this seems to have been rare.

Up to the time of the Stolypin reforms, little progress had been made either in ending repartition or in consolidating tracts. Legal barriers and transactions costs were high. And in regions without access to markets, the returns from enhancing agricultural productivity would have been modest; there is only so much one can do

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

102. Compare the statement by Mironov that such exchanges “increased dramatically” in the post-Emancipation era. Mironov, *Social History of Imperial Russia*, 336. But the source he cites does not in fact address the issue. See V. A. Barykov, A.V. Polovstov, and P.A. Sokolovski, eds., *Sbornik materialov dlia izuchenia selskoi pozemelnoi obshchiny* [Collection of Materials for Study of the Village Land Commune] (1880), 1:325.

with an increase in food. Thus, the pattern tells us little about how willing peasants would be to adopt less collective rights once the reach of markets expanded.

### *Rule changes on the eve of the Stolypin reforms*

On November 3, 1905, the tsar issued a ukaz ending redemption obligations as of January 1, 1907. Had there been no 1893 amendment of original emancipation statutes, this imperial termination of redemption dues would have automatically opened the door to individual exit from the commune—at least under what seems the most plausible reading of the statutes. Recall that Article 165 of the statute on redemption allowed a commune member who paid off his share of the commune's redemption debt to demand his share of commune land. Although Article 165 was drafted in terms contemplating individual payment, it could easily have been read as treating extinction of the commune's redemption debt as achieving for all peasants what individual payoff would have achieved for one. That reading would have fitted one of the key purposes in tying the freed serfs to the commune: to make collection of the redemption fees more convenient. In the blunt terms of Count Witte, prime minister until shortly before Stolypin's ascension, it was "easier to tend the herd than to tend each member of the herd individually."<sup>103</sup> As Witte said in May 1906, the end of redemption dues logically meant that limitations on communal land ownership "instituted to secure the punctual liquidation of the redemption debt . . . must also disappear."<sup>104</sup> And many peasants also saw the end of redemption as removing any justification for the process of repartition.<sup>105</sup>

103. Mironov, *Social History of Imperial Russia*, 348–49; see also Blum, 618 (purpose of assuring payment).

104. W. E. Mosse, "Stolypin's Villages," *Slavonic and East European Review* 43 (1965): 260 (quoting Goremykin).

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



But even with this reading of Article 165, the end of redemption dues didn't necessarily open the door to individual exit. The statute of December 14, 1893 left the status of Article 165 unclear and is often said even to have repealed it. What the 1893 statute actually said was that before repayment of the redemption fee (evidently meaning a commune's total obligation), a commune member could neither get separate apportionment (*vydel*) of his own share (apparently including consolidation of that share in one place) nor pay off his share of the commune redemption fee prematurely, without approval of the commune assembly. Rather than repealing Article 165, the 1893 statute seems more easily read as postponing any individual separation, without communal consent, to such time as a commune's entire redemption debt was fully paid off. As in the case of Article 165 itself, that reading would have fit with the fundamental purpose of protecting the commune from would-be breakaways, as well as protecting the state from losses of redemption payments. With this interpretation, individual commune members would have been able to withdraw at will once the redemption debt was fully cancelled.

In the end, there was no occasion for an authoritative interpretation of the relation between Article 165 and the statute of December 1893. The Stolypin ukaz of November 9, 1906 established a new system for transition from communal ownership to private farming and rendered the issue moot.

### *Sociology of the commune*

The evidence suggests, curiously, that the repartitional commune failed to equalize wealth. Overall data comparing the two types of communes present a complex picture, with hereditary communes having more very poor households (ones holding five *desiatinas* or less), but also fewer prosperous households (measured as ones with

fifteen *desiatinas* or more).<sup>106</sup> And whatever repartition's effect on wealth distribution, it plainly did not equalize power. This may yet again illustrate the idea that, in almost all contexts, a measure of oligarchy is inevitable.<sup>107</sup>

Accounts of the commune make repeated reference to the influence of wealthy peasants, with the epithet “kulak” sometimes thrown in. These references often occur near passages in which the author describes the repartitional process, but without comment on why or how egalitarian repartition failed to prevent peasants from acquiring exceptional wealth. Several factors may have been at work. First, repartition in (rough) accordance with family size naturally tended to become obsolete, as families waxed and waned. A household that had benefited from a distribution when it was large, but had since shrunk, would obviously have held a large share of land relative to its reduced numbers. Second, to the extent that commune responsibilities provided a chance to manipulate resources (e.g., taking bribes in exchange for favors such as keeping someone out of military service, widely regarded as nearly the equivalent of a death sentence),<sup>108</sup> commune elders or otherwise influential peasants could gain advantage. Commune office could sometimes be used in complex back-scratching arrangements at the expense of less-influential peasants; a village supervisor, for example, could press selected peasants for timely tax payments, driving them to seek local employment at low wages and enjoying a kickback from the employer.<sup>109</sup> Further, successful undertakings outside the commune, such as money-lending, could also generate wealth inequalities. Some peasants' successful exploitation of their positions at the ex-

106. Tiukavkin, 75. The data fall far short of what would be needed to calculate (for example) Gini coefficients for the two types.

107. See Robert Michels, “Oligarchy,” in *The Sociology of Organizations: Basic Studies*, eds. Oscar Grusky and George A. Miller (1970), 25–43.

108. Hoch, *Serfdom and Social Control in Russia*, 151.

109. See Olga Semyonova-Tian-Shanskaia, *Village Life in Late Tsarist Russia*, ed. D. L. Ransel (1993), 165.

pense of other villagers was evidently common enough for that to be one of the meanings of the terms “kulak” and “miroedy” (literally, persons who eat up the commune).<sup>110</sup> But inferences from the terminology are unclear; one study finds that, before 1917, a peasant rarely applied either term to a wealthy peasant from his own community, reserving it instead for “exploitative ‘outsiders.’”<sup>111</sup>

Apart from the influence of wealth, the commune was strictly patriarchal. Males, of course, dominated females, but age dominated youth far more than in a post-peasant culture. While all heads of household participated in the commune assembly, that did not include all the commune’s adult males.<sup>112</sup> Unless sons escaped by a splitting of the household before the death of the senior member (a so-called “pre-mortem fission”), they remained largely voiceless and under their father’s domination until his death. Independence did not necessarily follow even then, as a household often continued after the father’s death, with the eldest son stepping up as its head.<sup>113</sup> An optimist could explain the dominance of the elders as a function of the oral tradition, under which it may seem natural for power to flow to those who have been around the longest and are thus most likely to have the best grasp of traditional practice.<sup>114</sup> But that explanation works only in a society where tradition is not merely oral but supremely powerful, where stability trumps innovation. That, of course, describes peasant Russia.

With dominance came perks, such as excuse from work and the right to preferred space in the family hut. Hoch estimates that at Petrovskoe, the estate he studied in detail, one third of the population, the stratum between the elders and the children, did three quarters of the field work.<sup>115</sup> He also found that “intergenerational

110. Worobec, 41; Mironov, *Social History of Imperial Russia*, 332; Moon, 233.

111. Jeffrey Burds, *Peasant Dreams and Market Politics* (1998), 94–95.

112. Hoch, *Serfdom and Social Control in Russia*, 135–36.

113. See Bohac, 23, 27.

114. Mironov, *Social History of Imperial Russia*, 310.

115. Hoch, *Serfdom and Social Control in Russia*, 135.

antagonism was structurally endemic at Petrovskoe, with the patriarch and his wife on one side and the exploited members on the other.”<sup>116</sup> As we’ve already seen, power could be turned to material advantage: bribes or other benefits in exchange for promising favors to other commune members (or threatening disfavor) in interactions with the owner (before Emancipation) or the state. Thus, commune life featured individual and family self-aggrandizement in its usual rich varieties.

In Chapter 1, I drew a distinction between private property regimes and hierarchical-patrimonial ones, the latter appearing to be the primary alternative method for people to secure their interests once we put aside outright warfare.<sup>117</sup> While the commune was not a regime of private property, it may not be immediately recognized as one of hierarchy and patrimonialism. Yet, on closer study, those seem the right characterizations. The household heads, who were at the peak of the hierarchy, operated as a council and directed the people of the commune in the details of farming and household division, as well as in various relations to the state, such as the draft and at least some law enforcement. One can give the institution the benefit of the doubt, of course, and view the people of the commune as somehow above the council. But the council’s composition and power—with a collective of household heads exercising a somewhat monopolistic authority over commune resources—hardly invites such a benign view.

The commune can hardly have avoided the information and agency problems of hierarchy and patrimonialism. As the institution suppressed market information about the comparative values of resources, such as land and labor, the council couldn’t rely on those in

116. *Ibid.*, 132.

117. A third method is use of non-property entitlements, which can range from strongly rule-bound claims such as to social security, on the one hand, to more vaguely defined interests such as in the location and character of public works, on the other. The rule-bound entitlements are largely free of patrimonialism (at least at the individual level), but play little direct role in investment or management of resources. As the latter functions rise, patrimonialism seems likely to rise with them.

making trade-offs. Moreover, as an agent of the commune, the council's behavior seems, from Hoch's account, to have been characteristic of patrimonial organizations, with a good deal of back-scratching and back-biting in pursuit of private agendas. Further, given the relative immobility of land and labor, the commune didn't compete for resources in an ordinary market in the way a modern corporation must. Thus, it would have escaped the competition that provides the sharpest incentives for controlling hierarchical-patrimonial pathologies.<sup>118</sup>

*Attitudes toward law, property, and individual achievement*

Before closing this analysis of the property rules, we should look at some related attitudes widely shared by Russian peasants. In an extensive recent treatise on the sociology of Russia, Mironov depicts the peasant's exposures to "official law" as typically negative: subjection to state burdens such as exaction of taxes and redemption fees, military recruitment, and road maintenance; conflicts with non-peasants over contract issues; and the occasional petition to higher authority for some sort of relief.<sup>119</sup> Mironov offers a somewhat vague concept of "official law," contrasting it with matters regulated by "common law," which, he says, governed most "civil and criminal affairs affecting peasants"<sup>120</sup>—presumably referring to the law applied in the local peasant courts (the *volost* courts), which are discussed below.

Mironov cites a collection of Russian proverbs in which every allusion to law is negative. "Where there is law, there is injury." "If only all laws disappeared, then people would live justly."<sup>121</sup> Such attitudes—to the extent that they prevailed—seem a natural response

118. See Chapter 1 re: "Property rights, civil society, and liberal democracy."

119. Mironov, *Social History of Imperial Russia*, 304.

120. *Ibid.*, 304–05.

121. *Ibid.*, 305.

for people who, as a class, were not only excluded from participating in law formation, but who also faced the law mainly as something that mediated their encounters with an almost alien species: pomeshchiki and officials with the power to make and apply the law free of much constraint by the peasants. Engelhardt, a gentry member with a literary flair who published letters on country life in post-Emancipation Russia, quotes a peasant protesting a criminal provision: “What kind of law is this? Who was it who wrote this law? The lords wrote all of this.”<sup>122</sup> The extreme resource immobility built into the property system for allotment land (among other factors) meant that a Russian peasant would have had far less occasion than, say, a nineteenth-century American or European farmer to even consider using the law to resolve garden-variety property disputes between juridical equals, such as quarrels over contracts, deeds, boundary settlement, easements, trespasses, and nuisance.

Some reported peasant attitudes on theft and deceit also suggest little grasp of rights independent of the social status of the parties. Peasants are said to have drawn a distinction between cheating an official or landlord (OK) and cheating a neighbor or relative (not OK),<sup>123</sup> and they saw no theft at all in cutting down trees on private property, reasoning that the trees were not the result of human labor.<sup>124</sup> These attitudes seem reminiscent of those of post-bellum freedmen in the United States, who often viewed theft as a form of compensation for the prior theft of their freedom and labor<sup>125</sup> and who were ready to admire the fellow freedman found guilty of crimes against the life or property of whites (and only whites).<sup>126</sup> But the

122. See, e.g., Aleksandr Nikolaevich Engelhardt and Cathy A. Frierson, *Aleksandr Nikolaevich Engelhardt's Letters from the Country, 1872–1887* (1993), 63.

123. *Ibid.*, 305. Compare James C. Scott, *The Moral Economy of the Peasant* (1976), with Samuel L. Popkin, *The Rational Peasant* (1979).

124. Hoch, *Serfdom and Social Control in Russia*, 166.

125. Leon F. Litwack, *Been in the Storm So Long: The Aftermath of Slavery* (1979), 142–43.

126. Leon F. Litwack, *Trouble in Mind: Black Southerners in the Age of Jim Crow* (1998), 446.

peasants' attitude may have a different explanation. According to Engelhardt, while the peasants may have considered trespass against gentry just as bad as against peasants, they also thought that one could get away with more when exploiting the gentry because the "lord" acts "out of simplicity, that is, out of stupidity, not as a farmer."<sup>127</sup> Besides making judgments based on social status, people relied on patronage and personal contacts,<sup>128</sup> as seems inevitable in a system with weak property rights and limited market opportunities.

Despite the hostility toward the gentry, peasant life was not one of seamless solidarity. We've already seen the lopsided accumulation of power in the elderly, but that was only one aspect of the built-in antagonisms. Hoch points out that most punishments for theft, even of estate property, must have stemmed from one peasant snitching on another. The records of punishments confirm this explanation. From the evidence on informing, Hoch concludes that it "is hard to see how an atmosphere of animosity, ill-will and vengeance would not have prevailed."<sup>129</sup>

This scene had begun to change by the time Stolypin became prime minister, partly because of Emancipation itself, but also because of the judicial reforms of Alexander II. In 1864, he created peasant-run courts at the level of the "volost," the smallest geographic unit of administration, with authority to resolve minor legal disputes among peasants. Three locally chosen judges presided and applied local custom, except when overridden by state rules.<sup>130</sup> Changes in 1889 made these tribunals the courts of first instance for any adjudication involving permanent residents of the countryside other than the nobility, and the judges became salaried.<sup>131</sup> Judges

127. Engelhardt & Frierson, 60, 224.

128. Burds, 101.

129. Hoch, *Serfdom and Social Control in Russia*, 168.

130. Jane Burbank, "Legal Culture, Citizenship, and Peasant Jurisprudence: Perspectives from the Early Twentieth Century," in *Reforming Justice in Russia, 1864–1994: Power, Culture, and the Limits of Legal Order*, ed. Peter Solomon, Jr. (1997), 85–86. And see, generally, Burbank, *Russian Peasants Go to Court*.

131. Burbank, "Legal Culture," 89, 91.

were to be peasants selected through peasant elections. Though the peasants' elective choices were subject to veto by the local "land captain," a centrally appointed official and definitely not a peasant, the land captains seem to have deferred to peasant preferences in most cases.<sup>132</sup>

Records of volost court decisions were kept and perhaps could have served as a basis for developing a system of precedents. But it seems unlikely that the lawyerless peasants doing battle in these courts could have found the time to explore and analyze the records, as would have been needed to push the judges toward more consistency than their own and others' memories could provide. Thus, when Mironov speaks of peasant attitudes toward "common law," it is something a good deal more ad hoc than Anglo-American common law, in which the idea of precedent requires at least an effort to achieve consistency from case to case.

Moreover, the volost courts' decisions were subject to appeal to the "district [*uezd*] congress," composed primarily of land captains for several volosts (but, evidently, with participation by the district member of the circuit court), and then to a provincial board.<sup>133</sup> These officials—most of them not legally trained—were charged with somehow integrating peasant customary law with state law, but with no clear or consistent rules as to when state law trumped, and with no reliable way of even ascertaining peasant custom.<sup>134</sup> The process must have been confusing to all hands.

The volost courts in fact did substantial business. In 1905, in Mos-

132. Burbank, *Russian Peasants Go to Court*, 167–73.

133. Gareth Popkins, "Peasant Experiences of the Late Tsarist State: District Congresses of Land Captains, Provincial Boards and the Legal Appeals Process," *Slavonic and East European Review* 78, no. 1 (January 2000): 100. See also George L. Yaney, *The Systematization of Russian Government* (1973), 326–28.

134. Corinne Gaudin, "Peasant Understanding of Justice in Appeals of Volost Court Verdicts, 1889–1917" (MS dated November 2003). See also George L. Yaney "The Concept of the Stolypin Land Reform," *Slavic Review* 23 (1964): 275, 279–80; Gareth Popkins, "Code *versus* Custom: Norms and Tactics in Peasant Volost Court Appeals, 1889–1917," *Russian Review* 59 (2000): 408–424.



cow Province alone, for example, they handled more than 25,000 civil cases (compared with nearly 22,000 criminal cases in the volost courts, and nearly 80,000 cases of all kinds in all courts in Moscow Province). A scholar who has plowed through volost court records finds that many of these cases related to land ownership and use, embracing suits for “violations of land rights,” “violations of land inheritance,” rent, and various kinds of trespass (leaving debris on another’s land, planting trees in the wrong place, trampling crops, burning others’ firewood, etc.).<sup>135</sup> Peasants obviously chose to resolve many of their disputes through courts; at least plaintiffs did, and losing parties apparently abided by the judgments.<sup>136</sup>

Though the volost courts apparently didn’t pursue consistency in interpretation of rules, they gave peasants favorable exposure to many key features of the rule of law: a process of adjudication by a neutral arbiter following formal procedures aimed at giving each side a fair chance. And a survey of at least some obvious categories that *might* have been bases of discrimination (men v. women, insiders v. outsiders, literate v. illiterate) suggests that they played no detectible role in outcomes.<sup>137</sup> While the number of plaintiffs choosing to use the courts is a one-sided piece of evidence, the losers’ compliance with judgments suggests acceptance of law as meted out by volost courts. There are reports that, even after the reforms of 1889, volost court judges sometimes took bribes of cash, vodka, and produce, and failed to recuse themselves from cases involving relatives; it’s a matter of guesswork how frequently these practices tainted the proceedings.<sup>138</sup>

135. Burbank, “Legal Culture,” 96–97. See also Burbank, *Russian Peasants Go to Court*, 86–87, 97–109, 230–32. Burbank notes subjects of civil cases for selected courts, *ibid.*, 86–87, and her sample indicates that a large fraction, probably well over half, related either to land or to resources rather directly linked to land, such as hay, horses barns, sheds, and fences.

136. Burbank, *Russian Peasants Go to Court*, 253, 268.

137. *Ibid.*, 193, 255.

138. Cathy A. Frierson, “‘I Must Always Answer to the Law . . .’: Rules and Responses in the Reformed Volost Court,” *Slavonic and East European Review* 75, no. 2 (April 1997): 308, 322–25.

So there were indicators of a march—or at least a walk—toward a healthy legal consciousness. But because the bulk of peasant land was communal allotment land even as late as 1905, the process seems unlikely to have much eroded the mental habits associated with that system’s lack of clear individual rights.

This is not to suggest that peasant skepticism toward law was due solely to the property system established for allotment land. The Russian government’s own lawlessness in other domains must have taught peasants a vital lesson. Before 1848, a serf had been able—at least as a practical matter—to acquire property in his master’s name, a system obviously fraught with potential for misunderstanding and recrimination. Then, in 1848, a new law allowed a serf to acquire land in his own name, but recognized his claims to land previously purchased in the master’s name only when the master voluntarily acknowledged the peasant’s claim. Yet, because the law was not widely publicized, serfs went on with the old method and only rarely tried to secure recognition of earlier purchases. Finally, in the 1861 Emancipation legislation, the state imposed a statute of limitations on claims to correct the old acquisitions, barring all claims more than ten years after the date of the purchase—a time limit in many cases already long past.<sup>139</sup> Given such casual state readiness to destroy property interests retroactively, Russian peasants did not need the oddities of allotment land to make them doubt the rule of law.

Finally, peasants seem often to have held deprecatory attitudes towards above-average wealth. They are reported to have thought that the exceptionally prosperous necessarily “came by their success either with the aid of supernatural forces or by subverting peasant ethics of collectivity and reciprocity. Since the likelihood of finding buried treasure was remote at best, they concluded that successful

139. Gerschenkron, “Agrarian Policies,” 155–57; Gorshkov, 650–51 (discussing statute of 1848). See also Robert Conquest, *We and They* (1980), 63 (noting the insecurity of property rights at all levels of Russian society, with a resulting inability of businessmen to rely on the future and tendency to seek “immediate advantage” by cheating if necessary).

peasants more than likely achieved their wealth through usurious and unfair practices.”<sup>140</sup> Institutions were designed to stifle any individual who wanted to work harder. Obligatory religious holidays were numerous (rising from about ninety-five in the middle of the nineteenth century to 120 at the end) and enforceable—the commune might punish violations by breaking implements. Near Moscow, one poor fellow who overworked on a minor holiday was taken to court and convicted of blasphemy.<sup>141</sup> In the black-earth provinces, where old traditions were still more strongly maintained, peasants said of one hard worker, “What is he? Like a beetle he digs in the ground from morning until night.”<sup>142</sup>

Peasants’ cynicism toward wealth seems to have rested on the assumption that people’s productivity normally varies little. It thus mirrors my hypothesis that repartition reflected a belief that allowing wide variety in peasants’ tract sizes wouldn’t generate serious increases in yields, or that the increases would—for want of trading opportunities—not be especially valuable. But such a mindset would have become rarer as the possible kinds of work became more varied and thus more specialized, as it became more likely that aggregation of land would increase productivity (because of economies of scale or scope, or managerial and entrepreneurial prowess), and as improved market access provided new goods on which to spend money.

In these attitudes, too, the post-Emancipation era saw a serious change. Mironov claims that peasants “began to feel pride in accumulating wealth” and to “measure intelligence, character, and the value of individuals according to their ability to acquire kopecks.”<sup>143</sup> After 1861, he says, “communal social relations were gradually transformed into social ties that were pragmatic, founded on the exchange of goods and services and on economic status.”<sup>144</sup> Change in

140. Worobec, 41.

141. Mironov, *Social History of Imperial Russia*, 341–42.

142. *Ibid.*, 342.

143. *Ibid.*, 354.

144. *Ibid.*, 355.

the content of a weekly, *The Field* (*Niva*), the most popular publication among the urban and rural intelligentsia, was in the same direction, and may have reflected the same forces as were affecting peasant attitudes. From 1870 to 1913, *Niva* often ran biographies of prominent people whose lives the editors deemed instructive. It ran sixteen biographies of entrepreneurs in the 1870s and 1880s, all critical of the subjects for their interest in personal enrichment. But the ninety biographies of entrepreneurs run from 1890 to 1913 were quite positive, focusing on the subjects' patriotic motives and service to science, and, occasionally, even the usefulness of their businesses. Though the editors did not go so far as to run articles speaking favorably of entrepreneurship itself, the ascetic hero who had earlier starred in *Niva*'s pages disappeared, as did condemnations of a desire for wealth.<sup>145</sup>

Elections of judges to the volost courts in the early twentieth century provided another sign of rising regard for individual economic achievement. Burbank's somewhat anecdotal study finds that the peasant electors tended to choose "men [fellow peasants] of some economic substance," and she infers that in "their elections to the judiciary, rural people appear to have associated wealth with duty and responsibility."<sup>146</sup> Burbank finds the arguments presented in those courts rather "bourgeois": "As taxpayers, as participants in the market economy, as producers and sellers of commodities, peasants expected their courts to enforce contractual agreements and to protect property."<sup>147</sup>

Attitude change also affected the operations of the commune. The young increasingly secured pre-mortem household divisions, thus getting a voice in the communal assembly. Increasing seasonal work outside the commune<sup>148</sup> gave families independent sources of

145. *Ibid.*, 491–95.

146. Burbank, *Russian Peasants Go to Court*, 174.

147. *Ibid.*, 266. See also 201, 260–61.

148. Passports issued for peasant labor migration in 43 provinces rose from about 1.2 million a year in 1861 to about 8.7 million a year in 1910. Burds, 22.

support, on the one hand reducing the need for the large household as a security device and on the other increasing peasants' sense of individual entitlement and resistance to redistribution.<sup>149</sup> Peasants also bought land outside the commune—and with it the opportunity for independent economic effort.<sup>150</sup> Even such an enthusiastic booster of the commune and collectivist values as Engelhardt saw trends toward individual independence and perceived that it was the cleverer and harder-working peasants who got ahead.<sup>151</sup>

Individualism, of course, comes at a price. Willingness to attend commune assemblies or fulfill communal duties declined, and the crime rate rose (more than 50 percent from 1874–83 to 1909–13).<sup>152</sup> The custom of the *pomoch*—villagers all joining in efforts such as barn-raising, followed by a festive round of entertainment and vodka—faded. Wealthy peasants took up some of the slack, perhaps in search of prestige, offering the festive portions of the event in exchange for merely symbolic work.<sup>153</sup>

As the twentieth century began, then, the benefits of Russian allotment land's peculiar rules were falling, and their costs—as well as the costs of restricting peasants' choice of new alternatives—were rising.

149. Cathy A. Frierson, "Razdel: The Peasant Family Divided," *Russian Review* 46 (1987): 35–52.

150. Mironov, *Social History of Imperial Russia*, 345.

151. Engelhardt & Frierson, 87, 121–22.

152. Mironov, *Social History of Imperial Russia*, 343, 344. The rate per 100,000 went from 177 to 271.

153. Burds, 96–98.