

Atti delle “Settimane di Studi” e altri Convegni
45

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NELL'ECONOMIA EUROPEA

SECC. XI-XVIII

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SERFDOM AND SLAVERY
IN THE EUROPEAN ECONOMY

11TH - 18TH CENTURIES

*

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14-18 aprile 2013

a cura di Simonetta Cavaciocchi

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Tracy Dennison

The Institutional Framework of Serfdom in Russia: the View from 1861

1. INTRODUCTION

The institutional structure of Russia between the early modern period and 1861 was largely constrained by, and perhaps determined by, its central institution of serfdom, which governed economic and social relationships throughout the countryside where the vast majority of the population lived. Russia's rulers had recognized long before Alexander II that this constraint put Russia at a significant disadvantage vis-à-vis its European competitors, and sought to abolish this institution. It is generally held that all tsars beginning with Catherine II had entertained thoughts of emancipation, but found themselves unable to override the opposition from their most powerful subjects, the noble landlords. Consequently they had had to limit themselves to small, marginal measures designed to mitigate the most egregious abuses of landlords, such as the selling of serfs without land and the grueling corvée labor regimes on demesne estates.¹ It was not until the mid-nineteenth century, when the Russian elite became acutely aware of the increasing degree to which western Europe was pulling ahead economically and militarily, that the crown found itself with the political power to implement large-scale social reform, including the abolition of serfdom.

But, ironically, those who held this power soon began to realize that their plans for emancipation were constrained by what Igor Khristoforov has referred to as 'infrastructure'.² The architects of reform originally intended to free serfs with land and provide compensation to noble landlords for their losses. Serfs would become peasant freeholders and citizens of the empire, with access to civil institutions. But this goal was easier stated than achieved. There was no imperial cadastre on the basis of which the reformers could have assigned new rights to property, and the distortions to factor markets created by serfdom made it impossible to assess credible or impartial land values in order to provide adequate compensation to nobles. The existing administrative framework could not possibly absorb the newly freed serfs. How would the localities be governed? What or who would perform the functions of the existing seigniorial and communal institutions? New institutions would have to be created. To make matters worse, a banking crisis and

¹ D. LONGLEY, *The Longman Companion to Imperial Russia 1689-1917*, Harlow 2000, pp. 118-122.

² I.A. KHRISTOFOROV, *Sud'ba Reformy: Russkoe Krest'ianstvo v Pravites'stvennoi Politike do i posle Otmeny Krepostnogo Prava (1830-1890-e gg.)*, Moscow 2011, esp. pp. 37-42.

a European-wide financial downturn in the late 1850s meant the already cash-strapped Russian state had no resources to spend on rural reforms.³ Emancipation would have to be done on the cheap.

How did the Russian crown find itself in this position? To answer this question requires understanding the institutional framework of serfdom from the mid-seventeenth century. In Russia, a weak state was forced to rely on powerful noble landlords and peasant communes for local administration (especially for the critical administrative functions of tax collection and conscription) – a reliance that had given these corporate groups significant leverage and had made it difficult, over the course of two centuries, to implement substantial land and tax reform. This paper sketches out the relationship among those interlocking institutions – the state, noble landlords, and communes – that characterized Russian serfdom, and examines the larger social and economic implications of this institutional configuration. It is suggested that the absence of formal rules to govern economic transactions (especially for the assignment and enforcement of property rights) enabled the powerful to prosper in Russia at the expense of the rest, and hindered economic growth and development over the long term. Furthermore, the existing institutional equilibrium had implications for the reforms undertaken in the 1860s. In the end, the Emancipation Act of 1861 was a weak compromise which left many of the worst institutional features of serfdom remained intact.

2. THE STATE

The growth of central states in western Europe in the seventeenth century enabled absolutist governments to override local corporate interest groups over increasingly large areas and appropriate greater tax revenues for their military ambitions.⁴ Russia was in direct competition with many of these states, and shared their military ambitions, but faced even greater challenges than Richelieu, Louis XIV, Frederick II, or the Habsburgs in expanding the effectiveness of the central state. While the taxable population in Russia was large, taxes were notoriously difficult to collect in this vast frontier society. Attempts to intensify efforts in the regions nearest the center often resulted in peasant flight to the periphery, which was even more significantly under-administered.⁵ The risk of peasant flight was so significant that nobles were reluctant to leave their estates even temporarily to fulfill their military obligations to the ruler. They insisted they would lose their labor force if they left for any length of time. In the 1640s a compromise was forged between the state and the landholding class, whereby the state would codify (and enforce) restrictions on peasant mobility, guaranteeing landholders control over a captive

³ As discussed in S. HOCH, *The Banking Crisis, Peasant Reform, and Economic Development in Russia 1857-61* in "The American Historical Review" 96(3), 1991, pp. 795-820.

⁴ N. STEENSGAARD, *The Seventeenth-Century Crisis*, in *The General Crisis of the Seventeenth Century*, G. PARKER, L. SMITH eds., London 1997.

⁵ Discussed in R. HELLIE, *Enserfment and Military Change in Muscovy*, Chicago 1971, esp. pp. 123-140; J. HARTLEY, *Russia as a Fiscal-Military State, 1689-1825*, in *The Fiscal-Military State in Eighteenth-Century Europe: Essays in Honor of P. G. M. Dickson*, ed. C. STORRS, London 2009, p. 131.

labor force, in exchange for their promise to provide military service and to perform administrative functions in the localities.⁶

The *Ulozhenie* of 1649 is accorded great historical significance in the emergence of the social structure we observe for early modern Russia, though in fact it was only one point in a complex set of ongoing negotiations between the state and the noble landholders over several centuries. The state needed military servitors and administrative agents in the countryside; the nobility required the power of the state to enforce its authority over peasant laborers. Both groups had (before 1649) been in constant competition for rents from the peasantry, and continued to be, but neither was capable on its own of appropriating these rents effectively. The restrictions on peasant mobility set out in the 1649 decree increased the likelihood that nobles would fulfill their military obligations, but numerous compromises over military service, taxation, and local sovereignty were still to be negotiated in the two centuries between then and the reforms of 1861. There was never an entirely stable equilibrium in the uneasy standoff between crown and landholders.

The central state remained, throughout this period, dependent on noble landlords to oversee the collection of taxes and the selection of conscripts on their estates. This created an inherent conflict of interest, as it was not in landlords' interests to relinquish able-bodied workers⁷ or cash rents⁸ to the crown. State authorities tried to create the incentive to cooperate by holding the nobles responsible if demands were not met. In the case of the poll tax, a lump sum was levied on each estate in accordance with the number of resident male serfs (soul counts were carried out across the empire every 15-16 years from about 1718 to 1858), and nobles were held responsible for that sum regardless of whether they managed to extract it from their serf subjects.⁹ Conscription was handled similarly: if the requisite number of recruits was not delivered, landlords were obligated to pay a cash fee equal to the cost of purchasing substitutes for their own serfs. Still, tales abound in the literature about landlords conspiring with their serfs to send the old, infirm, and otherwise unproductive members of the peasant commune to the army.¹⁰ Nobles could not be too uncooperative, however, as they did rely on the state to protect the rents they sought from their serfs, mainly by enforcing mobility restrictions, but also, as we will see, by allowing landlords free rein with the

⁶ This process is outlined in J. BLUM, *Lord and Peasant in Russia from the Ninth to the Nineteenth Century*, Princeton 1961, pp. 247-276, and analyzed in detail by R. HELLIE, *Enserfment and Military Change*, cit.

⁷ In the eighteenth century conscripts served for life; this was later reduced to 25 years and then to 15 in 1834. D. LONGLEY, *Imperial Russia*, cit., pp. 120-121.

⁸ For much of this period the poll tax stood at just under one silver rouble per male soul. Annual quitrents ranged from 5 to 40 roubles per household per year. For a summary of the literature on quitrents, see D. MOON, *The Russian Peasantry, 1600-1930: the World the Peasants Made*, London 1999, pp. 74-76.

⁹ It is not clear from the existing literature whether this rule was systematically enforced. The evidence from the Sheremetyev family archive indicates that poll tax collection was taken very seriously; serfs were threatened with fines and other punishments if they did not come up with the requisite sums by the dates specified.

¹⁰ J. BLUM, *Lord and Peasant*, cit., pp. 167-168.

peasants on their lands. It was the serfs who were, by far, the biggest victims of this symbiotic relationship.

The unwillingness or, perhaps, inability of the Russian state to create a legal framework into which serfs were clearly integrated (or even one in which serfdom was clearly defined) exacerbated the poor condition of the Russian peasantry. The laws that applied to serfs amounted to a haphazard set of prohibitions. They could not hold immoveable property in their own names.¹¹ They were prohibited from engaging in certain economic transactions with free persons.¹² They could not leave their estates of origin without permission (and even then without carrying a special document, a *pachport*).¹³ There was much that serfs were *not* allowed to do, but very little that they could; they had few formal legal rights. Most importantly, they had no access to civil institutions, including formal channels of dispute resolution and contract enforcement. Nobles, on the other hand, had many formal rights – or *privileges* – including access to civil institutions and exemptions from most taxes. Furthermore, there were few explicit restrictions on their power over their serfs. These features of imperial law had significant implications for the way ‘serfdom’ functioned at the estate level.

3. NOBLE LANDLORDS

The vagueness of the law enabled noble landlords to assert great authority over their serfs. Not only did enserfed peasants lack recourse to formal legal channels against exploitative landlords (there was no institution corresponding to the Kings Courts in medieval England), they also lacked a contractual relationship, such as ‘custom’, by which rights and obligations vis-à-vis landlords were determined and generally understood.¹⁴ This meant that landlords were free to impose taxes, fees, and labor obligations as they wished. (This was especially advantageous to Russia’s largest landlord, the state itself, which raised quitrent demands from serfs on crown lands repeatedly over the eighteenth century.¹⁵) The 1649 decree made it nearly impossible for peasants to resist by absconding. Landlords could also force serfs to marry,¹⁶ administer corporal punishment¹⁷, buy and sell (controversially) serfs

¹¹ This restriction was only abolished on the eve of emancipation (1848).

¹² T. DENNISON, *The Institutional Framework of Russian Serfdom*, Cambridge 2011, p. 192.

¹³ On the enforcement of mobility restrictions, see D. MOON, *Peasant Migration, the Abolition of Serfdom, and the Internal Passport System in Russia c. 1800-1914*, in *Coerced and Free Migration: Global Perspectives*, ed. D. ELTIS, Palo Alto 2002.

¹⁴ ‘Custom’ here implies an enforceable agreement governing tenurial arrangements and feudal obligations – not a set of recognized social norms (though these could overlap).

¹⁵ By the time of emancipation, nearly half of enserfed peasants lived on state lands – the so-called ‘state peasants’. The rise in quitrent levels on these estates is noted in J. HARTLEY, *Russia as a Fiscal-Military State*, cit., pp. 131-132; D. LONGLEY, *Imperial Russia*, cit., p. 119.

¹⁶ P. CZAP, *A Large Family: the Peasant’s Greatest Wealth: Serf Households in Mishino, Russia 1814-1858*, in *Family Forms in Historic Europe*, R. WALL, J. ROBIN, P. LASLETT eds., Cambridge 1983, pp. 105-151, 120-121.

¹⁷ T. DENNISON, *Institutional Framework*, cit., pp. 124-125; S. HOCH, *Serfdom and Social Control in Russia: Petronskoe, a Village in Tambov*, Chicago 1986, pp. 160-186.

without land,¹⁸ and exile uncooperative serfs to Siberia.¹⁹ Serfs could even be – and very often were – used as collateral for mortgages.²⁰ They were not legally treated as people, but as the property of their noble landlords. It is no coincidence that Russian serfdom has often been explicitly compared with American slavery.²¹

So long as the crown's taxation and conscription demands were met, landlords were free to run their estates as they liked. In the words of one historian, Russian 'public law effectively stopped at the gates to the estate'²². The result was a remarkable heterogeneity in local practices of 'serfdom'. In this way Russia became a patchwork of local sovereignties not unlike the Holy Roman Empire, with many constituent territories and a variety of policy regimes. All Russian landlords demanded that serfs fulfill some set of obligations to them in either labor or cash rents. Most demanded, in addition, fees for permission to marry non-estate serfs, for permission to engage in migrant labor, and for approval of various economic transactions (land transfers, for instance). But beyond such broad similarities, there were vast differences – in the size of the fees and in the kinds of demands made. The wealthy Sheremetyev family levied taxes on all forms of economic activity (land transactions, hiring of labor, engaging in migrant labor, practicing a craft). They taxed undesirable demographic behavior (such as remaining unmarried or household division) and demanded fees for legal services (drawing up a contract, filing it, hearing a dispute). Fines were imposed for breaking any of the over 100 rules and regulations set out in the estate 'instructions'. Other landlords took very different approaches. In stark contrast to the Sheremetyevs, the wealthy Gagarin family relied mainly on corporal punishment and physical coercion – rather than fees, fines, and taxes – to achieve compliance with their policies. If serfs failed to fulfill their labor obligations, they were flogged.²³ Those who failed to meet their tax obligations were sent to work as migrant laborers, with wages paid directly to the estate steward.²⁴ Young serf women who failed to marry before a certain age were threatened with exile to a textile mill in another town – and such threats were carried out if marriages were not promptly arranged.²⁵

Furthermore, the absence of a formal legal framework resulted in different institutional arrangements across estates. At the more institutionally precocious end

¹⁸ Decrees condemning this practice were issued repeatedly: in 1721, 1771, 1801, 1808, and 1841. D. LONGLEY, *Imperial Russia*, cit., pp. 116-121.

¹⁹ Permitted by imperial decrees issued in 1760 and 1765. In *ibid.*, p. 117. Some examples of this practice can be found in T. DENNISON, S. OGILVIE, *Serfdom and Social Capital in Bohemia and Russia* in "The Economic History Review", 60, 2007, 3, pp. 513-44, 534-40.

²⁰ Indeed the wealth of Russian nobles was measured in serfs ('taxable souls'). Gogol's novel *Dead Souls* is a parody of this practice.

²¹ Most systematically by P. KOLCHIN, *Unfree Labor: American Slavery and Russian Serfdom*, Cambridge, MA / London 1987.

²² R. BARTLETT, *Serfdom and State Power in Imperial Russia*, in "European History Quarterly", 33, 2003, pp. 29-64, 48.

²³ S. HOCH, *Serfdom and Social Control*, cit., pp. 172-175

²⁴ R. BOHAC, *Family, Property, and Socioeconomic Mobility: Russian Peasants on Manuilovskoe Estate, 1810-1861*, Unpublished Ph.D. thesis, University of Illinois at Champaign-Urbana, 1982, pp. 49-50.

²⁵ P. CZAP, *A Large Family*, cit., pp. 120-121.

of the spectrum, there were the above-mentioned Sheremetyevs, who provided their serfs with individual title to purchased property, contract enforcement services, and a form of extra-local dispute resolution. This system was administered from St Petersburg (their estates were scattered across 17 provinces). A large proportion of serfs made use of these services and lively land and credit markets (in which serf participation was formally prohibited) existed on the estate. Even more sought what they viewed as ‘impartial’ dispute resolution, with judgments handed down by paid officials in Petersburg, on the basis of petitions and written reports from chosen witnesses and representatives.²⁶ At other end of the spectrum, were those landlords who left the day-to-day management of their estates, including dispute resolution, to communal authorities.²⁷ One such example was the Countess Lieven, an absentee landowner from Kostroma Province, who let local serf authorities manage the everyday affairs of the proto-industrial estate she owned.²⁸ In between these extremes was a range of possibilities. The above-mentioned Gagarin family also owned many estates in different provinces and they hired outside officials to reside on and run them. These employees were charged with direct intervention in all local affairs; decisions related to disputes and other issues related to estate management were made by the local steward himself, in consultation with the landlord.²⁹

But even on estates with quite developed administrative apparatuses, such as those of the Sheremetyev family, the peasant commune played a significant role in the implementation of state and landlord policy. Landlords relied on peasant officials to ensure that obligations were met. This meant that the relationship between landlords and serfs was, like that between the crown and the nobility, one of continual negotiation and re-negotiation. Landlords wielded more power, but they still needed the cooperation of the commune— or, more specifically, of communal *élites* – to guarantee their livelihoods and to meet the state’s demands. The peasant commune played an especially prominent administrative role on crown estates, where the ‘landlord’ was often an absentee state official. It was communal authorities who were charged with managing the day-to-day affairs of the estate, and with ensuring that quitrents were paid and conscription levies were met. These responsibilities gave local serf elites considerable power.

4. PEASANT COMMUNES

The peasant commune was a formal corporate entity, which raised its own funds and assumed collective responsibility for a set of clearly defined obligations.

²⁶ A detailed description is in T. DENNISON, *Contract Enforcement*, cit.

²⁷ As discussed below, this would have been especially true of so-called ‘state peasants’ (serfs of the crown), who are assumed to have enjoyed greater freedom than proprietary serfs, since they were not ruled by landlords, but by state officials who demanded annual rents and taxes from them and largely left them undisturbed.

²⁸ As on the estate described by E. MELTON, *The Magnate and Her Trading Peasants in Serf Russia: the Countess Lieven and the Bakı estate, 1800-20*, in “Jahrbuecher fuer Geschichte Osteuropas”, 1999, pp. 40-55.

²⁹ S. HOCH, *Serfdom and Social Control*, cit., pp. 91-132.

Like state taxes and recruitment levies, nearly all feudal burdens were levied collectively. Quitrents were, for instance, assigned as a lump sum for communal officials to allocate among households. Labor obligations and recruitment levies were assigned in the same way. Access to woodland and pasture was granted by the landlord to the commune as a whole; rights to these resources were assigned to households by communal officials. Communes were responsible for selecting members to fill posts ranging from reeve or steward to tax collectors and constables.³⁰ They were supposed to use their collective funds to pay these officials, and to provide relief to their poorer members.³¹

The most distinguishing characteristic of the Russian peasant commune was communal land tenure. In Russia, the arable land allocated to serfs for their own use (in contrast to demesne land) was given to the commune as a whole, rather than to individual households.³² On quitrent estates, feudal dues were usually attached (and proportional) to this land, such that, in taking on an allotment, a serf household also accepted the obligation to pay a corresponding proportion of the total quitrent levy. In most cases, it was up to communal officials to allocate the land – and thus the tax burden – among member households. A serf's right to an allotment was therefore determined – but not guaranteed – by his (and sometimes her) membership in a commune. Allocation of communal land was one of the main sources of intra-communal conflict. On one serf estate, complaints included: being given land that was too far away to farm; being liable for quitrent payments but receiving no allotment; being given an allotment of poor quality; having an allotment arbitrarily confiscated and reallocated to someone else.³³ Because land was communally held, serfs' rights to dispose of their allotments were restricted: they were officially forbidden to use this land as loan collateral or to transfer it for payment.

Communal land tenure and 'collective responsibility' for feudal obligations had implications for every aspect of village life in serf Russia. Because obligations were levied on the community as a whole, households that could not afford to contribute had to be subsidized by their neighbors. This gave rise in many cases to forms of social control designed to ensure that households would not default on their quitrent payments.³⁴ Neighbors scrutinized one another's behavior carefully, and reported indications of deviance to authorities. Those deemed inadequate householders, including those who drank too much or engaged in other behavior detrimental to the household economy, were sent to the army or even exiled to Siberia. In one example from 1788, a commune on a Sheremetyev estate

³⁰ Wealthy landlords frequently hired outsiders as managers and to oversee the elected officials.

³¹ An overview can be found in D. MOON, *The Russian Peasantry*, cit., pp. 199-236. See also T. DENNISON, *Institutional Framework*, cit., pp. 100-102; 113-117.

³² This does not mean Russian peasants did not hold land privately in individual tenure – they did. But this was not estate land. The estate land allocated by lords for serfs' use was always held in communal tenure.

³³ These examples are from the Sheremetyev estate of Voshchazhnikovo and are discussed in *Ibid.*, pp. 93-132.

³⁴ Specific examples can be found in T. DENNISON, S. OGILVIE, *Serfdom and Social Capital in Bohemia and Russia*, cit., pp. 521-529.

‘dispatched 71 men [to the army] for negligence in ploughing or for not paying taxes, as well as suspicious characters and landless peasants’.³⁵ Poorer serfs, especially unmarried women, who were viewed as less likely to meet their obligations, were often deprived of land, while larger shares were given to the more prosperous serfs, who could be relied on to pay the attached fees. Landlords were largely uninterested in the way obligations were shared out, so long as the work got done and the rents were paid.³⁶

Collectively-levied obligations came with the power to enforce them – power usually vested by landlords in communal officials. Absentee landlords were especially likely to grant communal officials the authority to make decisions about their fellow serfs’ requests to marry, to migrate, to hire laborers, to practice a craft, or to buy or sell land. Most landlords demanded communal approval for all such requests, since any of these could potentially affect a household’s economic viability. The system of collective responsibility was convenient for the landlord, who could minimize administrative costs by forcing communal authorities to allocate, collect, and deliver cash rents, allocate and organize labor obligations, and monitor the activities of their neighbors. It was less convenient for ordinary members of the community who found their behavior closely scrutinized and their demographic and economic choices thwarted by fellow serfs, who were constantly trying to ensure that their own households would not be required to subsidize others. Unfortunately for those who were consistently denied access to communal resources – such as unmarried women, the socially deviant, and the more entrepreneurial peasants – voluntary withdrawal from the commune was impossible, except in those rare cases when prosperous serfs were granted permission to purchase membership in another corporate entity (such as an urban guild).

This incentivized coercion appears to have varied across estates. On the existing evidence it seems possible to hypothesize an inverse relationship between the strength of the commune and the strength of the landlord (broadly defined). Control over estate resources and responsibility for the distribution and collection of taxes gave Russian serf elites enormous powers – powers that were unconstrained by law or ‘custom’. Where lordship was strong, as on the Sheremetyev family estates, this power was checked through extra-local dispute resolution services. The Sheremetyevs allowed serfs to bypass communal authorities and bring conflicts directly to officials in their St Petersburg headquarters. Documents generated from this process (over several decades) show a systematic willingness on the part of Sheremetyev agents to intervene in intra-

³⁵ J. HARTLEY, *Russia as a Fiscal-Military State*, cit., p. 139. Other such examples can be found in V.A. ALEKSANDROV, *Sel'skaia obschchina v Rossii, XVII-nachalo XIX vv*, Moscow 1976, pp. 237-287; S. HOCH, *Serfdom and Social Control*, cit., p. 157; L.S. PROKOF'EVA, *Krest'ianskaia obschchina v Rossii vo vtoroi polovine XVIII-pervoi polovine XIX v*, Leningrad 1981, pp. 155-156.

³⁶ This was also the attitude taken by the state toward those obligations nobles were expected to fulfill (collecting the soul tax and providing recruits).

communal conflicts, forcing, for instance, the provision of poor relief or the immediate return of an expropriated allotment.³⁷

Estates without Sheremetyev-style administrative systems left serfs to the mercy of their neighbors as well as their landlords. Communal officials were inclined to use their authority to allocate resources to themselves and their associates and to push rents and obligations onto others and away from themselves. On the Lieven estate mentioned earlier (Baki), the communal oligarchs were so powerful they managed to persuade the (absentee) countess to dismiss the estate manager and allow them to manage local affairs, despite protests from the other villagers who claimed that these oligarchs routinely abused their authority, using positions of power to benefit themselves, at the expense of their neighbors.³⁸ Communal elites could expropriate their neighbors of land, extract additional rents from them, deny them relief from communal funds, force them to pay bribes, and prohibit land transactions, and there was very little the victims could do, especially if village elites were able, as at Baki, to convince the landlord that this was in everyone's best interests.³⁹ Not only was there no legal recourse for exploited villagers, it was virtually impossible for serfs to opt out of communal membership.

Serf societies on crown lands, the so-called 'state peasantries', were probably governed much like the Baki estate – that is, by a communal oligarchy. It is often assumed (on no empirical grounds) that state peasants had significantly more freedom than proprietary serfs, since they were not subject to the whims of local landlords. They paid their quitrents to the state, along with their annual poll tax and conscription quotas, but, it is argued, they were otherwise left alone. (The fact that the same mobility restrictions, as well as the ambiguities in legal status, applied to them as to proprietary serfs is rarely noted.) But if 'left alone' meant left to the mercy of communal authorities, many members of the state peasantry may have preferred an interventionist landlord. By the mid-nineteenth century, the state possessed some 8 million serfs on holdings scattered throughout the empire. Central authorities relied on communal elites, just as they relied on nobles, to ensure taxation and conscription obligations were met and to supervise the day-to-day operations of estates. While we have fewer reliable sources for the inner workings of communes on state lands (the archives of noble landholders are much larger), there is indirect evidence of considerable intra-communal conflict.⁴⁰

Evidence from proprietary estates supports the hypothesis that, if unchecked, communal elites were quite likely to abuse their powers and privileges. Even on the Sheremetyev estates, where the landlord was frequently willing to intervene against powerful serf elites, there was a continuous flow of petitions from middling and poorer serfs against communal officials for corrupt practices, including embezzlement, illegal confiscation of land, taking bribes, double taxation, and false

³⁷ T. DENNISON, *Institutional Framework*, cit., p. 114-117.

³⁸ E. MELTON, *The Magnate and Her Trading Peasants*, cit.

³⁹ Additional examples of abuse of authority can be found in T. DENNISON, *Institutional Framework*, cit., pp. 100-127.

⁴⁰ See, for instance, D. MOON, *The Russian Peasantry*, cit., p. 219.

imprisonment.⁴¹ The landlord did not always take the side of petitioners, but he did so frequently enough that it was worth trying. State peasants had far fewer options for extra-local dispute resolution. There was a period when serfs could petition the crown to complain about abuses, but there is little evidence to suggest that such complaints were taken seriously. Furthermore, the crown put an end to this practice in the late eighteenth century.⁴² From this point on, state peasants were indeed 'left alone'.

5. IMPLICATIONS: ECONOMIC, SOCIAL, POLITICAL

What were the effects of this institutional configuration on Russian rural society? Several detailed micro-level studies have cast light on effects at the local level, showing the ways in which the overlapping aims of state, landlords, and local elites enabled these groups to shape the economic and demographic behavior of serfs on particular estates.⁴³ Instead of summarizing these findings, this section will outline some of the broader implications for the serf economy, for society, and, finally, for the politics of reform.

In their economic lives, serfs faced institutional obstacles at all three levels: an ambiguous legal status (state level), the unchecked power of landlords (estate level), and communal land tenure (commune level). As already noted, serfs were viewed as property rather than as 'legal persons'. There was no larger body of law into which they were integrated, and by which property rights were assigned and enforced and legal recourse provided in the case of disputes. Some historians have argued that this was not really a constraint on economic decisions, because our sources indicate that serfs engaged in market transactions all the time.⁴⁴ It is true that many serfs bought and sold land, borrowed and lent money, and even built rural manufactories. But because there was no formal legal framework governing these undertakings, they took place, by definition, in the informal sector – the so-called 'black market'. This made entrepreneurial activity especially risky. Serfs could purchase land in the names of their landlords, for instance, but they had no recourse should their landlords later decide to confiscate this land. (Serfs were not legally permitted to own land in their own names before 1848.) They could engage in credit transactions but they had no legal recourse should a borrower fail to repay or relinquish collateral. They could establish rural manufactories, but they had little recourse against the confiscation of their capital. Their ambiguous legal status meant serfs were often forced to pay bribes for access to goods and services they

⁴¹ This discussion is based on evidence presented in T. DENNISON, *Institutional Framework*, cit. The documents mentioned are petitions to the administrative officials in the first half of the nineteenth century; they are located in the ROSSIISKII GOSUDASTVENNY ARKHIV DREVNIKH AKTOV (RGADA), *Shermetyev family*, f. 1287, op. 2, 3, 4.

⁴² D. LONGLEY, *Imperial Russia*, cit., p. 119.

⁴³ R. BOHAC, *Family, Property, and Socioeconomic Mobility*, cit.; T. DENNISON, *Institutional Framework*, cit.; S. HOCH, *Serfdom and Social Control*, cit.; E. MELTON, *The Magnate and Her Trading Peasants*, cit.

⁴⁴ Some have even argued that serfdom spurred economic development in imperial Russia. See E. MELTON, *Protoindustrialization, Serf Agriculture, and Agrarian Social Structure: Two Estates in Nineteenth-Century Russia*, in "Past and Present" 115, 1987, pp. 73-87.

could not obtain through formal channels. Officials at the estate, provincial, and state levels could – and often did – enrich themselves by taking advantage of serfs' legal vulnerability. And the risk associated with buying and selling and borrowing and lending in a shadow economy meant that poorer serfs had far fewer options available to them. Poor serfs could not borrow – it was risky enough to lend informally to a richer serf. Poorer serfs often lacked the collateral required (even by fellow serfs) to obtain a loan. And they were less likely to undertake risky transactions themselves as they could not afford to be expropriated or to pay bribes in order to avoid punishment.

To make matters worse, the law offered few checks on landlords' power over their serfs, providing ample scope for abuse. Russian serfs could be sold, expropriated, physically abused, forced to marry or migrate, and subjected to new and more onerous obligations.⁴⁵ But there was little serfs could do to protest, as they had no formal access to legal recourse beyond their landlords. Even on estates like those of the Sheremetyev family, where there was a quasi-formal rule of law (the Sheremetyevs were quite conscientious about enforcing contracts and upholding property rights), recourse did not extend beyond the holdings of the particular landlord. This not only meant that serfs could not stop the Sheremetyevs themselves from interfering in their economic affairs, but also that they could only engage in transactions that were enforceable through the Sheremetyevs' administrative framework. These constraints become especially apparent in credit transactions, where Sheremetyev serfs borrowed extensively from outsiders and free persons (who could rely on the Sheremetyevs to force their serfs to repay) but lent only to other Sheremetyev serfs (since the Sheremetyev family had no authority over other lords' serfs or free persons). That many of these serfs made extensive use of the landlords' own enforcement services, and bought and sold land regularly in the lord's name, suggests that they thought the risk of expropriation was low. But there was still a risk. And again, serfs on estates without the kinds of services offered by the Sheremetyevs would have found such land and credit transactions even riskier. The inherent uncertainty and the enormous scope for confiscation of surpluses must have had considerable implications for the Russian rural economy.

The system of collective responsibility, and especially communal land tenure, undermined the economic activity of serfs. Serfs' land allotments were not their own. They could not sublet or sell their lands (in case they chose to earn a living in a craft or trade instead of agriculture) nor could they use them for collateral in credit transactions. They had no incentive to invest in them, since communal authorities had the right to redistribute communal land and quitrent burdens as they saw fit. Again, the poorer members of the society were hardest hit, as they depended on communal resources for their livelihoods. At the same time the system of collective responsibility for quitrent jeopardized their access to these resources, with communal land frequently allocated away from the poor members of the society in favor of those who were in a better position to pay taxes and dues. And mobility restrictions – enforced by communes, landlords, and the state – made it impossible to improve one's situation by leaving the community.

⁴⁵ Numerous examples can be found in J. BLUM, *Lord and Peasant*, cit., pp. 414-441

This institutional framework also influenced social relations in rural Russia. Because serfs were denied formal channels for pursuing their economic interests, they were forced to develop other strategies. In addition to bribery (which was widespread), serfs appear to have invested heavily in ‘social capital’ and ‘social networks,’ or what is often referred to as *blat*’ in modern Russian. In other words, they built personal relationships with people they thought could help them. The communal elite built relationships with the landlord and his or her representatives in order to obtain benefits for themselves and their associates. Less powerful members of the commune cultivated elite members for the same reasons.⁴⁶ Sometimes serfs built relationships through marriages – whether their own or those of their children. Some prosperous Sheremetyev serfs, for instance, married their daughters to members of urban classes.⁴⁷ The exploitative nature of serfdom was pervasive. A good example comes from the Sheremetyev estate of Voshchazhnikovo, where serfs who prospered and eventually managed to purchase their freedom would return to their villages later, as merchants with monopoly privileges, to harass their former neighbors for failing to purchase licenses to engage in trade.⁴⁸ In an informal economy, characterized by special privileges, exemptions, and legal ambiguities, the incentives to engage in rent-seeking were strong – even (or perhaps especially) when it involved those one knew well.

Finally, this inescapable institutional configuration of interlocking dependencies, brought into being by the continual evolution of the balance of forces among crown, nobility, and peasants over the two centuries since 1649, was ultimately impossible to break out of by the simple act of will that the imperial government finally mustered in the mid-nineteenth century. The same balance of power among these groups that had gone into the creation of the system ensured that what emerged from the negotiations over the terms of the Emancipation Act would serve many of the same interests and perpetuate many of the worst features of the pre-1861 system. The crown’s chronic shortage of revenue instilled extremely short time horizons in the administrative apparatus, leaving it unable to invest in measures that could have increased revenues in the medium term, and given it the resources to establish the kinds of western European institutions that generations of tsar ‘reformers’ desired: a professional civil service, a class of peasant smallholders, a revolutionized military. But state authorities were unable to raise revenues beyond what they urgently needed, and one reason for that may have been that the system of special favors and interlocking dependencies they had created stifled economic activity or kept much of it in the informal sector. Without clearly defined property rights and access to a formal system of dispute resolution, even the most entrepreneurial peasants would have been reluctant to undertake the kinds of major investments – in agricultural innovation, rural industry, or trade – that enabled societies like England and the Netherlands to prosper. Thus the

⁴⁶ Such examples are discussed in detail in T. DENNISON, S. OGIIVIE, *Serfdom and Social Capital*, cit., esp. pp. 541-542.

⁴⁷ T. DENNISON, *Institutional Framework*, cit., p. 225

⁴⁸ RGADA, f. 1287, op. 3, [ed khr]; see also A. RIEBER, *Merchants and Entrepreneurs in Imperial Russia*, Chapel Hill NC 1991, pp. 49-52.

economic activities of serfs, no matter how entrepreneurial, do not appear to have translated into greater wealth for the society. Nor did noble landlords have any incentive to innovate or engage in entrepreneurial endeavors, as they could rely on rents from their serf subjects.

6. CONCLUSION: A MISSED OPPORTUNITY

The architects of the 1861 reform realized that the landholders' cooperation in the emancipation project would come at a price. They anticipated having to compensate landlords for the loss of land (they had planned to free serfs with land) and labor. They did not realize until too late that the costs of the reform they wanted to undertake were much greater. A new legal code was required, incorporating the newly freed peasantry and assigning secure property rights to them. A cadastre would have to be carried out, to enable the assignment and enforcement of these rights. A reformed court system would be needed, to ensure the new smallholders had access to justice. And a vast expansion of local administration would be necessary in order for state officials to perform those duties previously entrusted to landlords and peasant communes. None of this occurred.

Instead, in the face of these formidable constraints, and under certain ideological pressures⁴⁹, those drafting the emancipation legislation created a framework that left many of the worst features of serfdom in place. Peasants remained a separate socio-legal category (*soslovie*), with separate legal rights and obligations. A separate system of civil courts was created to serve peasants, and judicial rulings were to be made in accordance with an unwritten 'customary law' – a vague and ill-defined concept, easily manipulated by both those who used the courts and those who ran them.⁵⁰ Serfs were freed with land, but landlords were given the right to decide *which* land (and how much) they would surrender to former serfs. To add insult to injury, the serfs were made responsible for compensation to landlords for loss of labor, with 'redemption payments', calculated on the basis of quitrent obligations, to be made annually for 49 years. In order to minimize the costs of local administration, the commune was given the powers previously assigned to landlords. Redemption payments were levied collectively, and communal officials were responsible for allocating them among and collecting them from member households. The land granted to former serfs was to be held in communal tenure. Mobility restrictions for peasants remained in place, and were to be enforced by communal officials. Former serfs could neither refuse land nor withdraw from the commune. (They could withdraw later, but only if their portions of the redemption fees had been paid and communal officials were willing to let them leave.) Thus peasant oligarchs emerged even more powerful than they had been under serfdom.

⁴⁹ A detailed and compelling account of these is given in I.A. KHRISTOFOROV, *Sud'ba Reformy*, cit.

⁵⁰ For an illuminating discussion of the confusion resulting from this part of the reform, see C. GAUDIN, *Ruling Peasants: Village and State in Late Imperial Russia*, DeKalb IL 2007.

This outcome was optimal in the eyes of certain key players. Landlords were compensated for their losses. Mobility restrictions continued to guarantee them a local labor force and, in many rural districts, monopsony power. The compromise also satisfied elite ideologues of varying stripes, including Slavophiles and Populists, who viewed the commune as an ancient Slavic institution of peasant self-governance. They saw communes, with their collectivist practices and communal land tenure, as inherently egalitarian, and thought they would serve as a bulwark against the forces of western capitalism. Finally, state authorities were reassured. They saw communal land tenure and mobility restrictions as necessary precautions during a time of increased urbanization and marketization. They worried that, without these safety mechanisms, peasants would abandon their land and move to cities, where, increasingly proletarianized, they might pose a threat to central authority. The only group that did not gain in the reform process was the formerly enserfed peasantry – the vast majority who did not belong to the communal elite. But their views on reform had not been sought and would in any case have gone unheeded.⁵¹

In all these ways, the Emancipation Act of 1861 was a missed opportunity. Instead of implementing real reform, the architects preserved the same balance of forces in the countryside, guaranteeing that another set of reforms would be soon required. Indeed in 1906 the crown began the reform process all over again, with the so-called ‘Stolypin’ land reforms, which, it was hoped, would finally undermine centuries of communal land tenure and collective responsibility (created by the state!) in rural Russia. By that time, as we know, it was too late. But where between 1649 and 1905 could the circle have been broken? It does not appear that any of the major players, least of all the crown itself, ever had the power to break out of an institutional system that was partly of their creation but never within their control.

⁵¹ See I.A. KHRISTOFOROV, *Sud’ba Reformy*, cit.