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BLURRED LINES

Land surveying and the creation of landed property in nineteenth-century Russia

In late autumn 1861, eight months after the abolition of serfdom in the Russian Empire, Titular Councillor Smirnov, a state land surveyor of the Ministry of internal affairs, took leave from his position to travel to Kovno province. Three wealthy local landowners—Oginski, Mirski and Zaba—had sent a request to St. Petersburg for a state land surveyor to map their properties. They promised to pay him well: 20 kopeks per desiatina of land, compared to a usual rate of 8-10 kopeks.[2]

To understand the reasons for such generosity, one must remember that immediately after the abolition of serfdom, landowners suddenly began worrying about drawing boundaries and surveying their properties, a part of which they had to transfer to the peasants. The authorities in St. Petersburg (above all, the Ministry of internal affairs) received numerous petitions from the provinces requesting state land surveyors. Most landowners only had a very vague idea of the external boundaries of their property, let alone the area of land allotted to the peasants. On the majority of estates, the boundaries between the lords' and peasants' land—if they existed at all—were defined by custom. Few landowners had thought to waste time and money on an internal survey of their land.[3]

The landowners' interest in land surveying after the abolition of serfdom seems logical. The land question was the main issue of the peasant reforms: on this,

1. The article was written within the framework of the project "Elites, resources, and governance in Modern Russia" supported by the Basic Research Program of the National Research University Higher School of Economics in 2015.

2. RGIA (Rossiiskii gosudarstvennyi istoricheskii arkhiv – Russian State Historical Archive), f. 1291, op. 55, 1861, d. 6, l. 75-76. The file probably refers to Prince Ireneusz Oginski, Henryk Mirski and Iosef Zaba. I am grateful to Dariusz Szpoper for identifying them. It was not possible to find out Smirnov's first name.

3. RGIA, f. 1291, op. 55, 1861, d. 6, l. 4-5, 31-34, 42-43, 48-49, 88, 111-112.

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contemporaries of the reforms and historians agree. The peasants were to receive enormous expanses of land, first for their use and then to own, for which they were to pay very significant sums. As the government had taken on the role of mediator in organising the purchase of plots, it should also have had an interest in determining their boundaries. The plots were used as a collateral for loans which the State Treasury issued to pay to the landowners for the land, and then collected from the peasants in the form of redemption payments. Of course, peasants generally received land they had already been working for a very long time. Consequently, as liberal reformers pointed out, they considered it to be theirs in accordance with the well-known Slavophile formulation "We are yours, but the land is ours." However, this ambiguous ownership now seemed to have acquired clearer legal status.

It is therefore all the more surprising to note that the governmental programme of the Emancipation entirely ignored the question of demarcating the boundaries of landed property. The Statutes of 19 February (the laws regulating the reform) only mentioned land surveying procedures briefly and unclearly. The rules for drawing up settlement charters (*ustavnye gramoty*, the documents that established the mutual rights and duties of landowners and peasants) and land redemption agreements (*vykupnye dogovory*) required the designation of the boundaries of peasant plots and landowners' land. However, these very rules indicated that the professional surveying of plots was voluntary and should not delay the paperwork. The government somehow altogether divested itself of the obligation to assist in land surveying.[4]

This was precisely the reason why Smirnov was sent while on leave: the Ministry, not wanting to accept responsibility, gave officials the opportunity to contribute to the reform and raise some money unofficially. Nonetheless, several months of bureaucratic correspondence between the local authorities and the ministry were needed to arrange the journey, and Smirnov arrived in Kovno to find out that his services were no longer needed. Mirski's steward claimed that he had not invited anyone. The stewards of Oginski and Zaba declared that they had invited a surveyor in summer, and it was now almost winter; a land survey was out of the question. Minister P.A. Valuev had to ask the governor of Kovno to take care of Smirnov, who was a long way from home without a penny. The archival file contains no further information on the land surveyor's fate.

This story bears a remarkable resemblance to that of another, much better-known land surveyor: K., the hero of Franz Kafka's novel "The Castle." Like Smirnov, K. arrives at the estate of Count Westwest and discovers that neither the Castle nor much less the intimidated villagers require his services. He decides to take advantage of the conflict between the Castle and the peasants. To do this, he first has

4. Zhurnaly Glavnogo komiteta ob ustroistve sel´skogo sostoianiia. T. 1. S 5 marta 1861 goda po 28 dekabria 1862 g. [The journals of the Chief Committee on the Organisation of Village Society. Vol. 1. From 5 March 1861 to 28 December 1862] (Pgd: Gosudarstvennaia tipografiia, 1918), 241-244. RGIA, f. 1181, op. 1. t. 15. d. 125, 129. Polnoe sobranie zakonov Rossiiskoi imperii. Sobranie 2 [The complete collection of the laws of the Russian Empire. Collection 2], Vol. 36, no. 2, № 37299.

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to understand the rules that determine the relationship between the two sides and somehow find his place within it. However, in this area, K. experiences a complete disaster. As a result, he falls deeper and deeper in the villagers' estimation. They fear and shun but do not respect him. The unfinished novel is cut off at the moment when the entirely disoriented K. agrees to work as a groom helper.

"The Castle," of course, is not a book about the difficult profession of land surveyor; it is an existential not a social novel. However, it would be a mistake to believe the reality depicted in it to be a groundless phantasmagoria. As Stanley Corngold and Benno Wagner have recently demonstrated, Franz Kafka was not only a writer, but also a highly professional bureaucrat, an outstanding insurance expert, well-versed in the mechanisms and pathologies of rationalised administration.[5] From this perspective, "The Castle" is an attempt to recreate a conflict between the bureaucratised order (of the Castle), the life of the closed, conformist collective (the village) and the lone hero (K.). But why did Kafka choose the profession of land surveyor for his hero? And how does this unexpected intersection of modernist prose and the realities of post-reform Russia enable a better understanding of the history of Russian agrarian reforms?

The land surveyor is synonymous with the outsider, the eternal traveller and guest. His position is twofold: he has the power to create visible boundaries, but this power is purely functional—it renders the land surveyor himself a living instrument, a marionette. Land surveying is a very old profession. It has come to contemporary European culture, like property laws, from the ancient world. In Latin, there are two terms for the trade of land surveyor with different roots—*agrimensor* and *gromaticus*. The meaning of the first is clear; the second comes from the main instrument of Roman land surveyors, the *groma* (from the Greek, *gnomon*), which initially had a ritual purpose connected with consecration—the religious dedication of a settlement.[6] In a recent interpretation of "The Castle,"[7] the Italian philosopher Giorgio Agamben brought attention to the fact that Kafka, having a legal training, undoubtedly knew Roman law well. Consequently, he must have been acquainted with the classic publication of works by Roman land surveyors published by Karl Lachmann in Germany in the mid-19th century.[8] This book was full of numerous esoteric-looking illustrations, dozens of which featured different castles. It is easy to imagine that if Kafka had indeed held the book in his hands, the drawings would have remained in his memory.

5. Stanley Corngold and Benno Wagner, *Franz Kafka: The Ghosts in the Machine* (Evanston: Northwestern University Press, 2011), 109-132. See also Stanley Corngold, Jack Greenberg and Benno Wagner, eds., *Franz Kafka: The Office Writings* (Princeton: Princeton University Press, 2009).

6. Nikolaus Thurn, *Die Geburt der Theorie aus dem Instrument: Über Bedienung und Bedeutung der antiken Instrumente Groma und Lyra* (Munich: Wilhelm Fink, 2008).

7. Giorgio Agamben, *Nudities* (Stanford: Stanford University Press, 2010), 20-36.

8. F. Blume, K. Lachmann und A. Rudorff, eds., *Die Schriften der römischen Feldmesser*, Vol. 1-2 (Berlin: G. Reimer, 1848-1852).

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The Roman law on land surveying, argues Agamben, was, as in many other areas, not an expression of rationality but a system where pragmatism closely intertwined with magic and ritual. Thus, unsanctioned surveying was punishable in Rome by death and the individual who destroyed a boundary was regarded as a *homo sacer*—a person outside the law subject to summary execution. *Homo sacer* is a key category for Agamben which he uses, following Carl Schmidt, to explain the essence of the European polities by placing the "exclusion" (*eccezione*) at the heart of the "political."[9] In this way, in "The Castle," Kafka gets straight to the heart of the ancient and the modern worlds, while K.'s profession ideally positions him as "alien."

One can also examine the sacralisation of the boundary and the process of surveying in traditional peasant cultures from an anthropological perspective. This process had a direct relationship to the drawing of boundaries between the inhabited, cultivated and outside worlds. Russian folklorist N.I. Tolstoi observed how the Slavs viewed the infringement of boundaries as a terrible sin. In boundary disputes, oaths were made upon the lives of one's children, often in their presence. In northern Russia, initiation rites accompanied the ploughing of boundary furrows: children were brought here and beaten in order to remind them of the borders of their father's plot of land; from here comes the Novgorod saying "Don't try to teach or tell me; I was flogged at the boundary ditch" (*Ty menia ne uchi, ty mne ne rasskazivai, ia na mezhevoi iame sechen*). However, the most striking parallel with Rome is the legend widespread among the Slavs of Herzegovina that

> he who takes another's land and moves boundary markers will die a terrible death; his soul will not be free until earth from the boundary is brought to him and placed upon his breast. The corpse, like that of the *volkolak* [werewolf] will not decay in the grave.[10]

In this way, the transgressor is subject to an even more severe punishment than that imagined by Agamben: he is excluded not only from the social network, but also from the natural, biological order.

Thus, the drawing of the boundaries of landed property was a matter in which the bureaucratic order was destined to clash with the very deep layers of traditional consciousness.[11] This article does not merely study land surveying and the cadastre in the Russian Empire "from above," i.e. from the perspective of

9. See Giorgrio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Princeton: Princeton University Press, 1995).

10. N.I. Tolstoi, "Granitsa [The Boundary]", *Slavianskie drevnosti: Ėtnolingvisticheskii slovar´*, t. 1 [Slavic Antiquity: Ethnolinguistic Dictionary, vol. 1] (M.: Vostochnaia literatura, 1995), 538-539.

11. On this, see also Valerie Kivelson, *Cartographies of Tsardom: The Land and its Meanings in Seventeenth-Century Russia* (Ithaca: Cornell University Press, 2006).

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establishing protocols and the regulations issued by the authorities.[12] It also examines this process as an area of interaction among and conflict between the bearers of different concepts of land settlement and the meaning of surveying boundaries. The proponents of these competing ideas were, on the one hand, members of the elite—bureaucrats, landowners and the land surveyors themselves—and, on the other, the peasants. Recent historiography has increasingly problematized the view of two profoundly opposed worlds—the popular and the elite. It has provided evidence for the mobility and permeability of the boundaries between "cultures" and demonstrated the agency of both peasants and different members of educated society who acted as mediators between peasants and the authorities.[13] An analysis of the practice of land surveying and demarcating boundaries of landed property, it seems to me, can shed new light on these processes.

It is widely believed that the failure to resolve "the peasant question," which, in turn, came down to the problem of landed property, was one of the main reasons for the collapse of the "old order" in Russia. However, we still know very little about how that property was regulated in the imperial period, what procedures were used to set its boundaries, what problems with the government arose in connection with this and how the landowners and peasants perceived these problems. The exceptions are the General land survey, the first large-scale attempt by the imperial state to enter into contact with the Russian village, and the Stolypin agrarian reform, which was the last such effort. But, while these two major campaigns for the rationalisation of landed property have generated a substantial body of literature, they are rarely examined by historians on their own account as procedures for regulating property.

The materials of the General land survey are used as sources of information for everything except land surveying and legal institutions: for economic developments, social structures, the population's literacy, and so on.[14] In contemporary historiography perhaps only Martin Aust analysed the interaction between

12. See I.A. Khristoforov, *Sud´ba reformy: Russkoe krest´ianstvo v pravitel´stvennoi politike do i posle otmeny krepostnogo prava (1830-1890-e gg.)* [The fate of the reform: the Russian peasantry in government's policy before and after the abolition of serfdom (1830s-1890s)] (M.: Sobranie, 2011).

13. See, for example, Jane Burbank, *Russian Peasants Go to Court: Legal Culture in the Countryside, 1905-1917* (Bloomington: Indiana University Press, 2004).

14. L.V. Milov, *Issledovanie ob «ėkonomicheskikh primechaniiakh» k General´nomu mezhevaniiu* [Study of the "economic annotations" to the General land survey] (M.: Izdatel´stvo Moskovskogo universiteta, 1965); A.A. Golubinskii, *Gramotnost´ krest´ianstva Evropeiskoi Rossii po materialam polevykh zapisok General´nogo mezhevaniia. Dissertatsiia na soiskanie uchenoi stepeni kandidata istoricheskikh nauk* [Peasant literacy in European Russia based on materials of the field notes of the General land survey. Candidate of sciences dissertation] (M.: MGU, 2011); A. Golubinskii, D. Khitrov and D. Chernenko, "Itogovye materialy General´nogo mezhevaniia: O vozmozhnostiakh obobshcheniia i analiza [Concluding materials of the General land survey: On the possibilities for generalisations and analysis]," *Vestnik Moskovskogo universiteta, seriia 8. Istoriia*, no. 3 (2011): 35-51.

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officials, landowners and, to a lesser extent, peasants in various land disputes in the 18th century.[15]

For historians analysing the Stolypin reform, land settlement is one of the clearest manifestations of modernist bureaucratic planning and administrative utopia.[16] During the reform land settlement was used to transform peasants into a new class for Russia, that of rational farmers. The land surveyor was one of the main agents in realising this epic process. However, historians studying the reform almost never discuss either the government's earlier attempts to rationalise the peasants' use of land or why these attempts failed.

Works on the 19th-century Russian village barely ever employ the term "land surveyor." Remarkably, pre-revolutionary authors—lawyers and specialists for land settlement—preferred to write about the Land registers of the 16th and 17th centuries (*soshnoe pis´mo*) or the General land survey than the institutions and practices contemporary to them. Thus, the complex procedure of demarcating landowners' and peasants' land after 1861 receives no more than two pages in I.E. German's textbook on the history of land surveying in Russia.[17]

Property regimes and the General land survey

The late 18th and early 19th centuries were precisely the period that witnessed the import from Europe and rapid dissemination among the Russian elite of rational understandings of property based on a simplified (and disenchanted) Roman law. These ideas proclaimed that "genuine" property had to have definable proportions, palpable boundaries and a clear legal status. These understandings began to create their own institutional environment—bureaucratic organs that conducted land surveys and regulated land disputes and the corresponding legal norms. The General land survey marked the beginning of these processes. It officially started in 1766 and covered 35 provinces (23 of which were already completed in the 18th century; the rest, mostly in the Steppe, continued into the first half of the 19th century).

This grand undertaking involved mapping, describing and building "in nature" (on the ground) the boundaries of the so-called "dachas." These large tracts of land might belong to one landlord, but more often contained the land of different owners, including seigneurial, court, vacant and populated state lands. Villages and

15. Martin Aust, *Adlige Landstreitigkeiten in Russland: Eine Studie zum Wandel der Nachbarschaftsverhältnisse, 1676-1796* (Wiesbaden: Harrassowitz, 2003).

16. George L. Yaney, *The Urge to Mobilize: Agrarian Reform in Russia, 1861-1930* (Urbana: University of Illinois Press, 1982); James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1998); Judith Pallot, *Land Reform in Russia, 1906–1917: Peasant Responses to Stolypin's Project of Rural Transformation* (Oxford: Clarendon Press, 1999).

17. I.E. German, *Istoriia russkogo mezhevaniia* [A history of Russian Land Surveying], 3rd ed. (M.: Tipo-litografiia V. Rikhter, 1914).

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"parts" of villages that constituted an estate "often were not connected to a single territory, and were interspersed with villages belonging to different owners."[18] It was the so called "strip holding property" (*cherespolosnaia sobstvennost´*) that must not be confused with the peasant strip holding land use (*cherespolositsa*). The first formed during the initial granting of the land to the nobles and its subsequent breaking through market circulation, exchange, and inheritance. The second were a product of the repartitions of land within the peasant commune in proportion to taxes and dues. The landed property could also be joint (*obschaia*) when different landlords owned shares in one estate. In addition, the exact share in the joint property (one half, one quarter) was sometimes not defined. In the 18th and the first half of the 19th centuries, this strip holding and joint forms of ownership were very widespread.[19]

The situation was complicated further by the fact that certain natural resources (forests, fishing grounds, islands and hayfields) were almost always used in common by different owners. This practice, common for different countries and legal systems, added one further level to the complex pattern of land ownership. We do not have a full picture of how widespread joint and strip holding ownership was in the empire as a whole. Judging by some regional studies, by the beginning of the 19th century, one encounters them no less often than consolidated (undivided) estates under one owner.[20]

It is unsurprising, then, that during the General land survey the government could not and did not even try to solve this problem, proclaiming instead that the consolidation (*razmezhevanie*) of joint and strip holding dachas had to take place later and at the cost of the owners themselves. As a result, the so-called "circuit

18. L.S. Prokofieva, *Krest´ianskaia 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 to the first half of the 19th century (on materials of the Sheremetev estates)] (L.: Nauka, 1981), 22-23. See also Tracy Dennison, *The Institutional Framework of Russian Serfdom* (Cambridge: Cambridge University Press, 2011), 93-95.

19. According to official information from the middle of the 19th century, the General Land Survey found 185,181 properties with an area of 253.3 million desiatinas (one desiatina is about one hectare), of which 82,398 (with an area of 60.4 million desiatinas) were in joint or strip holding ownership. These included 7,406 dachas, where one of the joint owners was the state. M.N. Murav´ev, "Vedomost´ o chisle i prostranstve dach, byvshikh pri General´nom i otkrytykh pri poliubovnom spetsial´nom mezhevanii s 1836 po 15 noiabria 1849 g. po 31 guberniiam [Record of the number and area of dachas being formerly under the General and opened under the Special land survey from 1836 to 15 November 1849 in 31 provinces]," *Sbornik staticheskikh svedenii o Rossii, izdannyi statisticheskim otdeleniem Imperatorskogo Russkogo geograficheskogo obshchestva. Kn. 1* [Collection of statistical information about Russia published by the statistical section of the Imperial Russian Geographical Society. Book 1] (SPb.: Tipografiia morskogo ministerstva, 1851), 31-32 and inset. In so far as one can judge by these numbers, joint and strip holding properties were relatively small. However, it did not mean that they belonged exclusively to small landowners: many large patrimonial estates were made up of numerous "scraps" of land.

20. D.A. Khitrov, "K voprosu ob ėvoliutsii feodal´nogo vladeniia v Tsentral´nom Chernozem´e v XVII-XVIII vv. [On the question of the evolution of feudal ownership in the central black earth region in the 17th to 18th centuries]", *Vestnik Moskovskogo universiteta, seriia 8. Istoriia*, no. 1 (2004): 79-101.

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boundaries" (*okruzhnye mezhi*) of the survey did not so much designate the borders of properties as serve as topographical and geodetic orientation for the later setting of boundaries, settling arguments and contracts. These boundaries were seen as inviolable and eternal. In contrast, the setting of mobile and changeable property and estate boundaries was acknowledged to be a private, not a state, matter. The geodetic accuracy of the General land survey, especially in its first decades, was very poor. But the authority of the state that stood behind it was perhaps more important than the accuracy of borders.

Speransky's plan and the "Kiselev cadastre"

Consolidation of property along the principle of "one property, one owner" became the next task for a "well-ordered police state" at the first half of the 19th century. The consolidation was driven mainly by the needs of fiscal and administrative control that constituted the essence of cameralism,[21] rather than demands of owners. At the end of the 18th and beginning of the 19th century, continental European countries were genuinely obsessed with the idea of the land cadastre. It was precisely in the context of the cadastre and taxation that European bureaucracies understood and solved problems of general measurement and land surveying. In accordance with the physiocratic doctrine popular at that time, the universal land tax (*l'impôt unique*), had to become the basis for the new fiscal system, replacing the numerous "mediaeval" estate-based obligations.[22] During the first decades of the 19th century, Europe enthusiastically followed post-revolutionary France's attempts to solve this problem.

The country spent many millions of francs on unsuccessful attempts to count the comparative income of millions of land parcels. However, it would be a mistake to view the cadastre of this time as just a fiscal measure meant to increase the income of the Treasury. The discussion on the cadastre among scholars and politicians, administrators and experts in France testifies to the fact that this enormous undertaking was seen as an all-national project, designed to guarantee the "rationality" and "justice" of the assessment of the tax burden for the country's different regions and localities. In this way, the cadastre became an important part of the consolidation of France into a single civic nation.[23] Certainly, many critics questioned the

21. The body of literature on cameralism is enormous. See Keith Tribe, *Governing Economy: The Reformation of German Economic Discourse, 1750-1840* (Cambridge: Cambridge University Press, 1988). However, its reception in Russia has not yet been studied.

22. Elizabeth Fox-Genovese, *The Origins of Physiocracy: Economic Revolution and Social Order in Eighteenth-Century France* (Ithaca: Cornell University Press, 1976), 240.

23. Roger J.P. Kain and Elizabeth Baigent, *The Cadastral Map in the Service of the State: A History of Property Mapping* (Chicago: The University of Chicago Press, 1992); Pierre Clergeot, ed., *Cent millions de parcelles en France: 1807, un cadastre pour l'Empire* (P.: Publi-Topex, 2007); Florence Bourillon, Pierre Clergeot and Nadine Vivier, *De l'estime au cadastre en Europe: les systèmes cadastraux aux XIXe et XXe siècles: Colloque des 20 et 21 Janvier 2005* (P.: Comité pour l'histoire économique et financière de la France, 2008).

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financial benefits of the French cadastre and suggested what they saw as cheaper and more promising means of making the land tax "just." However, hardly anybody denied the necessity of such a procedure in continental Europe.[24] At the same time, Great Britain, whose legal system was not based on Roman law, did not exhibit interest in cadastral projects.[25]

It would seem that connecting the cadastre and land surveying was not an urgent task for the Russian Empire's government in the first half of the 19th century. Land ownership and direct taxes were not linked here in so far as the landowners (private landlords, the Treasury, the Imperial family) did not pay taxes, and the taxpaying peasants, in their turn, lacked the legal right to land. The poll tax, introduced by Peter I, was always attractive to the state because of its simplicity and low administrative costs. However, fearing dissatisfaction among both the peasants and landowners, the government was extremely reluctant to raise poll tax rates. As a result, the poll tax's contribution to the state's income steadily declined: if, on its introduction in the mid-1720s, it made up two thirds of all income, by the end of the 18th century it was already about half, in 1825 roughly one third, and at the beginning of the 1850s just 22%. In the early 1880s, the poll tax, that at the time was seen as archaic and unjust, was finally abolished with no actual replacement. On the eve of the First World War, the peasants basically paid indirect taxes on consumer products alongside zemstvo and commune taxes. In general, the contribution of direct taxes to the state income (in 1911, about 14%) was much lower in Russia than in other European countries.[26] To a large extent, this was a consequence of the fact that property and income, despite all the efforts of the state, eluded accounting and control.[27]

Such was the fiscal context of the problems surrounding land surveying and establishing landed property boundaries. The idea that cadastre was a necessary component of wide-ranging tax reforms came to Russia from Europe at the beginning of the 19th century and initially did not have a significant impact on the governmental policy. Yet in the 1830s and 1840s, the epoch of "regulation" under Nicholas I, two large-scale experiments unfolded in this sphere. The first was the so called Special land survey (*spetsial´noe mezhevanie*) that was voluntary for landowners and sought to "disentangle" the owners of joint and strip holding dachas from one another and from the state lands. The second was the "Kiselev cadastre," a project aimed at transforming the communal system of land use and taxation

24. F.K. Gorb-Romashkevich, *Pozemel´nyi kadastr. Ch. 2* [The land cadastre, vol. 2] (Warsaw: Tipografiia Varshavskogo uchebnogo okruga, 1900).

25. Michael Turner and Dennis Mills, ed., *Land and Property: The English Land Tax, 1692-1832* (Gloucester: Alan Sutton, 1986); J. Stuart Anderson, *Lawyers and the Making of English Land Law* (Oxford: Clarendon Press, 1992).

26. On this, see V.N. Zakharov, Iu.A. Petrov and M.K. Shatsillo, *Istoriia nalogov v Rossii. IX – nachalo XX v.* [A history of taxes in Russia from the 9th to the beginning of the 20th centuries] (M.: ROSSPÈN 2006), 127-128, 223-226, 236-238.

27. See Yanni Kotsonis, *States of Obligation: Taxes and Citizenship in the Russian Empire and Early Soviet Republic* (Toronto: University of Toronto Press, 2014).

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among the state peasants. It was named after the first Minister of state domains and Nicholas I's "chief of staff" for the "peasant question," Count P.D. Kiselev.

Both projects originated from a plan for the general regulation of landed property in the empire that was drawn up by M.M. Speransky in the mid-1830s. The plan had several intertwined goals: 1) defining the size and boundaries of all landed property; 2) regulating state peasants' rights and duties, rationalising their land use and moving from a poll tax to an assessment based on land; 3) expanding the regulation on serfs in the spirit of the "inventories" introduced in the 1840s by the government in the South-Western territories. Nicholas I's main concern was the standardisation of the life of peasants, who to that point had eluded direct governmental control. Past forms of customary law defining the allotment of taxes and duties and repartitions of land in the communes had to give way to universal and rational principles. This control, not an attempt to "emancipate" the peasants, was at the centre of the emperor's understanding of the "peasant question." Speransky was able to adapt his liberal views to Nicholas I's beliefs.[28]

All the tasks mentioned above required new administrative institutions and techniques. A land surveyor was supposed to be the key figure in implementing the plan. In 1835, to educate enough surveyors, the modest Moscow school for land surveying was transformed into the Konstantin Land surveying institute. At the end of the 1840s, the institute was militarised and became, along the example of the Corps of communications engineers, mountaineers and foresters, a Russian version of the French elite professional schools. Officials and technocrats of the new generation gradually formed an active and ambitious core in the Ministry of state domains, led first by Kiselev and since 1857 by M.N. Murav´ev (the head of the Surveying corps). They were able to experiment over two decades (up to the early 1860s), with the aim of transforming the state peasants into farmers and, at the same time, working out something like a "Russian cadastre" whereby the peasants' dues (poll tax and *obrochnaia podat´*) would be assessed on the basis of their income from land.[29]

These experiments turned out to be very expensive. More importantly, their ultimate goal (simplification and rationalisation), as in the case of the French cadastre, turned out to be unachievable. The more officials buried themselves in the details of peasant land use and the more refined the cadastral procedures became, the less satisfactory the results appeared to be. The endless verification of the data over and over again revealed that the main object of assessment – the peasants' income – eluded exact counting; it was too elastic and did not directly depend on the size or the fertility of the peasant plots.[30]

28. For more details, see Khristoforov, *Sud´ba reformy*, 49-65.

29. N.M. Druzhinin, *Gosudarstvennye krest´iane i reforma P.D. Kiseleva* [State Peasants and the Reform of P.D. Kiselev], vol. 12 (M.: Izdatel´stvo Akademii nauk SSSR, 1946, 1958); idem, "Kiseleskii opyt likvidatsii obshchiny (Kiselev's attempt to liquidate the commune)", *Akademiku B.D. Grekovu v den´ 70-letiia. Sbornik statei* [Festschrift for academician B.D. Grekov on the occasion of his 70th birthday] (M.: Izdatel´stvo Akademii nauk SSSR, 1952).

30. Khristoforov, *Sud´ba reformy*, 68-70.

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The task of a general survey and measuring of the peasant plots also remained unrealised. All attempts to force a transition from communal land use to the system of detached "farms" met with resistance from the peasants and the lack of resources for its implementation. An internal land survey of state land proved to be an extremely difficult task. State land bordered or was in joint ownership with private land. In cases of joint ownership, the practices of peasant land use were very intricate. Historically inhabitants of a village made up one land commune, using one and the same land. Legally, this land belonged to several owners. The creation of boundaries in such cases required a complex legal and land settlement procedure. However, the Ministry of state domains did not have the legal authority to conduct any process involving private owners: in such cases, it could only represent the Treasury as a party in a "peaceful settlement" or in a court case over property boundaries. Such demarcation following the procedures of the Special land survey certainly took place in the 1840s and 1850s, but by no means everywhere.

In Europe and elsewhere, the most important "side effects" of the cadastre were the mapping landed property throughout the country, but also the updating of administrative and statistical techniques.[31] But, once the cadastre was separated from the idea of surveying landed property, it could not enable the creation of a national system of registering it. At the same time, it was also not possible to achieve the goal of rationalising tax assessment with a calculation based on land. Individual household continued to "elude" the authorities; it remained subsumed in the commune, which preserved all its earlier functions of allotting and collecting taxes. Above all, the new order of assessing "in accordance with income" was incomprehensible to peasants due to the complexity of the procedure. At the level of the village commune, it was either not introduced at all or only with fundamental distortions.[32]

As a result, despite the efforts over many years, there was no clear or publically accessible presentation of the results of the "Kiselev cadastre" or land surveying in the state villages. The Ministry of state domains increasingly came under criticism from both the bureaucracy and society at large for its ineffective methods and "utopian" goals. By the end of the 1850s, the highest-ranked officials had become deeply sceptical regarding the prospects of rationalising peasant land use. At the same time, there was no consensus on the reasons for this fiasco. Some of the experts attributed it to poor qualification of the lower level personnel, including land surveyors.[33] Others questioned the goals themselves: were they unrealistic

31. See Richard S. Smith, "Mapping Landed Property: A Necessary Technology of Imperial Rule?", Huricihan Islamoglu, ed., *Constituting modernity: Private property in East and West* (London: I.B. Tauris for the European Science Foundation, 2004): 149-179.

32. Druzhinin, *Gosudarstvennye krest´iane*, vol. 2, 137.

33. K.I. Domontovich, a participant in the cadastre process, leaned toward this conclusion. See Komissiia vysochaishe uchrezhdennaia dlia uluchsheniia sistemy podatei i sborov, *Poiasnitel´naia zapiska o rabotakh po soglasheniiu otsenok gosudarstvennykh imushchestv mezhdu guberniiami* [Explanatory notes on its work in accordance with the estimation of the state properties between provinces] (SPb., 1860), 8.

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from the beginning?[34] Finally, the idea of the peasants' intractability and unwillingness to cooperate for the good of rationalisation should receive special attention. In 1857, the Deputy Minister of internal affairs A.I. Levshin, a former colleague of Kiselev, said of the attempt to introduce "foreign farms" that "as for the peasants, one can say—putting it positively—that they do not understand this order [consolidated family plots of land demarcated on a map], justifiably fear it and, as a result, oppose it."[35] The Editorial commission responsible for drafting the Emancipation statutes was even more categorical regarding "the well-known blind and at times even incomprehensible aversion of the peasants to any form of change in land ownership."[36] Thus experts understood the peasants' opposition to the regulatory encroachment from outside as a product of what we would call today the "clash of two cultures."

The Special land survey

This interpretation, however, contradicted another fact that became clear at the time. Not only "backward" peasants but also many educated noble landowners resisted (mostly passively) to the government's intention to regulate their property in course of the Special land survey. After its beginning in 1836, it quickly became clear that the government was not able to motivate the landlords to divide jointly owned land and create boundaries. "Populated estates" were mortgaged and sold on the basis of the number of souls in them, and the regulation of peasant land use was normally delegated to the peasants themselves. Only the wealthiest landowners made recourse to the services of private land surveyors. "Boundary disputes" were either settled by the landowners themselves (or even their peasants) or went to corrupt courts, where the result of the case was unpredictable. Not surprisingly, many landowners were not sufficiently interested in demarcation to justify the considerable expenses. In order to urge on the "initiative from below," the government created an institution of boundary arbitrators (*mezhevye posredniki*; not to be confused with the arbitrators of the peace of 1861-1874!) and intermediary commissions. It promised various incentives and, at the same time, threatened that it would introduce compulsory demarcation at the cost of the landowners themselves (a threat it never followed through upon).

Consequently, the process thereafter proceeded much more successfully and all those who so wanted "vied with one another in rushing to take advantage of the

34. K.S. Veselovskii, "Vospominaniia [Memoirs]," *Russkaia starina*, 116, 10 (1903), 20.

35. OR RGB (Otdel rukopisei Rossiiskoi gosudarstvennoi biblioteki – Manuscript department of the Russian State Library), f. 327/1 (Kniaz´ Cherkasskikh [Prince Cherkasskii]), karton 16, d. 14, l. 2 ob. – 3.

36. *Vtoroe izdanie materialov Redaktsionnykh komissii po krest´ianskomu delu* [Second edition of materials of the Editorial Commission for Peasants Affairs] (SPb., 1860), vol. 3, no. 1, 181.

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incentives."[37] The procedure had several stages and was quite complicated technically: in the numerous agreements, the landowners with the help of arbitrators and land surveyors came to a compromise over allotment boundaries. After that, it was necessary to wait for confirmation and implementation of the agreement, i.e. the erection of boundary markers. This part of the process could last several years and often did not take place at all. If the compromise did not satisfy a landowner, the matter reached a dead end and was referred to the courts, where it could languish for decades. The reputation of the pre-revolutionary Russian courts was such that the very idea of turning to them frightened many landowners. On the other hand, after the legal reforms of 1864, as I will show below, there was no much increase in enthusiasm for appealing to the courts in the cases of land property boundaries. Clearly, land surveying was only one aspect of legal regulation in this sphere. The state capacity for establishing a rational property regime depended on the effectiveness and legitimacy of the legal and administrative authorities on the ground, but also on the existence of a national system for registering landed property rights, which failed to appear in the Russian Empire until its very end.[38]

Nonetheless, before 1861, the Special land survey made progress, albeit somewhat slower then initially planned. What happened afterward? From the official point of view, because "the number of jointly owned dachas fell and reached an insignificant number", by the mid-1880s the arbitrators and commissions had almost nothing to do and were abolished.[39] One gets an entirely different picture from the proceedings of the Local Committees and the Special Commission on the Needs of Agriculture under the chairmanship of S.Iu. Witte (1902-1903). Many committees lamented that the abolition of the boundary arbitrators meant that the only solution for those hoping to define the boundaries of their land was the courts—"a horror it was best to avoid." Almost all landowners thought that "it was better to agree to own strip plots than undergo the surveying process,"[40] since the courts followed very complex and formalised legal procedures. In particular, they required evidence of the legality of ownership and official plans, which many owners never possessed. Assessing the risk of legal action educated landowners preferred to maintain the status quo. One can imagine that they exaggerated the

37. German, *Istoriia russkogo mezhevaniia*, 241.

38. On the critical importance of the figure of prefect, land surveyor, judge and astronomer in reflecting different sides of knowledge and power in France in the modern period, see Alain Derosières, *The Politics of Large Numbers: A History of Statistical Reasoning* (Cambridge, MA: Harvard University Press, 1998).

39. German, *Istoriia russkogo mezhevaniia*, 245.

40. *Trudy mestnykh komitetov o nuzhdakh sel´skokhoziaistvennoi promyshlennosti. T. 19. Kurskaia guberniia* [The proceedings of the Local committees on the needs of agriculture. Vol. 19. Kursk province] (SPb.: Obshchestvennaia pol´za, 1903), 207-208. As a result, several committees favored resurrecting the institution of arbitrators, but the majority supported the idea of the national ("general") land surveying compulsory for all landowners. For more, see S.I. Shidlovskii, *Zemel´nye zakhvaty i mezhevoe delo: Svod trudov mestnykh komitetov po 49 guberniiam Evropeiskoi Rossii* [Land seizure and land surveying. Collection of proceedings of local committees in 49 provinces of European Russia] (SPb.: Tipografiia V.F. Kirshbauma, 1904).

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threat: those with a lower social and educational status had no monopoly on fear to become tied up in complex court cases. However, when they met such reactions from peasants, members of the elite normally offered entirely different explanations than when describing their own behaviour. The peasants' lack of desire to participate in the formal process of land surveying was taken as a sign not of the backwardness of legal institutes but of the peasants themselves.

Was the Special land survey ultimately successful? Let us look at the statistics. In 1836-1849, there were around 75,194 dachas (with an area of about 51.5 million desiatinas) requiring demarcation. State peasants lived on 15,344 of them. About 57,875 dachas (with an area of about 32.8 million desiatinas) were demarcated in agreements with the owners. However, by the end of 1849, demarcation had only been realised on the ground in 39,559 dachas (with an area of 23.4 million desiatinas, i.e. less than half of the total area). 130,196 plots were allotted. Similar information from 1913 suggests that, throughout its existence (i.e. up to the mid-1880s), the Special land survey affected 143,00 dachas, roughly 151 million desiatinas, and allotted 296,000 plots.[41] It is difficult to say how reliable these figures are. Many cases settled by arbitrators were not confirmed or implemented. Moreover, dachas that had been demarcated often returned to joint or strip holding forms of ownership. In this way, a significant number of dachas might be counted several times. Nevertheless, these figures demonstrate the enormous scope of the surveying operation even after the abolition of serfdom. The area affected by the Special land survey increased threefold from 1850 to the mid 1880s in comparison to the initial surveys of the 1830s and 1840s, but the number of joint and strip holding dachas went up rather than fell.

Undoubtedly, the main reasons for the sharp rise in the number of cases of peaceful demarcation were the end of the noble monopoly on land ownership and the revival of the real-estate market after the Emancipation. Due to lack of reliable statistical data we cannot estimate the share of privately owned joint and strip holding land by the end of the 19th century[42]. Does this mean that authorities were ignorant of the problem? Many intragovernmental documents refer to the concern of different departments (particularly, the Land surveying corps and the Ministries of justice and finance) regarding the chaos with landed property. However, these complaints had no practical consequences. On the contrary, the state gradually relinquished its responsibility for land surveying. In the 1860-1890s, experts and officials often stated that land surveying and land settlement had to be seen as a private matter for landowners.[43]

41. See Murav´ev, "Vedomost´"; German, *Istoriia russkogo mezhevaniia*, 245.

42. See V. Sudeikin, "Cherespolositsa [Strip holding]", *Ėntsiklopedischeskii slovar´ Brokgauza i Efrona*, Vol. 38A, (SPb., 1903), 540-541.

43. [S.N. Urusov], *Otzyv Glavnoupravliaiushchego II odeleniem s.e.i.v.k.* [Opinion of the head of the 2nd department of the Emperor's Own Chancellory]. 2nd imprint, (SPb.: no publisher, 1870); S.N. Rudin, *Chastnaia initsiativa v mezhevanii* [Private initiative in land surveying] (M.: Tipografiia T. Rias, 1884).

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How this attitude to land surveying corresponded to the paternalist ideology, which largely motivated the peasant reform of 1861 and steered governmental policy making during the so-called "counter-reforms" in the 1880s and 1890s? To answer this question, it is necessary to understand why in 1861 reformers refused to consider land surveying and land settlement as the essential parts of the Emancipation.

Land surveying and the emancipation

The materials of the Editorial commission suggest that most of its members initially took for granted a rationalised view on the future agrarian order in which land settlement would play a considerable role. However, the implementation of these common ideas faced almost insurmountable obstacles: first, the government had neither the means nor the time for complex and prolonged procedures of land settlement; second, and much more importantly for the reformers, the peasants seemed to be in no way prepared for them.

In attempting to defend the former serfs from their owners, corrupt local officials and the alleged agents of the market ("speculators"), the reformers tried as much as possible to close off the village commune from the outside influences. Undivided, consolidated communal lands with their nebulous legal status became a symbol of the peasant special "way of life" and guarantor for social stability. Thus by the end of commission's work, land surveying and rationalisation of the land use were regarded as a possible way of intruding upon the "natural" life of the commune that would lead to its destruction and the breakup of the "primordial and eternal" link between the peasants and the land. The Slavophile influences here are obvious. However, within the Editorial commission, these ideas were shared by both members of the Slavophile circle (Iu.F. Samarin, V.A. Cherkassky) and some "liberal bureaucrats" (including the key figure of the commission N.A. Miliutin).

It was a very distinctive "paternalism of non-interference" resulting not only from romantic understandings of the peasants,[44] but also the failure of the Kiselev experiments of the 1840-1850s. The reformers came to the conclusion that the "regulation" from above should be tolerated only in order to prevent peasant bankruptcy. Since property with well-defined boundaries was easier to lose (to sell or to mortgage), land surveying was eventually excluded from the reform programme. The Statutes of 19 February contained no technical requirements to survey and map the "properties" of millions of future peasant "landowners". The so-called "initial allotment" of peasant land (i.e., its separation from the landlord's domain) could be done approximately, without any survey. Subsequent "verifying surveys" were allowed only in cases of disputes and could be conducted "by domestic means" (using a rod and chain or by estimate of the grain cut and grass mown). A "final

44. For more, see Khristoforov, "Krest´ianin kak ideal´nyi grazhdanin: istoki i kontekst agrarnogo mifa v Rossii i Evrope Novogo vremeni [The peasant as an ideal citizen: The sources and context of the agrarian myth in Modern Russia and Europe]," *Rossiiskaia istoriia*, no. 4 (2014): 159-166.

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demarcation" was limited to a six-years period, was not obligatory and had no connection to redemption.[45]

On the whole, the reform, as a process of "divorcing" the peasants from the landowners, was transferred to the level of village communes and estates. The state refused to deal with individual households not only in central Russia, but also in the Western provinces, where repartitional communes never existed and land was held by households. This approach, in addition, reduced the amount of administrative work and let the government to postpone all the critical decisions on land settlement and legal status of peasant land. Landowners received the opportunity to implement the settlement charters not only without topographical checks and the demarcation of boundaries, but also without the agreement of peasants and even in cases of their explicit disagreement (such charters in fact were the majority).

Thus, from the government's point of view, it made no sense to create exact boundaries between the land of landowners and peasants. Both the liberal reformers and their conservative opponents (for example, the Minster of internal affairs P.A. Valuev) understood well that land surveying would have increased disputes between landowners and peasants, strengthened tensions in the village and forced the government to provide costly and symbolically disadvantageous intervention that undermined its claim to stand above conflict. As strange as it may seem, many landowners were also not interested in a definitive solution to the land question. Some preferred to wait and hope that their negotiating position vis-à-vis the peasants would improve over time. Others, by contrast, wanted a "quick fix" rather than boundary disputes and court cases.

As for the peasants, the formal land surveying procedures was hardly likely to inspire their understanding or approval. Since the government and the landowners preferred to deal with the commune rather than individual householders, the peasants could interact with them only as a "united front" on the basis of customary law that had nothing in common with general legal norms that regulated surveying. Even more importantly, peasants in most cases were not satisfied with the conditions of the Emancipation and regarded fixed land boundaries as an obstacle for revising these conditions in the future. Thus, their aversion to the land surveying testified neither their inability to understand the boundaries between "theirs" and "others'" nor a specific "communal" psychology. Rather, the peasants simply refused to play by unknown rules and reserved the right to change the status quo.

Both peasants and landlords made an entirely rational choice from their perspective. The problem, however, was that their choice promised a mass of complications. Of course, a compulsory demarcation of peasants' plots would have significantly delayed the redemption and provoked a multitude of disputes. In practice, communal strip land use meant that it was necessary not simply to measure several compact plots of land and establish boundaries between them, but to create these plots by bringing scattered strips of land together. This operation threatened

45. *Krest´ianskaia reforma v Rossii: Sbornik zakondatel´nykh aktov* [Peasant reform in Russia: Collection of legal acts] (M.: Gosiurizdat, 1954), 114-118, 168-176, 194-199.

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the very fragile social peace in the village, but it was the refusal to take this step that in most cases preserved a mishmash of mutual rights and obligations about which Soviet scholars since Lenin so loved to write as the "vestiges of serfdom."

Vestiges certainly existed, but their hostages were not only the former serfs but also their former owners. Compared to the peasants, the nobles had at their disposal much greater material and legal resources, and enjoyed more freedom of action. This freedom was nonetheless seriously limited by the lack of land boundaries, the peasants' attachment to the commune, and the weakness (if not absence) of legal institutions that could regulate property, rents, hiring labour, and enforce contracts. In this sense, the landowners were much closer to the peasants than it may have seemed. A peculiar symbiotic relationship not only tied them together, but sometimes also set them against outside forces, including the governmental officials.[46] However, this unity invariably ended when it came to the question of where "ours" (the peasants') ended and "his/her" (the lord's) began. And very often, land surveying disputes turned out to be the apple of discord.

Statistics from the Ministry of Justice gives the following picture of the demarcation of peasant allotments from the landowners' domain by 1877: from the total of 80,957 redemption deals (for 25.3 million desiatin), only 13,956 deals (17.2%) were finalised with the demarcation and mapping. However, even from this small number, the government had only confirmed the maps for 2,812 deals (3.5%). A further 1,236 maps were recognised as accurate and were under consideration for confirmation. 4,172 maps were described as erroneous, 3,709 unexamined and 2,027 as "lacking the ability to implement in practice". This could mean one of two things: (1) the land mentioned in the text and/or the accompanying boundary map did not correspond to the real peasant holdings; (2) the land surveyors had met with active or passive peasant resistance.[47]

From 1870, any demarcation agreement between peasants and landlords had to follow general legal norms, just like the Special land survey of joint and strip holding dachas. Unsurprisingly, the process almost stopped. Authorities insisted that "disputes over the lack of boundaries" between peasant plots and seigneurial lands would no longer be subject to special peasant institutions. However, general courts did not examine them either due to the lack of reliable plans.[48] Thus, the demarcation took place on a "terra nullius". At the end of the 1880s one official document mentioned that "currently, only 13% of the entire number [of peasant allotments] has been formally demarcated."[49]

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46. It is interesting that Nada Boškovska came to a similar conclusion analyzing forms of peasant resistance in pre-Petrine Russia. See Nada Boškovska, "'Dort werden wir selber Bojaren sein': Bäuerlicher Widerstand im Rußland des 17. Jahrhunderts," *Jahrbücher für Geschichte Osteuropas*, 37, 3, (1989): 366.

47. RGIA, f. 1405, op. 76, d. 4982, l. 72-73; f. 515, op. 37, d. 299, l. 39-42.

48. RGIA, f. 577, op. 50, d. 323, l. 2-5.

49. *Ob´´iasnitel´naia zapiska k proektu Mezhevogo ustava* [Explanatory note on the draft of land surveying regulations] (SPb., 1880), 59.

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It is noticeable that in the core Russian provinces, where communal land ownership dominated, the very existence of communal organisation to some extent smoothed the path to demarcation. Since a commune could jointly resist a landowner, the two almost equally strong parties were sometimes forced to find a common language. Where the household ownership of land prevailed, the struggle for land was much fiercer. Extreme tension around land surveying existed in the South-Western provinces (Right-bank Ukraine), where as early as the 1860s there was a considerable land shortage and even greater complexity surrounded the liquidation of servitudes. According to Daniel Beauvois's data, by 1870, 80.4% of estates in the Kiev, Podol´ and Volyn provinces were still undemarcated, many because "the authorities feared possible conflicts."[50] Materials of the Senatorial inspection under A.A. Polovtsov (1880) give a glimpse at the process of demarcation. In Kiev province, by 1870 there remained 1,536 undemarcated estates from a total of 2,057. Over the next ten years, the procedure (conducted by private land surveyors) affected just 129 new estates. However, "the provincial drawing office, after examining all the cases under consideration, only considered" three dachas [!] to be "ready for confirmation by the state seal." The land surveying had to be redone at the state's cost. Out of the 512 disputes that had arisen since 1861, only 186 had been settled by 1880, when the demarcation had to end due to a massive peasant unrest.

Local peasants thought that land surveying was something of a landowner conspiracy aimed at depriving them of the right to additional allotments of land, rumours of which persistently circulated in Ukraine. Peasants saw land surveyors as the agents of the lords and opposed any attempts to determine the size of their plots.[51] Their attitude was by no means irrational: the landowners' basic aim in "establishing boundaries" was to gain control over the situation and reinforce a state of affairs that the peasants viewed as entirely unjust. In reality, both sides understood each other very well. It is unsurprising that, following the peasant unrest, conservative public opinion began to see demarcation as a means of ending peasant hopes for a "black repartition":

> Only the energetic land survey backed up by a general, universal regime of strict directives […] so that the population sees in it a governmental decree, and not the satisfaction of landowner requests by the land surveyors supposedly in their pay […] might finally end any unrealisable hopes for a repartition of land that may arise.

Polovtsov also shared this opinion.[52]

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50. D. Beauvois, *Gordiev uzel Rossiiskoi imperii: vlast´, sliakhta i narod na Pravoberezhnoi Ukraine (1793-1914)* [The gordian knot of the Russian Empire: state, nobility and people in Right Bank Ukraine (1793-1914)] (M.: NLO, 2011), 644-645.

51. OR RNB, f. 600, op. 1, d. 795.

52. OR RNB, f. 600, op. 1, d. 795, l. 58; Kievlianin, no. 200 (1880). See also D.P. Poida, *Krest´ianskoe dvizhenie na Pravoberezhnoi Ukraine v poreformennyi period (1866-1900 gg).*

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In 1880, the Ministry of Justice acknowledged that the demarcation of peasant allotments "represents not only the culmination of the peasant reform, but also meets the requirements insistently put forward by practical life." Now, officials noted, given the lack or extreme unreliability of plans, witness testimonies provided the only means of settling disputes between landowners and peasants. These testimonies, in turn, were becoming less and less reliable every year. However, the draft new rules of surveying drawn up by the ministry from 1880 to 1883 were not confirmed.[53] On the other hand, the landowners themselves often opposed demarcation, fearing that it would provoke new peasant protests, and called for the maintenance of the status quo.[54]

The overwhelming majority of officials and landowners had a somewhat cartoonish view on peasant motives. As the Ministry of internal affairs stated in 1879, the peasants did not understand surveying formalities; the meaning of what was happening only reached them when the decision taken was being realised "on the ground," at which point it turned out they did not like it at all. While these decisions were under discussion, the peasants acted passively and were not very interested in the process.[55] What, for the peasants, was the sense of such behaviour? The proceedings of the Local committees on the needs of agriculture show that at the beginning of the 20th century, landowners were already extremely disturbed by the lack of plans and boundaries between their land and the peasant plots. Many complained that this situation made it easier for peasants to grab land by "the smallest areas." Peasants sabotaged any attempts to define boundaries and consolidate plots; landowners had to propose concessions by offering additional plots of disputed land, but often this did not help to end the process. Instead of confirmed plans, the peasants had "some scraps of paper" for which they had to pay private land surveyors an arm and a leg. In the absence of confirmed surveying plans, land disputes were decided in court according to actual ownership as confirmed by witnesses, and peasants, unlike landowners, had no problems finding witnesses among their neighbours. Under these conditions, struggle for a "scrap of land" (not that the peasants viewed them as scraps!) often seemed to the landowners senseless.[56]

The peasants just made skilful use of the assortment of practices of passive resistance[57] at their disposal in order to complicate land surveying. Only a few members of local committees could understand this and reach accurate conclusions

[The peasant movement in Right-bank Ukraine in the post-reform period (1866-1900)], Dnepropetrovsk, 1960, 194-196.

53. RGIA, f. 1405, op. 76, d. 4982, l. 60-71.

54. RGIA, f. 577, op. 50, d. 323, l. 23, 27.

55. RGIA, f. 577, op. 50, d. 325, l. 10-11.

56. *Trudy mestnykh komitetov*, vol. 8, 88, 241; vol. 19, 815; vol. 33, 20; vol. 34, 323; and others. See also Shidlovskii, *Zemel´nye zakhvaty*, 3-24, 116-136.

57. On the techniques of such resistance, see the classic works James C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven: Yale University Press, 1985); idem, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1990).

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from their observations. For example, A.V. Kolendo, a member of the Mikhailov uezd committee of Riazan province, maintained that

> it is irrelevant to explain the peasants' lack of respect for their neighbours' rights with their ignorance of private property resulting naturally from the communal experience. One can see their strongly developed sense of private property right in their inexhaustible patience and stunning persistence in struggle for every inch of the land belonging to them.

He saw the solution in the liquidation of the peasants' special legal status, which allowed them to "look upon themselves as a special element in the state, vigorously preserved and protected by their laws."[58]

The times of the land surveyors

The position of land surveyors in the Russian village somewhat resembles Kafka's "The Castle": the land surveyor simply could not find a place between different actors competing with one another in a game that was incomprehensible to him. Indeed, among the typical roles of populists (*narodnik*) and *kulturträger* that included *zemstvo* teachers, statisticians, agronomists and, more rarely, doctors we do not find land surveyors. In a way, the populist myth only mirrored the fact that a land surveyor had nothing to do in the village order dominated by customary law. But why customary law did not impede, for example, the rapid development of *zemstvo* statistics at the end of the 19th century?[59] The statisticians tried to describe the peasant life as a universe with its own rules. They ignored those legal categories that seemed to have been imposed on peasants from the outside. Private property, with its clear legal and physical boundaries, undoubtedly, was the first on the list of such imposed values. Neither land surveyors nor their activity could fit the institutional landscape of rural Russia or the educated elite's perception of the Russian village.

In 1879, at the height of the populist campaign and political crisis in Russian Empire, the Latvian *narodniks*, the brothers Reinis and Matīs Kaudzīte published the novel "The Times of the Land Surveyors." It was translated into Russian and German and was long seen as the first Latvian realist novel. Contemporary literary scholars argue that the novel is close rather to folklorist satire à la Gogol.[60] It is

58. *Trudy mestnykh komitetov*, vol. 34, 260.

59. On this, see Alessandro Stanziani, *L'Économie en révolution: le cas russe, 1870-1930* (P.: A. Michel, 1998); David W. Darrow, "The Politics of Numbers: Zemstvo Land Assessment and the Conceptualization of Russia's Rural Economy," *The Russian Review*, 59, 1 (January 2000); Martine Mespoulet, *Statistique et révolution en Russie: un compromis impossible, 1880-1930* (Rennes: Presses Universitaires de Rennes, 2001).

60. È.G. Vasil´eva, "Dom v romane R. i M. Kaudzite 'Vremena zemlemerov' [The home in R. and M. Kaudzites' novel "The time of the land surveyors"]," *Prostranstvo i vremia v literature i iskusstve. Vyp. 11. Ch. 2. Dom v evropeiskoi kartine mira* [Space and time in literature

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worth remembering that in 19th century Russia Gogol was not at all seen as a forerunner of modernism but an "unmasker of social ills."

The plot of "Times of the Land Surveyors" certainly seems to aim at such unmasking. Land surveyors arrive at the estate of the rich German landowner who hired them to survey his leaseholders' land so that they could later purchase farms. One of the peasant leaseholders, the "kulak" Pratnieks, with the help of bribes, manages to have the poor peasant Kaspar deprived of his land through the survey. The plot also has a love line. Pratnieks tries to achieve (and is achieving) the goodwill of the parents of a girl who loves Kaspar. However, this is in vain; she remains true to her feelings. As a result, Kaspar and his beloved die tragically. The fate does not favour the evildoers either: the corrupt land surveyor goes mad and Pratnieks loses everything. Notably, the novel depicts the landowner neutrally: the basic conflict is between neighbours; the land surveyors play the role of a passive instrument in the unfolding of the conspiracy that developed from within the village.

In this way, the "times of the land surveyors" turn out to be a period of collapsing social ties and transgressions against justice. Years later, peasants described them as "times of hostile attacks and epidemics of plague."[61] As Elina Vasil´eva has shown, the novel contrasts property with "the home" as the focus of traditional values and patriarchal integrity. The boundaries drawn by the land surveyors run through the middle of houses, separating people and destroying traditions. The Latvian author Guntis Berelis writes that

> the Kaudzīte brothers was precisely delineating the space characteristically featured in Latvian prose. It is the quadrangle formed by the peasant farmstead, pub, local baron's estate, and church […]. The small "inner" world is, at the same time, the great universe […]. The "outer" world, the metropolis where the fates of the "inner" world are decided, exists of course, but it is so remote and alien, that the characters of the novel simply ignore it.[62]

The land surveyors, as emissaries of the outer world, have stumbled into the inner world and clearly do not have a place here.

In a way, the novel by the Kaudzītes can be seen as a prototype for "The Castle." The introduction of land boundaries was a matter not only fraught with technical difficulties but also one that boded the collapse of the traditional cosmos. The reality in which land surveyors lived was multi-layered and full of unexpected meanings. Of course, in the Latvian village, there was no communal ownership or repartition of land; the peasants were leaseholders. This social structure differed

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and art. Vol. 11, no. 2. The house in the European view of the world] (Daugavpils: Saule, 2002), 3-9. I am grateful to Ė.G. Vasil´eva for providing me with a copy of her works on the novel.

61. The Kaudzītes brothers, *Vremena zemlemerov* [The time of the land surveyors] (M.: HIKhL, 1962), 427.

62. http://www.kulturaskanons.lv/ru/1/8/168/ (retrieved: April, 12, 2016)

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fundamentally from the Russian village, but it did not prevent Russian and Latvian *narodniks* from having a common agenda.

Allusions and dissonances between the Latvian and Russian "times of the land surveyors" emerge clearly when one compares the Kaudzītes novel with the short story by Evgeni Zamiatin "The Land Surveyor" (1918). Characteristically, here, as in Kafka, the land surveyor, in contrast to other heroes, is nameless. At the centre of the story are the suddenly aroused feelings between him and the female owner of the estate who had invited him. The role of the "foreigner" is attributed to the peasants, whose cunning in relations with the "lady" oscillate between good-willed tones to indignation and open aggression. The land surveyor occupies in this conflict a neutral position, although he is part of the world of the lords and not the peasants. After buying land (surveyed by the land surveyor) from the estate steward, the peasants are full of regret: "And it is entirely clear that the lord steward sold us land in a vulgar and improbable way. It is currently not a time to sell." (the action by all indications takes place in summer 1917). The peasants do not seem to have grounds for complaint against the "lady": "We do not know of her having any illegal vices. Her only affair is to go for walks with a white dog." However, this does not prevent them from organising a pogrom on the farm:

> Do not become angry, Lizaveta Petrovna: we will take bread from the granary and the livestock there […]. And do not fear, we are quiet, gentlemanly. We will burn the steward, that's for certain. But as for everything else, we are quiet, gentlemanly.[63]

In the story's finale, the land surveyor is doomed to travel to his "lonely, smoky room" in the city, and the landowner is fated to return to her destroyed estate.

In all three literary works discussed, the land surveyor is not only occupied with demarcating village and the Castle, but also with vain attempts to understand the nature of the unbreakable ties between them. The dynamic opposition between the inner and outer worlds that is fundamental to Kafka, the Kaudzīte brothers and Zamiatin allows to look at the problem of establishing the boundaries of landed property from a variety of angles. One sees how elites vs. people and state vs. society dichotomies, which contemporaries actively employed and were embedded in historians' perceptions, are, in fact, quite conditional. When it comes to land surveying, landowners and peasants quite surprisingly have a lot in common: neither trust formal bureaucratic protocols, and both sides look at the outer world as if it were alien to them. In addition, they both need and are more inclined toward cooperation with one another than they admit. In turn, the outside world clearly does not know what to do with the two sides' concurrent conflict and symbiosis. The image of the state reducing its attempts to regulate their relationship in the second half of the 19th century clearly does not correspond to the image of the

63. E. Zamiatin, *Sobranie sochinenii. T. 1* [Collected works. Vol. 1] (M.: Russkaia kniga, 2003), 457-463.

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growing bureaucratic intervention in the life of the country. Are the weakness of the state and the "ungovernability" of the village the only reasons for this? Is it not necessary, on the contrary, to consider them the results of the bureaucrats' conclusion that outside interference is hopeless? Laissez faire, laissez passer in the matter of land surveying clearly was involuntary, not normative.

Only the first Russian revolution of 1905-1906 and the sudden mobilisation of the bureaucracy, landowners and peasants over the land question put the matter of demarcating boundaries and isolating different parts of the inner world in the centre of government's political agenda. The Stolypin agrarian reform granted the land surveyor new prominence. According to Stolypin himself and the head of the Chief Administration of Land Settlement and Agriculture (GUZiZ) A.V. Krivosheev, "land surveying is a good half of the Russian agrarian question. It has been lacking; measures are needed to pay special attention to it so as not to be left behind by the questions of life."[64] Between 1906 and 1913, the number of land surveyors in GUZiZ rose tenfold: from 600 to 6,000.[65] The state was trying to make up for its past omissions by hastily concentrating administrative resources. However, the land committee's attention was not directed toward the settling of property collisions but rather the large-scale, utopian project of transforming communal peasants, now seen as a threat to the throne and order, into loyal "strong farmers." The technocrats of GUZiZ did not even think about unravelling the tangle of problems that had developed over decades.[66] They saw the village as a tabula rasa and land surveying as a reliable instrument of social discipline. In other words, the surveying of boundaries was seen not as the *result* of complex social and legal collisions, but, on the contrary, a *means of avoiding* them. The predictable failure of this project had already become visible in 1917 following the sharp rise in agrarian discontent, reflected in Zamiatin's story. This failure did not prevent certain officials of GUZiZ, alongside many zemstvo statisticians and other experts in peasant affairs, from undertaking even more large-scale projects in the creation of the new, Communist reality.[67]

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64. *Zapiska Predsedatelia Soveta Ministrov i Glavnoupravliaiushchego zemleustroistvom i zemledeliem o poezdke v Sibir´ i Povolzh´e v 1910 g.* [Notes of the Chairman of the Council of ministers and Chief administrator of land settlement and agriculture in Siberia and the Volga region in 1910] (SPb.: Gosudarstvennaia tipografiia, 1910), 68.

65. N.A. Fedorova, "Zemleustroitel´nye komissii [The commissions for land settlement]," *Petr Arkad´evich Stolypin: Ėntsyklopediia* (M.: Rosspen, 2011), 204.

66. Peter Holquist, "'In Accord with State Interests and the People's Wishes': The Technocratic Ideology of Imperial Russia's Resettlement Administration," *Slavic Review*, 69, 1 (Spring 2010): 159-160. See also footnote 16.

67. Holquist, "'In Accord with State Interests and the People's Wishes'," 179.

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