

**Why and how were Russian serfs freed?**  
**Making sense of the 1861 Emancipation Act**  
(A framework for a new project)

Tracy Dennison  
Meeting of the Caltech Early Modern Group  
March 16, 2012

The history of the countryside in imperial Russia has long been viewed from a post-emancipation vantage point. The codification of communal land tenure in 1861, along with collective responsibility for tax obligations and restrictions on mobility, has been seen as an attempt to ensure continuity for peasants and to ‘protect’ them from sudden immersion in land and labor markets to which they were, supposedly, unaccustomed and downright averse. That land reform had to be undertaken all over again in 1906 (the Stolypin reforms) has been regarded as evidence of peasant reluctance to abandon traditional forms of social and economic organization, to the detriment of the larger rural economy. Peasants, it has been argued, had to be coerced to abandon communal land tenure and ‘satisficing’ behavior<sup>1</sup> and forced to engage in market agriculture.<sup>2</sup>

This view of the peasantry was well established by the late nineteenth century, partly due to its prominence in Lenin’s *The Development of Capitalism in Russia*. This is not surprising, as the view is consistent with a Marxist account of historical development, by which a ‘capitalist’ or market-oriented peasantry could only emerge after the destruction of the old feudal order. In the twentieth century, this view was adopted by western historians of Russia: first by those working within a Marxist framework, and later, somewhat

---

<sup>1</sup> As first described by A. V. Chayanov in *Theory of Peasant Economy*, and later adopted by James C. Scott in *The Moral Economy of the Peasant* (New Haven, 1977).

<sup>2</sup> There were (and still are) plenty of historians who think that ‘western-style’ land reform was a bad idea – a prime example of an urban elite forcing its own values on rural inhabitants – but even those who take this line assume that the fundamental assumption, that peasants would not willingly enter into market transactions or hold land in individual tenure, was correct. See, for example, J. Pallot, *Land Reform in Russia 1906-17: Peasant Responses to Stolypin’s Project of Rural Transformation* (Oxford, 1999).

ironically, by those who rejected Marxist materialism (and neoclassical economics) in favor of culture and the notion of peasants as ‘differently rational’.<sup>3</sup>

However, the autarkic, market-averse (‘differently rational’) peasant of the pre-emancipation period has been difficult to find in the archives. Even in the Soviet historiography, in which it is argued – at least superficially – that the pre-1861 rural economy was characterized by feudal relationships and self-sufficiency, we find references to lively markets in land, labor, and credit in which serfs were active participants.<sup>4</sup> Nor was such participation a local phenomenon. Serfs worked as migrant laborers in cities as far away from their estates of origin (in central Russia) as Riga, Helsinki, and Odessa (as well as Moscow and Petersburg). They engaged in economic transactions with other serfs and free persons throughout the empire.

This picture emerges from analyses of aggregate data on migration and land transactions,) as well as empirical estate-level studies by western historians for serf societies in a number of different regions in eighteenth- and nineteenth-century Russia. My own recent estate-level study (2011) not only confirmed the existence of a dynamic rural economy (with a surprisingly rich material culture), but also revealed an elaborate, quasi-formal legal framework, administered by the landlord(s), which appears to have governed the property and credit transactions observed among the serfs on these estates. Nearly all households took advantage of some aspect of the landlord’s contract enforcement services and the extra-communal dispute resolution his (their) administration offered. This local administrative framework benefitted serfs in that it reduced the risk to informal economic transactions (serfs were not legally permitted to own land, engage in credit transactions, or leave their estates) and benefitted the landlord who charged fees for the use of these services.

---

<sup>3</sup> A more detailed account of the emergence of this view and a discussion of its more recent articulations can be found in chapter 1 of Dennison, *The Institutional Framework of Russian Serfdom* (Cambridge, 2011).

<sup>4</sup> In, for instance, V. A. Fyodorov, *Pomeshchich’e krest’iane tsentral’no-promyshlennogo raiona Rossii kontsa XVIII-pervoi poloviny XIX v* (Moscow, 1974); V. N. Kashin, *Krepostnye krest’iane-zemlevladel’tsy* (Moscow, 1935); N. A. Rubinshtein, *Sel’skoe khoziaistvo Rossii vo vtoroi polovine XVIII v* (Moscow, 1957).

This empirical evidence for extensive factor and retail markets in the countryside – and their benefits for landlords – is at odds with conventional accounts of the abolition of serfdom as the inevitable outcome of a ‘feudal crisis’ and the acknowledgment by landlords that serfdom was no longer profitable.<sup>5</sup> Not surprisingly, then, more recent accounts of nineteenth-century Russia have emphasized Russia’s defeat in the Crimean War as the main motivation for rural reform. The ruling elite, it is argued, realized that Russia needed to ‘modernize’ in order to keep up, economically and militarily, with its European rivals.<sup>6</sup> Those in government had come to the conclusion that serfdom and ‘modernization’ were probably not compatible; Russia was, after all, the last bastion of the second serfdom (serfdom had been abolished in the Habsburg lands in 1781, in Prussia in 1807, and in the Baltic territories in 1819) and it was the least economically developed of the eastern territories.

This story is fine so far as it goes, but it does not explain how the Emancipation Act of 1861 came to take the form it did – a form that arguably undermined any real intent to reform the rural economy. Instead of implementing property rights and a body of contract law to bring the transactions taking place in the informal sector into the formal, thereby allowing peasants access to individual land tenure and access to credit, the state opted to transfer landlords’ powers to peasant communes, requiring individuals to seek authorization from local communal authorities for land and credit transactions (restrictions on the transactions peasants could engage in remained in place). Rather than remove restrictions on mobility and free labor to move to newly industrializing cities and towns, they kept restrictions in place, transferring enforcement from landlords to communal officials. Instead of creating a universal law code which applied to all

---

<sup>5</sup> A critique of this view can be found in B. N. Mironov, ‘When and Why was the Russian Peasantry Emancipated?’ in M. L. Bush (ed) *Serfdom and Slavery: Studies in Legal Bondage* (Harlow and New York, 1996), pp. 323-47.

<sup>6</sup> This view is discussed in D. Moon, *The Abolition of Serfdom in Russia, 1762-1907* (London, 2001), pp. 52-5.

inhabitants of the empire equally, the state maintained socio-legal categories (such as ‘peasantry’, ‘nobility’, and ‘clergy’) and separate bodies of law for each.<sup>7</sup>

Could it be that elites in St Petersburg were so ignorant of the reality of rural life? Some certainly were, as noted below, but rural landlords most definitely were not. In one account of the debates which took place over the terms of the legislation, a group of landholding deputies is said to have strongly objected to the powers granted by the legislation to peasant communes, which they maintained would “replace servile dependency with an even more burdensome dependency on the [village] community”.<sup>8</sup> They worried about the extent to which “improvement could be expected in the ‘home life’ of the individual peasant householder once he was subjected to ‘the exclusive arbitrariness of [peasant officials] from whose capriciousness in former times he could find protection and defense in the noble landowner’<sup>9</sup>.” Such sentiments are usually dismissed by historians as self-interested rhetoric, a warning against removing the benevolent landlord as the rural authority.<sup>10</sup> However, existing evidence for rural estates indicates that at least some landlords *did* play precisely the role claimed here; there was in fact a strong demand in the countryside for extra-communal justice.<sup>11</sup> That certain nobles were aware of this demand and of the dangers of arbitrary rule in the countryside is evident in the objections raised to maintaining formal legal divisions among groups (such as peasants and nobles). A. M. Unkovskii, for instance, argued that real reform ‘required

---

<sup>7</sup> This was particularly disastrous for peasants, as discussed below.

<sup>8</sup> Skrebetskii quoted in F. W. Wcislo, *Reforming Rural Russia: State, Local Society, and National Politics 1855-1914* (Princeton, 1990), p. 39.

<sup>9</sup> *Ibid.*

<sup>10</sup> As in *ibid.*, p. 39.

<sup>11</sup> Dennison, *Institutional Framework*. Moreover, as will be suggested below, many landlords would have benefitted from the new communal powers, especially those designed to curtail peasant mobility, thereby ensuring the existence of an affordable rural labor supply.

the rule of law and a new structure of general administration encompassing all [socio-legal categories]<sup>12</sup>.

But such objections were apparently disregarded by the editorial commission, which viewed them as ‘merely theoretical’. Instead, they focused their attention on the original instructions from the tsar to maintain peasant institutions, especially communal property holding, *unchanged from its present (1857) state*.<sup>13</sup> Surprisingly, there is no account (as far as I can tell) in the vast body of research on the Great Reforms that addresses the significant gap between the purported aims of the Emancipation Act (rural reform) and what appears, at least on the surface, to have been a complete lack of engagement with the empirical reality in the countryside before 1861 during the crafting of the legislation. It cannot be the case that information offered by self-interested landlords was considered unreliable, for the editorial commission solicited data from landlords on a range of questions, including the average size of serf allotments, the average quitrent payment, and the kinds of handicrafts and cottage industry on their estates. They used landlord-generated data to establish the specific terms of abolition. Yet they showed remarkably little interest in how the rural economy actually functioned. Given their task, one might have expected questions such as: Did serfs participate in land markets? Did they borrow money? If so, for what? How many serfs engaged in migrant labor? How many engaged full time in agricultural production? Such questions do not even appear in the surveys of estates carried out in the 1850s. Were these questions considered irrelevant to land reform? Was this a case of ideologically-informed wishful thinking? Bureaucratic incompetence? Or are there just too many gaps in the story as it’s usually told?

The answers are far from obvious. The overwhelming majority of work on emancipation is on the intellectual or political history of the Act. Most of these accounts fail to consider the Act in light of the pre-1861 rural reality. Furthermore, they make little or no attempt to situate the ideological and political debates within a very real set of economic

---

<sup>12</sup> Such concerns were raised by A. M. Unkovskii, as discussed in Wcislo, *Reforming Rural Russia*, p. 36.

<sup>13</sup> Keussler, J. von, *Zur Geschichte und Kritik des bauerlichen Gemeindebesitzes in Russland* (Riga, Moscow, and Odessa: 1876-87), pp. 199-200.

constraints. There is no account I'm aware of that tries to put all the pieces together into a coherent story of political economy. In what follows, I will set out the – overlapping and often competing – narrative strands, drawn from accounts in the secondary literature (with lots of gaps), and set out some basic questions about them.

But before moving on to the different components of the story, it might be worth describing the main protagonists, i.e. the configuration of interest groups involved. The largest, and most significantly affected group was the peasantry, which comprised over 80 per cent of the population in imperial Russia. Of these, some 40 percent were enserfed to noble landowners, while the rest were tied to crown lands (the 'state' and 'appanage' peasants). The 1861 Act concerned the emancipation of the proprietary serfs, though the crown serfs were also emancipated in this period, under somewhat different terms. (We will leave them aside for now.) The serfs had no official say in the terms of the 1861 Act and they seem to have benefitted least from it. Their noble landlords were a very heterogeneous group in terms of wealth and status. There was a small stratum of extremely wealthy and powerful landholders – these were the one percent and they held some 35 per cent of proprietary serfs. Most of these magnates had multiple estates throughout the empire. More than half of noble landholders held under 500 serfs (20 per cent held under 100). By the mid-nineteenth century, quitrent estates had become predominant, with *corvée* labour reserved for agricultural estates in the Black Earth region to the south. The Russian state relied on the nobility to administer the localities. Nobles oversaw tax collection, conscription, and the local judicial system, in return for which they had received, until the Emancipation, rights of jurisdiction over their serf subjects, including rights to serf labor and cash rents.

In the tsar's administration we find the usual suspects: representatives of the nobility, especially those with military expertise and for whom military reform was a primary preoccupation (nobles at court came in a variety of ideological flavors, but many were sympathetic to the need for reform); reactionary ministers preoccupied with the maintenance of autocratic rule; and the new generation of so-called 'enlightened bureaucrats' who were educated urban elites (not usually of noble background) trained for government ministries – the 'technocrats'. These are often described as well read in

economics and political philosophy but with little practical experience outside of government administration. And they appear to have had little or no acquaintance with life in the countryside. According to most political historical accounts, these were the ones, by the mid-nineteenth century, who ultimately called the shots. So far I have not come across any reason either to doubt this or to believe it.

### Ideology and Emancipation

The 1861 codification of communal land tenure and the establishment of a ‘peasant law’ based on some vague notion of ‘customary justice’ (about which more will be said below) were consistent with certain ideological positions prevalent in mid-nineteenth-century Russia. The myth of the peasant land commune and the notion of traditional peasant institutions as ancient and ‘organic’, outlined in an influential book by the German Romantic writer August von Haxthausen, had taken root in elite urban circles by the 1850s.<sup>14</sup> By 1861 many among the educated elite were convinced that the peasant land commune was a traditional institution with a long history, and that it would be unwise to destroy it from above and force Russian peasants into ‘capitalist’ market relationships to which they were unaccustomed. That Haxthausen himself was invited to participate as a consultant in the crafting of the emancipation legislation indicates how seriously these views of Russian peasant institutions were taken by those in positions of power.<sup>15</sup>

This ideological position held appeal across the political spectrum. Haxthausen himself was a reactionary Prussian, whose opposition to the Napoleonic reforms was well known. But his view of the Russian peasantry as inherently collectivist was drafted into the service of very different views, e.g. by the émigré writer Alexander Herzen (despised by Marx), who saw the peasant commune as the foundation for a new economic and social order, an ‘organic’ form of socialism, which would enable Russia to bypass capitalism altogether and move straight to socialism from feudalism. At the other end of the political spectrum

---

<sup>14</sup> Dennison and Carus, ‘The Invention of the Russian Rural Commune: Haxthausen and the Evidence’ in *The Historical Journal* 46(3), 2003, pp. 561-82.

<sup>15</sup> It also indicates how little the urban elites charged with crafting this legislation knew about rural conditions in their own society. Herzen is said to have lamented that ‘it took a German to discover the Russian peasant...’

were the Slavophiles, such as Yuri Samarin (one of the architects of the 1861 Act), who saw the peasant commune as an organic manifestation of Slavic culture, which could serve as a bulwark against malign western European influences. Slavophiles like Samarin emphasized a form of collectivism on the basis of shared Slavic norms, especially language and the Orthodox religion, as embodied – they believed – in the Russian peasant.

Other ideological positions existed in Russia at this time, including that associated most famously with the legal historian Boris Chicherin, who viewed the commune as having arisen in response to the institutional constraints of serfdom – it was neither inherently collectivist nor inherently Russian. On this view, the peasant commune was an impediment to economic development in rural Russia, and had to be abolished as part of comprehensive rural reform.

But the voices in favor of retaining (!) the commune were louder. This is inexplicable, given the extent to which this view was at odds with rural reality. The close correspondence between the final terms of the Act and the strength of the ‘communal peasant’ coalition makes it tempting to conclude that the terms of the Act were driven primarily by ideological concerns. However, as we will see, these ideological positions were also consistent with a politically pragmatic view which saw a landless, mobile proletariat as a threat to the existing regime (the western and central European uprisings of 1848 were still fresh in the minds of the ruling elite). Similarly, tying peasants to their communes offered certain advantages to the nobility – whom the crown could not afford to alienate entirely – in the form of an immobile rural labor force.

### The Economic Constraints

While much work has been done on the ideas driving the reform process, the practical considerations have been almost entirely neglected. Only one account in English even considers the economic constraints within which the legislation had to be crafted, and this is based on Russian literature from the late-nineteenth and early-twentieth centuries. Reconstructing the economic history of the reform constitutes a project in itself, as there



are considerable gaps in the historical literature, including the English-language account by Steven Hoch.

The story, as told by Hoch, can be summarized as follows:<sup>16</sup> The Russian state established credit institutions in the mid-nineteenth century to provide nobles with a reliable source of long-term credit. The State Nobles Bank lent to noble serfowners at 5 per cent, over a term of 25-35 years. The loans were secured by serfs rather than by land. (This practice and the perverse incentives to which it gave rise were parodied by Gogol in *Dead Souls*.) The bank was obliged to accept funds as demand deposits and pay interest – set at 4 per cent – on accounts. A number of measures was devised by the state to prop up this institution, including restrictions on private commercial banking, strict limits on amounts serfowners could mortgage, and the denial of credit to ‘small estates’ (probably those with fewer than 500 serfs, but ‘small’ seems not to be clearly defined in this literature).

From the time the bank was established, the state apparently struggled with the problem of surplus deposits on which interest had to be paid. This was exacerbated during the Crimean War when the state more than doubled the amount of money in circulation and this paper began to accumulate in state credit institutions. The Russian state became increasingly concerned about the unused deposits on which it continued to pay 4 per cent interest.

(The story thus far already throws up a number of questions: why was demand for loans from this institution so weak? The concern about ‘too much cash on hand’ was a very long-sighted one for the Russian state, which ought to have been happy to be able to borrow from nobles at 4 per cent (presumably no worse than the rate at which it had just borrowed vast sums on international markets). But, given that they were concerned, why didn’t they just relax some of the lending restrictions? Was this because they would be forced to act like bankers if they did, and vet the borrowers? The restrictions put in place when the bank was established appear to have been designed to mitigate adverse

---

<sup>16</sup> 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.

selection. Unfortunately, the existing accounts, including Hoch, do not make very clear what exactly was going on here.)

In the 1850s, the state decided that it would be good to offer incentives for domestic investment in railroad stocks (this was the industrial policy favored by the technocrats); specifically they wished to move deposits out of the Noble Bank to railroad companies. Thus they announced that state credit institutions would cut payments on deposits to 3 per cent. Not surprisingly there was a sudden and massive shift (far beyond what the state expected) of funds into railroad stocks, which were guaranteed a 5 per cent return. The move took things too far in the other direction, and the finance ministry hurriedly attempted to make amends and win investors back by announcing the sale of new 4 per cent perpetuities. This was immediately – and correctly – interpreted as an admission of panic and exacerbated the rush to move money out of state credit institutions. Shortly thereafter, state credit institutions were declared insolvent and in 1858 the government formally suspended all new lending against serf estates and announced a moratorium on the rescheduling of existing debt.

The upshot of this story as told by political historians (it has not, as far as I'm aware, been written about by economic historians in any language), is that the insolvency of state credit institutions had significant consequences for peasant reform. It was no longer realistic for the Russian state to entertain the notion of modeling rural reform on the Austrian and Prussian cases, where noble landlords had been compensated for losses in land and labor.<sup>17</sup> The report of the editorial commission states clearly, “By way of financial prudence, it should be taken as principle that the redemption operation should, so to speak, *sustain itself*, and not burden the state treasury with new permanent expenditures”.<sup>18</sup>

---

<sup>17</sup> That the collapse of the Nobles Bank meant it was no longer realistic for the state to finance emancipation is not obvious (at least to me). What else was constraining the Russian state? Could the state borrow money? What was going on elsewhere in the economy? It is entirely plausible – even likely – that the Russian state *was* strapped, but there must be more to the story.

<sup>18</sup> As quoted in Hoch, ‘Banking crisis’, p. 810. (italics mine)

## The Final Terms of the Emancipation Act of 1861

The emancipation of the serfs was not a single event, but a gradual and complex process carried out in several stages over about a decade. The 1861 Act formed the legal basis of the abolition and set out the process by which it would occur. The main points are summarized here.

In the final version of the Act, it was the emancipated peasants who bore the costs of their 'freedom'. Landlords relinquished estate land to the peasant commune, the members of which were jointly liable for 'redemption' payments. (Landlords could decide about the quality and, to some degree, within certain bounds<sup>19</sup>, even the quantity of the land they relinquished.) Because peasants lacked the means to purchase the land up front, payment was advanced by the government in the form of long-term bonds (49 years<sup>20</sup>), with a rate of 5 per cent, issued to landlords for the value of the land redeemed to peasants, net of any outstanding mortgage debt to state credit institutions. (In order to manage this massive credit operation, the state placed restrictions on the maximum mortgage possible, the number of estates that could enter the redemption phase in a given period, and the extent to which redemption certificates could circulate as cash.<sup>20</sup>) Peasant communes were then responsible for repaying the government, over a period of 49 years at 6 per cent interest: '5 per cent to cover the interest paid on the bonds, 0.5 per cent to repay the capital, and 0.5 per cent to cover administrative costs and establish a reserve fund in case of shortfalls'.<sup>21</sup>

---

<sup>19</sup> Minima and maxima were set by the state. A maximum was viewed as necessary to ensure the viability of this large-scale credit transaction. The final redemption terms (quantity and quality) were supposed to be agreed voluntarily by the landlord and the peasants. This, not surprisingly, did not happen and intermediation was required in most cases.

<sup>20</sup> Apparently two kinds of paper were issued: bank notes in large denominations (over 50 roubles) and redemption certificates, in denominations over 3,000 roubles, which were treated like immovable property, requiring a formal title change for transfer.

<sup>21</sup> This account of the terms of the Act comes from D. Moon, *The Abolition of Serfdom in Russia, 1762-1907* (London, 2001). This information, including the quotation, is on p. 81.

The land redeemed was held in communal tenure. The ‘commune’ was given a formal legal status with rights to land and the power to administer tax and redemption obligations. Collective responsibility for redemption payments meant that no household was permitted to withdraw from the commune without paying its share of the amount owed in full. Restrictions on mobility were enforced by the commune to ensure that all members took responsibility for some portion of the redemption operation. No member could dispose of its portion of the communal allotment without permission from communal authorities. (Restrictions on communal membership made sales of land to outsiders complicated propositions.)

To encourage peasants to participate in civic life (they were thought to have been as incompetent at governing themselves as they were in managing their economic affairs), new administrative units (‘townships’) were created, to be administered by elected bodies, some proportion of which were to be chosen from among the peasantry. Nobles, however, still retained their dominant role in provincial governance, with a significantly greater voice on the township councils (*zemstva*) than was granted to the peasantry. There was no attempt at broader legal reform. ‘Peasant’ remained a distinct legal category, subject to a separate body of law. The emancipated peasantry gained formal access to courts, in which rulings were to be based on ‘customary justice’ (though no one knew exactly what this was).<sup>22</sup> It was thought that such arrangements would better enable a transition for peasants from serfdom to civil society.

### The Political Economy of the Act

We have now seen several different sides of the problem. We’ve had an empirical window on the rural economy before 1861, a summary of the unfettered ideological fantasies of the elite groups in power, an overview of the real-world constraints within which they were forced to devise legislation, and an outline of the final terms of the Act itself. How can these pieces be fitted together into some kind of story about how the end result was obtained?

---

<sup>22</sup> See C. Gaudin, *Ruling Peasants: Village and State in Late Imperial Russia* (DeKalb, IL, 2007). The consequences of this arrangement are noted below.

The political-historical literature generally portrays the nobles as losers overall, having shown weakness and incompetence at the negotiating table. On this view, the nobles were unable to put forth a coherent platform for resisting the proposed reforms and found themselves largely at the mercy of the state. While not altogether implausible, this is difficult to reconcile with the terms of the Emancipation Act. It is not hard to believe that noble representatives to the state were hopeless at politics<sup>23</sup>, but this does not automatically imply that landlords were without bargaining power in the negotiation, especially given how dependent the resource-constrained state was (and had historically been) on noble administration in the provinces. After all, the Russian state relied heavily on the nobility for administering the localities, including the supervision of tax collection and recruitment. The state needed the nobles to comply with land reform, but, if the above account of treasury affairs is to be believed, they had little to offer them as an incentive for doing so. Thus the restrictions on peasant mobility, impediments to market integration, noble control over the quantity and quality of land relinquished, and, most spectacularly, the allocation of all reform costs to the peasantry could be seen as concessions to noble landlords. Indeed, it is easier to view the final terms of the 1861 Act as a set of concessions to noble landlords than a self-conscious continuation of peasant traditions. It was perhaps convenient that ideology and politics coincided on this point.

But to *which* landlords were the concessions made? It seems unlikely that all landlords were losers in the reform process, and similarly unlikely that all landlords gained by the terms of the Act. As noted earlier, the Russian nobility was far from monolithic in its interests; there were vast differences in wealth, as well as in geography, size of estate, and economic specialization. One can easily imagine a set of landlords entirely opposed to emancipation (those who benefitted enormously from quitrent levies and rents from non-agricultural activities) and a set entirely in favor (those middling nobles who were over-leveraged and saw emancipation and debt forgiveness as the optimal outcome in these circumstances). There was surely an entire range of positions between these. We would like a better sense of the full spectrum of noble interests.

---

<sup>23</sup> Igor Khristoforov's recent account is particularly compelling: *Aristokraticheskaia oppozitsia Velikam reformam: konets 1850-seredina 1870-kh gg.* (Moscow, 2005).

And what role did ideology ultimately play in the reform process? Several aspects of the reform, beyond the codification of communal practices, seem to have been rooted in certain ideas about Russian peasant society. For instance, the formation of townships with (limited) peasant participation as a way of introducing peasants to civic life assumed that peasants were entirely unacquainted with the notions of politics and governance held in the wider society (this is consistent with the view of peasants as ‘backward’ and ‘separate’). And the proponents of the ‘communal peasant’, particularly Haxthausen, seem to have been especially influential in preventing reformers from abolishing socio-legal categories and incorporating the peasantry into a universal rule of law.<sup>24</sup> While the reforms provided the emancipated peasantry with access to civil courts, the judges assigned to these courts were ordered to make decisions on the basis of ‘customary justice’, of which they had no knowledge. (There was no recorded practice of such law that a judge could review, nor of course any form of codification. Moreover, court appointees were usually sent to the provinces from the capital and had no first-hand knowledge of local customs and traditions among those who would be using the new judicial institutions). These aspects of the reform are difficult to reconcile with the interests of any group except the ideologues. Finally, it seems reasonable wonder about the dominance of the ‘communal peasant’ view in this period (over the views of Chicherin and others), given its lack of correspondence with empirical reality in rural localities. How did Haxthausen and Herzen and other proponents become so influential among Russian elites?

It does seem likely that the interests of the state, the ideologues, and some landlords intersected in key areas. The codification of the commune, with its restrictions on peasant mobility, guaranteed landlords with demesne lands an affordable source of rural labor and relieved the state of the burden of administering redemption payments, recruitment, and tax levies (these obligations were transferred to communal authorities). Furthermore,

---

<sup>24</sup> Heinrich Heine, in *On the History of Religion and Philosophy in Germany*, writes of ‘... a Junker in Westphalia, an idiot with the surname Haxthausen, I believe, who published a work in which he asked the royal Prussian government to take into account the thoroughgoing parallelism demonstrated by philosophy in the entire world-organism, and to separate the political classes more strictly’. (Heine, *On the History of Religion and Philosophy in Germany and Other Writings*, ed. Terry Pinkard, transl. Howard Pollack-Milgate (Cambridge, 2007), p. 114.)

the immobility of the rural population and the inability of peasant households to part with communal land allotments reduced the risk – at least in the eyes of the state – that an immiserated urban proletariat would emerge and challenge the crown’s authority. Y. A. Rostovtsev, the minister charged with crafting the emancipation legislation, is said to have remarked that the ‘reform legislation had to assure the expectant peasant that his life had improved, a suspicious landlord that his interests were not damaged irreparably, and the tsar himself that his powerful authority was not weakened for a moment on the local level’.<sup>25</sup> While the process of reform remains opaque, it seems quite clear that the first of these three goals was abandoned in order to ensure that the other two were achieved.

### In Conclusion: the Consequences of the 1861 Act

It was not long before the problems with the 1861 Act became apparent. The new judicial institutions were quickly deemed dysfunctional. Peasants swamped the courts with lawsuits, and every party to a dispute declared ‘customary law’ was on his or her side.<sup>26</sup> There were complaints from peasants and court officials in provinces across the empire. The ‘redemption’ operation quickly fell apart. Demand for redemption agreements grew<sup>27</sup> and the state was forced to allow more certificates into circulation than originally planned. ‘Instead of 2.5 million male peasants beginning to redeem their allotments in the first five years ... 3.6 million males concluded redemption transactions.’<sup>28</sup> Apparently the credit required for redemption crowded out agricultural credit, and in any case the long-term mortgage credit promised to noble landowners did not materialize. The long-awaited improvements in agricultural productivity never occurred, and within decades the state was back at the drawing table to craft new set of reforms. There does not appear

---

<sup>25</sup> As paraphrased by Wcislo in *Reforming Rural Russia*, p. 20.

<sup>26</sup> See Gaudin, *Ruling Peasants*.

<sup>27</sup> It had been planned, originally, to allow quitrent peasants to redeem their allotments first, with those on corvee following at a later time. However, once the operation began, this proved untenable and all estates had to be given the option of redeeming on their own timetable.

<sup>28</sup> Hoch, ‘Banking Crisis’, p. 818.

to have been a single successful component of the 1861 reform. In fact, this disastrous piece of legislation seems to have contributed directly to the conditions that led to the revolution half a century later. So: how did it happen?