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Ekaterina Pravilova. *A Public Empire: Property and the Quest for the Common Good in Imperial Russia*. Princeton, NJ: Princeton University Press, 2014. 448 pp. ISBN 978-0-691-15905-8.

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The development of ideas and practices concerning property ownership is one of the central and most challenging themes of modern Russian history—and one of the most misunderstood, as Ekaterina Pravilova demonstrates in her landmark account of the culture of property in Russia from the reign of Catherine the Great to the early twentieth century. Previous histories have disagreed about the effectiveness of property rights in imperial Russia, but virtually all of them have assumed the absolute worth of individualistic, exclusive private property, which all right-minded Russians were—or should have been—desiring or defending. By contrast, several preeminent American legal historians, upon whose works *A Public Empire* draws extensively, emphasize the influence of public-minded attitudes to property rights in the supposedly arch-individualistic common law tradition (Rose 1986; Alexander 1997).

A Public Empire abandons the longstanding historiographical “obsession” with the idea of private property (p. 41), arguing that the veritable cult of exclusive private property that emerged under Catherine was increasingly discredited and challenged in the nineteenth century by experts in a variety of fields, from forestry and mining (covered in Part I together with the issue of public water rights) to the preservation of artistic and archeological treasures (Part II) and publishing and literary property (Part III). These professionals did not seek to abolish private property, nor did they take it for granted. Rather, they attempted to create “the ‘public’ as a bearer of rights and liberties—both in practical terms as well as in the arena of rhetoric and the imagination” (p. 11). Pravilova argues that, “contrary to widespread opinion, Russian intellectuals were property-minded, but in contemplating its reform, these intellectuals sought to circumscribe private property by public commitments and social responsibilities, and leave ... space for [a] domain owned by the public—[a] new subject in property law” (p. 288).

Overall Pravilova claims that public property in imperial Russia was influential as an intellectual current but in most instances failed to take hold in legislation and in practice. The reason for this failure was the powerful symbolic and institutional connection between the empire’s regime of private property and the autocratic state that had created it. Paradoxically, Pravilova argues, many of Russia’s problems before 1917 were exacerbated—if not caused—not by a lack or a weakness of private property but by its enduring strength, preventing its proper evolution and reconfiguration.

A Public Empire contributes to a number of historiographical conversations, including histories of Russian liberalism, legal thought, reform and the state, and the application of state power in competition with that of elites (p. 5). But the primary focus is on professional discourse and practice, the goals of which only occasionally merged with state aims. Foresters, art preservationists, and a smattering of legal scholars and bureaucrats are the heroes of the book. Since most of them considered themselves to be liberal politically, Pravilova's book can be viewed as a study of applied liberalism in imperial Russia, in contrast to those studies of imperial-era liberal elites that are concerned solely with intellectual debates.

A key theme that runs throughout the book is the relationship between these experts and the imperial Russian state (p. 7). Pravilova argues that Russian liberal professionals were distinct from their foreign counterparts by their greater sympathy for, and reliance on, government bureaucracy, even though their "idealized vision of the state" (p. 210) was that of a manager rather than an owner of the nation's natural resources and cultural treasures. At times, this reliance on the state's authority led Russia's liberal elites away from other, perhaps more efficient paths of action: "Russian zealots of preservation (as well as engineers and industrialists), instead of trying to work within the existing legal regime—for instance, buying off historical estates and artistic objects—preferred to wait until the state interfered and cut off the knot through overall expropriation or another radical reform of property" (p. 202).

Pravilova also points out that even though the nineteenth century ideal of exclusive, individualistic private property was a disciplinary and often oppressive project, attempts to limit it were themselves disciplinary and often self-serving as well, representing a "path to power" (p. 15) and to wealth for liberal experts, lawyers, and entrepreneurs. Indeed, the notion of common good, a plausible objective in the areas of forest preservation or icon restoration (where more worldly considerations would be, for example, to undermine the political power of the nobility or the influence of the Russian Orthodox Church, respectively), is less convincing in the section about mining practices, which focuses on a more troubling aspiration of pure economic efficiency. Mining entrepreneurs might indeed have been frustrated by having to pay local landowners 700 rubles per *desiatina* for a 60-ruble plot of land (p. 81), but speculation in land and other resources is an integral part of Western capitalism rather than evidence of exceptional extortion or inefficiency.

The key villain in the book is Russia's first large-scale privatization campaign, carried out by Catherine the Great in 1782, which "proclaimed the right of private owners to dispose of waters and mineral resources on their lands as they wished" (p. 25). Pravilova regards this law as a "time bomb" because of the difficulties it later created for Russia's industrial development (p. 26) but points out that at the time it was taken the measure was hardly avoidable, given the Russian state's lack of ability to manage its vast resources directly. Instead, Catherine's government opted to do so through the agency of individual nobles who, they envisioned, would be prevented by Enlightenment ideals from engaging in abuses or mismanagement.

Pravilova argues that this confidence in individual serf- and land-owning nobles was misplaced because the regime of individualistic private property was itself a complex and costly aspiration. "Governing a society of private owners was so monumental a task that the Russian state could not handle it" (pp. 78–79), largely because nobles failed to understand property as "binding and obliging, and not only permitting" (p. 209). The point that private property entails expense, resources, and knowledge no less than public or state property is well taken; it is also clear that Catherine's social project eventually had to be adapted to new conditions. However, it is important to not exaggerate the project's failure, as several scholars of the early nineteenth century have recently argued (Randolph 2007; Dennison 2011; Antonova 2013; Martin 2013). It is perhaps an overstatement to claim that Russian nobles "could not absorb the idea of ownership bound by obligations and commitments" (p. 79).

But the second, more fundamental, trouble with the Catherinian regime of private property, according to Pravilova, was not simply that it was flawed as conceived but that the government failed to reconfigure it in step with Russia's changing economic and social needs before it was wiped out by the Bolsheviks. In the absence of most other fundamental freedoms, private property became untouchable, "the quintessence of political relations between the throne and society, the pillar of the social order and a central element of its cultural worldview" (p. 128). Thus, even the liberal experts and entrepreneurs who in general were opposed to Russia's social and political status quo accepted this exalted status of property relations and bought into "a belief that ... change in the regime of property was almost a universal tool for resolving various social and economic issues" (p. 97).

One important opportunity to correct the faults of the eighteenth-century property regime was the period of the Great Reforms—and especially the serf emancipation in 1861 and the reform of state peasants in 1866. The reforms, Pravilova argues, "shook up the entire system of property rights ... shifted the border between private and public by asserting that the freedom and well-being of one social estate was a public good ... proved that private property was liable to state intervention ... led to [a] reappraisal of the state's role as a regulator of property relations, and called into question the status of state property" (p. 59). At the same time, the reforms' promise was not fulfilled because the exalted status of private property was supplemented by government regulation that proved to be more constraining than regulating, most importantly by preserving the peasant commune. The Emancipation was particularly limiting for the development of public mining rights because it restricted free alienation of peasant landholdings. However, it is less convincing that Pyotr Stolypin's land reforms in the early twentieth century were necessarily a "catastrophe" for mining industrialists (p. 83): negotiating with "millions of individual peasants" who were very vulnerable could not have been more difficult than dealing with state-protected peasant societies.

A Public Empire is a book about imperial Russian law as much as it is about elite liberal discourse and practice. It introduces a wealth of fascinating information on important but little-known laws and legislative proposals, from the management of

protected forests (a landmark 1888 law) to restrictions on hunting introduced in 1892 and international agreements on translation rights in 1857 and 1904 that were linked to Russia's foreign policy disasters of those years. The book also discusses a number of illustrative legal cases, including two wonderful and very effective vignettes about fin-de-siècle controversies over the authority to preserve and restore antique icons. It would have been helpful, however, to discuss legal practice in greater detail and, especially, to provide more information on how the most important pieces of legislation, such as the irrigation law of 1902 (to give just one example), were applied (p. 105).

In contrast to less astute histories of Russian law that find the subject to be hopelessly fragmented, Privilova emphasizes the existence of a single legal space in late imperial Russia, showing that "archaeologists and art experts operated within the same legal environment as foresters, mining engineers, and hydrologists" (p. 178). Nonetheless, she finds several important faults in this legal environment. One is the alleged general weakness of Russian legal tradition. Privilova downplays the significance of Russia's pre-Catherinian legal culture (p. 178) and argues that even in the late imperial period "the Russian system of property was inflexible and clumsy: it did not allow for the easy and cheap transfer of property. This awkwardness of laws was not compensated for by ... flexibility of legal and administrative practice" (p. 90). Given that works by Nancy Shields Kollmann (2012), Jane Burbank (2004), Michelle Lamarche Marrese (2002), George G. Weickhardt (1993), and several other historians highlight the existence of a robust organic legal tradition in Russia, including the legal framework of property rights and property transactions and reaching into the pre-Petrine period, this argument needed to be elaborated.

The second limitation of the law identified by Privilova stems from the fact that clearly drafted laws do not necessarily lead to desired results, as witnessed by the Ottoman Empire and Egypt, whose very clear legal regimes, designed to prevent the looting of their archeological treasures, mostly failed. By contrast, England was the world's first industrialized nation despite its clumsy, ill-defined, and antiquated legal system in which the rules of public property were far less developed than in France or Germany. This fact leads Privilova to conclude that a legal regime is not as crucial for economic, social, or cultural development as the overall culture of property: "Not the form of property, but rather the constellation of subtle mechanisms that govern property relations, and the social and cultural conditions in which property is nested, can turn a property system into either a brake or an engine of industrial development" (p. 90).

The third and perhaps most fascinating limitation on the ability of law to regulate the public domain is the notion that some objects or types of activities—for example, artistic and literary treasures—lay outside conventional legal notions and deserved to be "exempted from 'regular' property rules" (p. 179). Russian patrons of art often believed in "the concept of art as having a specific proprietary status, outside the codes of law" (p. 195), requiring "the invention of specific legal regulations" (p. 215). In at least one instance, the debate on translation rights, this belief put Russian authors and publishers on the opposite end of the spectrum from their West-

ern European colleagues: whereas the common trend was to emphasize an author's right to benefit from translation of his work, Russians vehemently refused to limit their ability to translate and publish the works of foreign authors—while protecting their own authorial rights at home.

In sum, Pravilova's main achievement lies in combining several diverse subjects that would appear narrowly specialized if taken separately but which together create a dazzling panorama of imperial-era intellectual debate and reform projects that attempted to carve out a discrete domain for public property. The fact that private property rights are never absolute or exclusive is well known to anyone familiar with Anglo-American legal scholarship—used extensively and productively in Pravilova's book—but now this insight will be more accessible both to historians and to other specialists in Russian studies. The book will, therefore, be informative to social scientists interested in legal culture, connections between public and private spheres, liberal governance, as well as conservation of natural resources and cultural preservation. *A Public Empire* does, however, somewhat exaggerate the extent to which public-mindedness triumphed over older, more individualistic regimes of private property in Western legal systems in the late nineteenth century. Finally, there is a contemporary significance to the book; although it is not mentioned as such in the text, it is impossible to ignore the obvious parallels between the Catherinian privatization and the post-Soviet manifestation, as well as the relatively unrestrained—and still growing—domain of private property in today's Russia. Remedies for the excesses of private property identified by imperial-era professionals and researched by Pravilova thus point to a possible redirection of contemporary Russian liberalism to be less “fixated” (to use Pravilova's expression) on private property rights and more dedicated to the common good.

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