Introduction

RES PUBLICA IN THE IMPERIAL STATE

State, Liberalism, and Reforms: Russia in the European Context

Europe’s long nineteenth century (1789–1914) was rich with bold innovations and great disappointments. The rise of nationalism, the “social question,” feminism, and new models of public administration and economic policy were accompanied by the demise of well-established concepts. Such was the fate of individualism, defined by Anthony Arblaster as the “metaphysical and ontological core” of classical liberalism. Individualism and its corollary—the principle of inalienable private property—had been seen as the greatest conceptual achievement of post-revolutionary Europe. Yet by the end of the century, this crowning jewel of the liberal order found itself widely criticized and discredited in favor of more community-oriented, state-sympathetic, and social-minded doctrines. This ideological shift both reflected and contributed to a profound transformation of the state. The new state that evolved as a result is much more familiar to us than the “state as watchdog” ideal popularized by early-nineteenth-century liberals. Contrary to early liberal beliefs, government powers steadily increased over the nineteenth century, developing internally through the rationalization of the state apparatus, the professionalization of bureaucracies, and the influx of experts and technocrats. States also assumed new functions in the areas of welfare and social protection, economic regulation, and cultural guidance, while at the same time transferring many of their tasks to public organizations. As a result, government became at once more visible and transparent and more intrusive.

The state was not, indeed, the only beneficiary of the decline in individualism: one of the most important and visible consequences of this development was the growth of the “public” domain at the expense of private properties. Many objects and resources that had previously made up the bulk of the private wealth of Old Regime and post-revolutionary Europe changed hands and became regulated either by state agencies or by public organizations. Private ownership of publicly important things was restricted by multiple conditions drawn up by experts on the basis of “scientifically” established principles and enforced by the government. In the second half of the nineteenth century,
one saw the development of public trusts owning erstwhile private estates now cherished as historical monuments. Acting on behalf of the nation, the state introduced new rules that limited the disposal of privately owned forests; wealthy landowners could not hunt on their own estates if the law designated their potential prey as protected species. Private owners had to agree to the ubiquitous taking of their properties for the construction of “public” places—new streets, avenues, and squares, as well as publicly important railways and other means of communication. Liberals, however, did not perceive this growing intrusion as a threat to private freedoms: inalienable private property ceased to be the main and unconditional attribute of personal liberty, whereas the possibility to construct spaces for public life came to be seen as the prerequisite of the society’s collective freedom. This process culminated in the impressive mobilization of material and human resources during World War I, the temporary nationalization of resources and curtailing of free markets. It is hard to imagine how the states involved in the total war, first of all Britain and France, could have persuaded citizens to give up their freedoms and sacrifice their possessions had the neo-liberal and state-tolerant ideology not made such spectacular progress in the decades preceding the outbreak of the conflict. Giving up one’s possessions for the needs of war came to be seen as an “essential ingredient of Republican virtue,” just as much a part of the war effort as military mobilization. Nationalism alone could not have kept the tremendous strain of the war from breaking into social conflict: the idea of a common cause that was superior to private wealth thus contributed, at least indirectly, to the success of mobilization.

This book explores the development of the public sphere in the Russian Empire. It examines the shifting boundaries—in terms of concepts and actual legal practices—of property in Russia from the time of Catherine the Great to World War I and the Revolutions of 1917 to show the emergence of a new vision of society and new practices of treating “public things”—rivers, forests, historical monuments, art objects, and literary masterpieces. The main object of my inquiry is a phenomenon that was never institutionalized in Russian laws but nevertheless existed in people’s imagination, rhetoric, and politics—the concept of “public property,” the res publica—a world of things to be owned by the public yet managed by the state on the public’s behalf. This vision in its general contours resembled the ideas of neo-liberals in Britain, the social philosophy of French solidaristes, and the legal concepts of late-nineteenth-century German and Austrian jurisprudence and sociology.

Russian proponents of the idea of res publica belonged to different ideological and political strands, professional communities, and cultural milieu; some of them persistently refused to identify themselves with specific political parties or currents due to their desire to stay away from politics, especially electoral politics. This desire betrayed their aversion to the rigidity of political labels often noted by contemporary historians. However, in this book, I will define this worldview and the project of res publica as liberal with an important
condition that we understand the term “liberalism” broadly and refer to its fin-de-siècle reincarnation. The critical difference between the classical and new liberalism was in the nuances of the attitudes to the state, private property, and the balance of individual/public values. The core of liberal ideology remained unchanged: liberalism preserved its firm commitment to the idea of freedom and the limitation of state's rights, with corresponding enlargement of its functions and obligations. Russian liberal intellectuals also remained faithful to the concept of private property, although their understanding of property substantially differed from the early-nineteenth-century version. These intellectuals sought not to strengthen private property, as—compared to other civil rights in Russia—property was already fairly well protected, but rather to reconceptualize property by changing its very essence. The concept of property, they believed, must be shifted to represent not just the private or personal but also the public responsibilities and commitments of the owner. This new vision of property introduced the public as a subject of rights—in its essence, it was a liberal, although not individualistic, vision.

The liberal idea of public domain proved to be very appealing and versatile, and earned support from many nonliberal moderate politicians and technocrats in the government. However, much less was achieved in Russia in terms of practical policy and legal reforms, which necessitated fundamental transformation of the state. Russian liberal-minded intellectuals never witnessed the full embodiment of their ideas in policy but, nevertheless, tried to implement them in their professional practices as engineers, foresters, lawyers, literary critics, or architects. The unfinished process of building public property in Russia cannot be considered as a total failure or as another sign of Russia’s exceptionality. At least the “otherness” revealed itself differently in the development of Russian liberal ideology, practices of property relations, and the transformation of state institutions. This book explains the reasons for Russia’s particularities and highlights the country’s points of convergence with European trends.

One may wonder why instead of addressing the persistent problem of Russian history and contemporary politics—the vulnerability of private property—I explore the development of ideas and institutions that were opposite and even inimical to private ownership. Wasn't private ownership the vitally important and tragically missing element that precluded Russian economic growth and political development? This book explains that the obsessive focus on the issue of private property in Russia reduces the complexity of alternative regimes of ownership evolving in parallel to private ownership. It demonstrates why private property in Russia, which turned out to be overdeveloped in some areas while indeed remaining underdeveloped and vulnerable in others, proved to be not always the most just and the most efficient form of holding and managing things. This book argues that property can take many forms and acquire different meanings, and that historical analysis should concentrate on
how these forms emerge and how the meanings of property change under the influence of cultural, economic, and social transformations.

The study of the formation of public domain in imperial Russia continues recent trends in the historiography while at the same time offering important revisions. It is no exaggeration to say that recent historiography has tended to undermine the meaning of private property as the key concept of industrial society and the foundational institution of modernity. Recent historical accounts have refuted the narratives of the triumphal development of private property, and, instead, described the multilayered systems of ownership and possession in land and other resources, while criticizing the government's efforts to simplify these relations by squeezing them into the narrow schema of private ownership. Private property in modern historiography has come to be symbolically associated with state coercion and prescriptive rules (as opposed to flexible customs), and with colonialism and its strivings to create uniformity. Thus, paradoxically, in modern narratives, the development of private property appears often not as a corollary of liberation and the symbol of freedom, but as the outcome of the state's obsessive urge to improve "human conditions." Nowadays, one could hardly find a single book that claims to show the unambiguous success of private property in the modern world, and the few studies that pursue this task base their historical justification for private property on the principle of *contradictio in contrarium* by referring to the failure of early socialist experiments or the bankruptcy of the Soviet model as proof for the advantages of private ownership. Modern studies of property assert the complexity of forms, the relative political and social value of private property, and suggest employing different methods of anthropological inquiry, micro-history, and economic analysis in order to re-create and explain the evolution of property relations. Property appears a "paradoxical" phenomenon in modern history that defies easy explanation.

Indeed, the modern historiography of property is itself a remarkable phenomenon that reveals much about current visions of social order, wealth, and virtue. My study of the emergence of the public domain does not juxtapose "egotistical" private property and the "virtuous" public form, or draw clear lines between "liberal" private property versus the public counterpart favored by "authoritarian" regimes. Instead, I attempt to answer the question of why the rule of private property, initially established in certain spheres of economy and social relations, yielded to other forms. What circumstances and processes led to changes in the understanding and application of property rights, and what were the consequences of such reforms?

These questions have particular importance for the historiography of imperial Russia. Paradoxically, the history of property in imperial Russia has never been a part of a global, European, or comparative history of property, and (both for better and for worse) has remained immune to the relativist (and sometimes even anti-private-property) spirit of recent works. Since Richard
Pipes’s influential account that unambiguously paired private property with political freedom and criticized Russian autocracy for precluding the development of both elements, most historians, even while arguing against Pipes’s vision, have worked within the “private property” paradigm—an opposite to the one that has dominated European and American historiography for the past twenty years. The predominance of this vision in Russian historiography is understandable given the limited development of property rights and absence of freedom in the Soviet Union. At the same time, it underscores the historians’ preoccupation with the abnormalities of Russia’s development, and the search for the institutions of private property revealed their desire to overcome the “special path” paradigm.

A great number of important and interesting works about property in imperial Russia have been written. Martina Winkler and Dmitrii Timofeev have shown the passionate perseverance of Russian intellectuals and politicians to the idea of private property in the late eighteenth to early nineteenth century. Richard Wortman has offered a thought-provoking and sophisticated analysis of why, by the end of the nineteenth century, Russian thinkers had lost interest in the idea of private property and why they failed to identify this institution with civil rights. Michelle Marrese, Lee Farrow, and William Wagner have traced the development of family property rights from the time of Peter the Great to the early twentieth century. Numerous studies on agrarian reforms have analyzed public debates on the flaws and benefits of communal and private landholding, as well as the government’s attempt to regulate the use of land by peasants. Eric Lohr has analyzed the impact of World War I and nationalism on property rights in his book about the campaign against enemy aliens in Russia. These and other works have created a context within which I develop my argument. However, my book shifts the focus of attention from the debate over whether or not private property existed in Russia to a more productive discussion about how and why private ownership of certain resources, things, and capital (tangible and intangible) has evolved, and why private property can appear in varying contexts as either an appropriate or an inappropriate form of ownership. In other words, the key questions that interest me center on the limits of private property and the various ways in which it is either established or not established as a social institution, the conditions that are essential for the institution to function effectively, and the ways in which property forms, private property included, have changed over time. To address these questions, my book moves in a number of directions, combining discussions relating to the history of Russian liberalism and legal thought, the culture and practice of ownership, state reformism, and the competition to establish authority over resources and people.

An inquisitive reader may still question whether even posing these questions is entirely appropriate for Russia. Am I not simply imposing premises drawn from studies of nineteenth-century European politics on the Russian
case? European liberals, one could argue, were spoiled by their relative freedom and highly individualistic culture, and thus had the luxury to insist on better recognition for public interests. But Russia had no freedom, and individualism there was less pronounced. Why then should we expect European conditions to apply?16

The comparison of Russian legal and intellectual development with various European trends would seem less problematic if we denounce the premise of sequential reforms (first constitutionalism, private property, and freedoms, and then public interests and social politics). Problems similar to those that had evolved in European countries decades or even centuries before—such as the transformation of the Russian political system—overlapped with modern issues that other countries were tackling at the same time.17 If we give up the linear vision of development, then Russian liberalism does not appear as great a departure from the European tradition as one might think. European liberalism was itself quite diverse, such that there was, in fact, no single European norm to deviate from. Also, despite the government's attempts to stop the influx of subversive ideas, educated Russians had access to European culture and eagerly consumed European intellectual exports. As a result, Russian social thought experienced the same crises as its counterparts in Europe and faced similar challenges.

At the same time, it is important to acknowledge Russian particularities. Historians of Russian political thought have struggled to define the idiosyncratic political worldviews of Russian thinkers,18 who earnestly attempted to combine concepts like personal liberty with communitarianism, producing ideas that seemed oxymoronic for their European counterparts. The British-French classical liberal worldview in Russia competed with cameralist theories coming from Germany, and, as a result, Russian social thought never fully embraced the idea of legal individualism and always reflected populist influences. One of the main differences between Russian liberalism before the early twentieth century and its French and British counterparts is that the Russian version was less alienated from the state, as witnessed by the existence of “liberal bureaucrats” in the government, the main agents of the “liberal reforms” in the mid-nineteenth century. German moderate liberalism, with its striving to reconcile the public/state divide, appeared much more sympathetic to many Russian liberal intellectuals. Dedicated to transforming the state without shaking the fundamental principles of autocracy, these liberals concentrated their efforts on nonpolitical reforms that they hoped would improve the efficacy of government and restore social peace. The statist-liberal ethos of the “rule of law” penetrated deeply into tsarist bureaucracy, living on even after the era of the Great Reforms.19 At the same time, the professionalization of government led to the rise of well-trained technocrats, whose views, as Peter Holquist has shown, are difficult to define as either liberal or conservative.20 The ideology that guided their work was that of
state efficiency, an idea that they shared, in fact, with various liberal experts in the so-called free professions.

My analysis of the reforms of property rights (projected and implemented) thus unites two historiographical narratives that otherwise rarely meet—one of the Russian state, on the one hand, and of liberalism and professional expertise, on the other. As I argue, the development of the state in Russia should be portrayed in tandem with the transformation of liberal ideology and professional knowledge that played such a visible role in the political history of nineteenth-century Europe. The state represented arguably the trickiest element in the reformist agenda: liberals and experts wanted the state to be powerful and at the same time nonintrusive—big, yet efficient. The reality proved far from the ideal, however: the Russian autocracy in fact limited the state's expansion into new areas of activity and impeded its assumption of modern tasks and functions. Despite its interventionism and fixation on the idea of total tutelage, especially in the countryside, the Russian state remained a delinquent parent to its subjects. By the late nineteenth century, the government shifted course somewhat and began developing multiple projects of social reform. Following 1905, it even went so far as to stake its political survival on the "mobilization" of the peasants,21 which meant effectively liberating them from the tutelage of their communes and the local nobility, and providing them with abundant state assistance. Yet by the time of its collapse in 1917, the government seemed to have fallen short on all counts. To many contemporaries, the state appeared at once annoyingly omnipresent and hopelessly impotent.

The creation of the public domain targeted precisely this problem: by transforming the state and making it both larger and more efficient, while also reorienting its role, the proponents of property rights reform strove to create the material foundation for a strong and independent society. To Russia's liberal reformers, the state was to function as the manager of the country rather than as its owner—a provider of services to society rather than an embodiment of power. The central requirement of this agenda was the creation of a "public domain." Given the autocratic context in which the proponents of the public domain were working, this vision had tremendous political importance. Rather than subverting or ignoring the autocracy, they would use the idea of the public domain to change it from within. Perhaps unsurprisingly, however, as events unfolded, the "state" part of this reformist agenda did not work very well; indeed, the failure of mobilization during World War I demonstrated all the political and managerial weaknesses of the autocratic order.

There was yet another point of convergence between Russian and European fin-de-siècle liberalism: its gradual professionalization. In the late nineteenth century, the reformist agenda attracted numerous representatives from among the professional elites—engineers, lawyers, scientists, and scholars—whose vision of what society should look like came to play a vital role in shaping the
agenda of liberal reform. Due to the constrained field of political activity, the professionals tried to implement their progressive agenda in the areas of their expert knowledge—a fact that explains the prominence of specialists among Russian liberals. Under the influence of new social theories, Russian liberals of the day, like their counterparts in Europe, experienced a "turn" from liberal individualism to social liberalism, albeit with less of a sense of rupture. Indeed, social liberalism simply added yet another layer to the goals of liberal politicians in fin-de-siècle Russia, inspiring them to seek not only European-style constitutional reform and civil freedom but also state modernization and social transformation.

As this book will claim, these reform-minded experts were responsible for the turn away from an individualistic vision of the social order to models that were more social-minded and state-friendly. As Daniel Beer has shown in his study of human sciences in fin-de-siècle Russia, liberals shared the belief that society was a project, an artifact that could be remade and transformed. This vision of society presupposed the subordination of individual rights "to the rights of an abstract . . . community." As my research demonstrates, experts in diverse fields, such as engineers, foresters, art historians, and literary critics, exhibited remarkably similar views on the ideal social order, with the result that the new agenda of liberal reform shifted from an emphasis on individual personal freedom to the freedom and rights of society. Society, or "the public," along with the individual, was to become the bearer of rights, including the right to own property.

Property and the Social Order

The idea of building a public domain provides a remarkable example of how the reform of property rights was imagined as having the power to transform the entire social order, including such fundamental concepts as personal freedom, public interest, state power, and the state-society relationship. Russia was not unique in this regard, however: the ambivalent nature of property as both an essentially personal attribute and at the same time an institution of the social order had long fueled debates among economists, philosophers, and political theorists in Europe and elsewhere. And the contradictions were obvious from the start. From its very inception, the modern idea of property was closely linked to understandings of individual freedom; yet no other freedom was so tightly circumscribed by rules and social commitments in favor of the public and the state. The dilemma of property and poverty, the ambiguity of a God-granted right that at the same time produced misery and inequality, the tensions between the mutually exclusive private freedom of owners and public needs—all of these seemingly basic qualities of property appeared so great as to be almost irreconcilable. Consequently, much of the energy that went into
thinking about property was directed toward trying to align or balance the "absolute" right of property with the needs of social justice and the public interest, all of which led to a variety of both utopian and pragmatic projects for reforming the social order.

The outcome of the debates over property in Europe is well known: the golden age of classical liberalism was still ongoing when the first projects proposing the end to private property appeared. Indeed, the orthodoxy of the absolute good of private property came under attack from all angles: socialists wanted justice, traditionalists argued for preserving collective institutions, and government officials and scholars who experimented with establishing private property in colonial settings raised doubts about the universal applicability of the institution. The demise of classical liberalism, challenged by the new realities of mass politics, democracy, and nationalism, drove the evolution of the theory, law, and practice of property rights to a new stage. The new liberalism of the late nineteenth century thus offered a vision of property that was checked in the name of the common good. The right to property was never absolute, even when the majority tended to think it was, but the scale of the constraints placed on it steadily increased, as the public domain expanded at the expense of private owners.

The development of the state and of professional experts also played a role in the development of property, which was neither linear nor straightforward. While strengthening the security of private property, the state at the same time introduced multiple mechanisms subjecting private ownership to its own control. Private property was to be recorded, registered, and taxed, functions the state was increasingly able to perform with ever greater precision. This increased "visibility" of property was ambiguous: it allowed a private owner to turn to the state if another individual contested his or her rights, yet it also made private property less "private." Major private and public enterprises required the expropriation of private properties, and although well-elaborated laws on expropriation afforded far greater protection to private owners than did the old practices of seizure, the scale of state intervention inexorably grew. In the nineteenth century, professional experts discovered new methods to manage and preserve "publicly important" or exhaustible resources. Since these tasks could succeed only with the help of the state or public organizations, they advanced the enlargement of the public domain. Though it continued to function, the institution of private property no longer appeared to be the most robust or effective form of property ownership.

The development of private property in Russia appears extremely compressed and eventful: both the triumph and the demise of the idea of property were swift and intense. Quite characteristically for Russia in the eighteenth century, where the state was the main agent of reforms, the first person to introduce and popularize the concept of property was Catherine the Great. It was the empress who did the most to underscore the linkage between freedom and
property, although, as we will see, she applied it inconsistently. As I will demonstrate in the following chapters, the concept of property was initially interpreted in Russia with great emphasis on individualism and far less on property's social meanings. At the same time, though the empress was the undeniable inventor of this key "liberal" institution, her vision of property was nonetheless quite limited and conservative. Thus, for all their “individualistic” spirit, Catherine's property reforms emphasized the right to property as a gift granted by the monarch to his or her nobles and therefore tended to reinforce the noble landowners’ subordination to the throne, just as the empress, a talented social engineer and politician, had so craftily intended.

Challenges to Catherine's individualized concept of property appeared simultaneously from several directions, with the first signs of the concept's erosion appearing just a few decades after her initial reforms. In the late 1820s and 1830s, European ideas of rationalizing the use of natural resources had made their way to Russia, spurring a debate on the obligations of forest owners vis-à-vis the public—an imagined collectivity of people inhabiting the country, composed of current and future generations. At the same time, prodded by the pleas of Russian writers and artists, the government composed laws on literary property and confronted the problem of mediating between the private (material) and public (cultural) benefits of literary works. The first law on literary property (1828) defined the writer and “the public” (or the audience) as two agents in a common cultural exchange, each entitled to a share of the final product—that is, the literary work, which was seen as an expression both of individual creativity and of the nation's cultural development. From the mid-nineteenth century, the process of reconsidering old property relations and rebalancing private and public interests led to frequent collisions between the interests of private owners and the public over environmental protection (forests and water), the economic exploitation of natural resources (rivers and minerals), historical preservation, and artistic property. As a result, many objects that had fallen under the mantle of private ownership in the late eighteenth century now came to be seen as public goods. The meaning of “private property” had thus changed: from its original condition as an “absolute” domain and an exclusive right (although in practice it was never absolute nor exclusive), private property had become a much more restricted affair, weighed down with multiple commitments and constrained by public interests.

The juxtaposition of Catherine's obsession with the idea of private property and the efforts of fin-de-siècle liberals to find an alternative to it suggests that individualism is not the exclusive attribute of liberal ideology. Moreover, since both Catherine and the later intellectuals took the inspiration for their thinking about property from the West, the ambivalent attitude toward individualism is not a Russian peculiarity. Instead, there were multiple varieties of “individualisms” (romantic-conservative, as well as what we might call “liberal” or possessive), and, hence, flowing from this, there were also different varieties of
“private property” that then became invested with diverse social and cultural meanings. Consequently, it is wrong to suggest that all liberals see private property as an absolute virtue, just as it is an oversimplification to argue that anti-liberals see it as an absolute sin. Instead, the meanings of property(ies) have been historically diverse and changing, and a key goal of this book is to trace the reasons, circumstances, and moving forces that created these changes in the Russian context.

What interests me most is not the well-worn story of the gradual limitation of individual freedom to own things, but rather the emergence of the “public” as a bearer of rights and liberties—both in practical terms as well as in the arena of rhetoric and the imagination. The establishment of a public domain required both the limitation of individual property rights and the reform of the state. It revealed that the model of absolute private property supported by the monarchical state on the basis of an unwritten contract of loyalty, with no space left for society, was essentially an anti-liberal construct. The Russian liberals who advanced this critique were not working alone: Émile Durkheim pointed out in 1899 that “individualism developed in history at the same pace as statism.” Léon Duguit, expanding on this idea, claimed that the state should be viewed not as the quintessence of public power but rather as an agent of public services, the “immediate realization of the public interest.” Not surprisingly, the writings of Durkheim and Duguit and the concept of restoring the “public” as a legal and political subject became immensely popular in Russia.

Russian liberals went even further in their critique of individualism and the state, however, arguing that the state in its then present form had become an obstacle to the formation of the nation and was undermining social cohesion. Rather than the two-dimensional (individual-state) order, they advanced the concept of a three-dimensional polity (individual-society-state) and condemned reckless individualism as a deviation from the authentic (Lockean) liberalism, as much as they criticized excessive state interventionism. Pavel Miliukov, the leader of Russia’s main liberal party, the Constitutional Democrats, expressed this idea clearly in his article on the freedom of speech (1905). His vision of freedom was far more constrained and attuned to public interests than that of early-nineteenth-century liberal ideals. According to Miliukov, both excessive individualism and overweening state control (or censorship, in the case of the press) tore at the fabric of society, destroying the social and cultural ties between individuals as well as between successive generations.

At the same time, it is worth pointing out that the proponents of this new view of property did not see themselves as undermining or reducing the value of individual freedom per se. Bogdan Kistiakovskii, in his essay “In Defense of Law” (1909), famously stressed that freedom and order were two sides of the same coin of law, and he lamented the absence of “the ideal of a legal person” in the Russian tradition, despite the Russian intelligentsia’s fixation on the self. The alternative concept of personhood that Kistiakovskii and others seemed
to be proposing assumed instead a combination of internal spiritual freedom, civic maturity, and self-discipline. Celebrating the revival of the idealistic vision of personality, Russian liberals condemned individualism as its extreme and perverted embodiment. In other words, as Michael Freeden writes of the legal philosophy of late-nineteenth-century British liberals, “Individuality . . . replaced Individualism.”

Indeed, many Russian philosophers before Kistiakovskii and Miliukov, most famously the Slavophiles and populists, condemned private property and individualism altogether. However, the liberals whose ideas I analyze offered a different vision that sought not to eliminate private property but rather to transform it, stripping it of its individualist traits. How was this possible? How did they imagine private property without individualism, and what were the political and cultural implications of such a vision? Considered from the perspective of classical liberal doctrine, the whole idea that there might be a way to separate the concept of private property from individualism seems impossible since property was regarded as the chief quality of an individual and a primary symbol of citizenship. Ever since the seventeenth century, property had been cast as a basic foundation of civic virtue, thus providing a powerful justification for the institution and offering a useful means for reconciling moral exigencies and material interests.

By the end of the nineteenth century, however, the seemingly straightforward relationship between virtue and property had started to come under question, and the mere fact that one was a property owner appeared to some critics to be an insufficient measure of good citizenship. To these critics, property was not what in early modern philosophy “qualif[ied] the individual for citizenship.” Instead, being an owner required possessing specific qualifications: the possession of knowledge (sometimes a very specific form of expertise, or the ability to hire a professional to manage one’s estate), a sense of civil responsibility, and the appreciation of the existence of a greater public interest and the willingness to yield to this interest when needed.

The opposite vision—that property was somehow itself powerful enough to create good citizens—still figured in the government’s reformist agenda, and was prominently represented in Petr Stolypin’s utopia of creating a new social and political order through the individualization of peasant landholding. Nevertheless, as Yanni Kotsonis has demonstrated, Russian reformers of the late imperial era, many of whom were “professionals” employed by the state, had doubts as to whether peasants were mature enough to perform as private landowners, and eventually downgraded the property they could own from “private property” to the euphemistic “individual property.” As my research suggests, the proponents of property reform offered extending expert control to the exercise of proprietary power (when dealing with the ownership of publicly important things) to all categories of owners, disputing the inherent virtue of individual possession. Later, the Bolsheviks would go on to reject doubts about
the omnipotence of institutions that had been characteristic of fin-de-siècle liberalism, thereby ironically adhering to the early classical liberal faith in the transformative power of property. As they saw it, the renunciation of private property appeared powerful enough to change not only the political order but also people themselves.

The meaning of “property reform” in prerevolutionary Russia was also understood broadly: not just as a set of legal innovations but also as a change in the practice of creating value in both public and private life. In other words, the proponents of the public domain strove to change the attitudes of owners, lawmakers, and the general public toward particular kinds of things. It is thus no coincidence that property found itself at the center of the debate about what constituted sociability and the public, and not just the ownership of any property but rather of those things perceived to have public value, such as natural resources, historical monuments, and ideas.

As anthropologists studying the social relations of property have suggested, transactions involving material and intangible objects of ownership operate on two levels: the first dominated by short-term transactions within the arena of individual competition, and the second, a long-term order focused on the production of social values. The process by which a wide variety of things accrued new value as objects of use, ownership, and protection shares this dualistic character. In terms of mundane property exchange, forests served as sources of material wealth, measured in acres of timber; while the mansions of eighteenth-century aristocrats were treated as real estate, measured in desiatinas and assessed in rubles; and literary works were seen as objects of trade between publishers and writers. Yet as bearers of moral values, forests came to be seen as evocative of the supposed uniqueness of Russia’s natural environment; familial estates loomed as treasures of national culture and bearers of cultural memory; and literary works acquired new value as tools for building the nation. Society, or the “public,” as a subject of property rights was seen as a main participant of exchange on the level of cultural values.

As this book demonstrates, the emergence of the new vision of property relations was initially prompted by the conceptualization of abstract entities such as “nature,” “historical monuments,” “art,” and “literature.” Attaching one of these labels to an object of property meant elevating it from the arena of mundane economic transactions to the realm of “public property,” where regular economic rules no longer applied. The omnipotence of a private owner was undermined when his or her property came to be seen as a public thing. The “temporary” status of private property held by individuals seemed secondary, even insignificant, when compared to the “eternal” public property of multiple generations whose claims to ownership existed in a sense outside of time, with links to both the past and the future.

Considering the politics of property in imperial Russia in this light allows us to bring new actors into the narrative of reform—forestry experts, engineers,
economists, and specialists in historical preservation, art history, and textual and literary criticism. All of these groups asserted their authority to create a “public opinion” with regard to objects, thus elevating their power to define the value of things and, eventually, create a public domain. The experts’ choice of the necessary criteria for defining what constituted a historical monument, for example, carried significant consequences, since it was their expertise that determined whether a given object was subject to public ownership or suitable for private appropriation. When Russian art historians decided that icons were indeed pieces of art in the early 1890s, they precipitated a bitter struggle with the icons’ nominal owner, the Orthodox Church, with the art historians insisting on the expropriation of icons as objects of art and their relocation from churches to public museums, and the Church resisting. Meanwhile, literary critics debated the definition of a literary work as they attempted to draw up plans to reform copyright laws. If a letter written by a deceased writer counted as a piece of literature, then the public should have the right to read it, they determined, notwithstanding the proprietary and moral interests of the writer’s family. Similarly, foresters, hydrologists, and many other experts debated what kind of natural resources (and which species of animals) should be put under public protection and thereby elevated to the status of “public things.”

The dilemma of “private interest versus public property” was not confined to the sphere of political debates and legal reasoning. A great many individuals confronted this choice in their personal experience. The stories of Pavel Tretyakov, the founder of the famous art collection in Moscow; his collaborator, Ilya Ostroukhov; and Praskovia Uvarova, the leader of the Moscow Archaeological Society—all individuals who found different ways of balancing their personal interest in art collecting with the defense of a national “public” art—represent examples of how the ideology of the public domain shaped individual lives.

Disputes over how best to protect historical monuments even resulted in court cases—such as the case involving Princess Maria Tenisheva, a passionate amateur collector of old Russian art, and another that ultimately led to the prominent master of icon restoration, Evgenii Briagin, going to prison. In the literary domain, the root of the conflict was the tension between the essentially private, intimate nature of creativity and the fact that the product of this deeply personal experience acquired value only through the exposure to the public and the book market. The stories of Alexander Pushkin’s struggle to protect his work from plagiarism and illegal reproduction exemplified the desire not only to secure his income, but also to safeguard his private literary domain from total appropriation by the audience. A few decades later, Lev Tolstoy condemned the privatization of literary works, but his attempt to make the public his legal heir and owner of his literary property failed. This failure raised doubt regarding the possibility that the public might become a legal subject in
an autocratic state. A similar issue—that of who became the owner of natural resources once they were nationalized—arose when groups of entrepreneurs initiated—almost simultaneously—a campaign against the private owners of rivers and mineral resources. The experience of engineers confronting the resistance of landed aristocrats (the famous Vorontsov-Dashkovs, among others) and the stories of peasants who chanced to own coal deposits in Donets Basin also reflect the human dimension of the politics of property reform.

The idea of building a public domain touched on various projects of political, social, and cultural transformation. For most experts, work on these questions represented a path to power, since the imagined public domain was to be governed by a professional elite—that is, by people like them. The establishment of the authority of knowledge in a modern state, already the subject of many studies, features prominently in my story too, although in a slightly different mode. Some proponents of the public domain pursued an agenda of cultural transformation in the belief that by making things public, they would eventually create a mass of educated people responsive to liberal political ideas. One can interpret this politics as an attempt to build a much-desired “civil society” by providing it with a shared material foundation, an object of common care and shared use. At the same time, other advocates on behalf of public property had more prosaic interests and aspired to derive economic benefits by liberating natural resources from the monopoly of private owners. Although the idea of public property remained politically unacceptable and alien to the autocracy, a few bureaucrats in the government (the previously mentioned technocrats) also tried to make use of it. For instance, the concept of water as res publica served as the main justification for the establishment of state control over water resources in the Caucasus and Central Asia. Indeed, the authors of these first Russian laws on the use of water creatively interpreted the liberal concept of public property in favor of the colonial government, substituting the “state” for the “public.”

The contours of the new order of property relations also remained blurred: some, like the forestry experts, expressed their unconditional belief in the (reformed) state as the best manager of public resources; others remained highly skeptical and insisted on the complete removal of state institutions from the management of the public domain. Common to these projects of state reform was an impulse to transform the huge and poorly governed world of the state property—the possession of the tsarist bureaucracy—into a modern public domain, administered either by public institutions or by state agencies on behalf of the public. In other words, what these reformers sought was the deindividuation of the state, and for it to be deprived of its status as a private owner.

The variety of opinions as to how to institutionalize the public domain originated in the inherent tension surrounding the project: the autocratic regime denied society the status of a political or legal entity with representation. Who, then, would serve as the agent of this noninstitutionalized public?
would manage public resources on behalf of the nation? In the absence of institutions representing the public and vested with its trust, these questions acquired special political importance. The constitutional reform of 1906 did not change the situation: the government continued to deny the existence of society as a sovereign subject outside the state, while the proponents of public property, in turn, refused to accept the Duma as the political embodiment of the public.

In Europe, the idea of the public domain rarely acquired such fraught political meaning. As Carol Rose has shown, the existence of “inherently public property,” lying outside purely private property and government-controlled “public property” had been recognized in common law since the Middle Ages. The establishment of a liberal economic order in England and the United States left the sphere of public things “collectively owned and managed by society at large” intact: roads, streets, rivers, and public recreational places preserved their status, sanctified by tradition. The courts came to recognize the proprietary rights of an “unorganized public” despite some initial difficulties in framing the argument in favor of an invisible owner. More importantly, the constitutional regime of governance made the distinction between “public” and “state,” if not totally meaningless, then at least not politically important. In continental Europe, the process of building a public domain separate from both private and state possession was pushed forward by the French Revolution, which proclaimed the sovereignty of the nation, supported by its power to dispose of public things. The Roman res publica was cited as the origin for this legal model, thus giving it a more legitimate and universal appearance. By the end of the century, almost all European law codes acknowledged the existence of a public domain that kept growing and included many objects formerly considered private.

In Russia, by contrast, many of these conditions for the development of a public domain were missing: “inherently public things” were enclosed by private landowners, while the revolutionary changes in civil law that spread across continental Europe did not have much of an impact on Russian autocratic practices. Yet the idea of the public domain nonetheless had an impact. The creation of a public domain, its supporters hoped, would substitute for the missing element of popular sovereignty, thus creating the material foundations for the emergence of a civil society and helping to strengthen the bonds of a society split up in multiple estate-based and cultural clusters. Carol Rose reminds current lawyers and policy-makers that “the chief lesson from the nineteenth-century doctrines” was that public things are essential for sociability; without public property, “the public” turns into “a shapeless mob.” Russian intellectuals, struggling for the freedom of society to own its public things, embraced an agenda that was similar but even more ambitious. They assumed that one could create the nation by giving it a material foundation. This agenda in effect offered
an alternative to the radical political doctrines that eventually featured in the
Russian Revolution. The idea of a public domain aimed to cure the illnesses
of the world, built on the foundation of private property, without eliminating
this property altogether. On the contrary, private property was essential for the
construction of a new system encompassing a variety of forms of ownership.

The structure of this book reflects the complexity of the problem I am tack-
ling. I begin with an introductory chapter that maps the development of the
idea of property in Russia from Peter the Great to the Great Reforms. More
specifically, I focus on the dilemma of balancing private interests with state and
public needs and trace how the idea of sociability penetrated into the discourse
of property between the 1820s and the 1840s. This chapter also introduces, as
an example, the first “confrontation” between the liberal theory of property
rights and the idea of protecting nature.

The main body of the book is divided in three parts: the first deals with
natural resources, the second with historical and artistic monuments, and the
third with the issue of copyright. Each part consists of chapters focused either
on different objects of debate—forests, water, minerals, icons, archaeological
sites—or on special issues such as the construction of public spaces as sites of
preserving national heritage, the right of writers’ heirs to control the fate of
their inheritance, and the issue of protecting the authorial rights of foreigners.
This objects- and issues-based structure introduces various participants in the
debate, and shows how the same idea evolved independently (and simultan-
ously) in different spheres. Anticipating objections to the comparison of such
seemingly distant fields as mining, forestry, preservation, and publishing, I
would stress that the idea of the public domain straddled each of these differ-
ent arenas. The reader will see a striking similarity in the questions raised in
discussions on the preservation of forests and icons, in debates on the “freedom
of mining” and the “freedom of translation.” Indeed, we would rarely notice
“personal” ties among these distinct spheres—the red thread running through
Carl Schorske’s Fin-de-siècle Vienna, an exemplary analysis of synchronic shifts
in various branches of the cultural domain and politics. After all, foresters were
hardly likely to meet literary critics in cafés. They belonged to different groups
in Russia’s fragmented professional elite. However, the consonance of their
ideas, or, as Schorske put it, the “general and rather sudden transformation of
thought and values,” 47 the synchronism of changes in the views of property ex-
hibited in different areas, suggest the existence of a common trend and shared
concerns about the formation of a public domain.

The book ends with a short epilogue, providing a glimpse into the history
of property rights and the fate of the idea of public property during the Soviet
period. Quite characteristically, the idea of a public domain was rejected in
1917 and then enjoyed a short revival in the 1920s. Eventually, it proved to be
incompatible with the socialist order. However, although they were inherently
adverse to socialism, prerevolutionary projects to create a public domain very much anticipated the reforms later conducted by the Bolshevik government, including the expropriation of publicly important resources. The idea of the collective freedom of society proved to be both controversial and ambivalent, subject to opposing interpretations—one liberal, the other totalitarian.