

PROPERTY RELATIONS AND SOCIALLY EMBEDDED INSTITUTIONS. REOPENING THE STUDY OF OBSTEA IN VRANCEA

Monica Vasile
University of Bucharest

H.H. Stahl predicts the dissolution of obstea in Vrancea in a natural way. The year 1950 does bring the dismantling of these old forms of organizing, but in a violent manner, by the total seizure of the forests as State property. Only long time after the fall of communism, the law 1/2000 permits the restoration of obstea.

This paper reopens the topic that H.H.Stahl acknowledged as a major discussion in the Romanian sociological tradition and discusses what happens with the contemporary obsti. The approach emphasizes the way in which the community and its social actors interact in and form the net of property relations that occurred after the re-establishment of the obstea institution. I propose several dimensions to be followed in detail, such as the local participation in decision-making process and the satisfaction of local population with the obstea, and, implicitly the issue of corruption and trust.

Theoretical and methodological clarifications

The paper speaks about a legal institution that rules the common property of each mountain village (mainly forests) in Vrancea Region of Romania and about the 'bundle of social relations' inside the community associated with the actual functioning of this institution. The focus is on the actors' narratives about satisfaction, support, involvement and their effective actions related to the institution and to the forest itself. The subject is very generous; there are many issues to be addressed; I have a large amount of fieldwork material and thus, the temptation to treat many dimensions at once underlines the density of this paper.

Lately, property has been in the attention of social anthropologists writing on Eastern Europe (see Hann 2002, 1998). In Romania's case, property relations are very well depicted in anthropological literature, mainly the restitution/decollectivisation process and the specific post socialist emergent social relations (for example, see Cartwright 2000; Dorondel 2005; Kideckel 1993; Verdery 2003). My study is *not* about decollectivisation or post socialist property relations. Although 'my' situation bares several contextual influences from the socialist period, the analysis shows that internal, local mechanisms are more likely to be at the core of it.

I take the liberty of drawing on several different bodies of theoretical literature, for I find them useful in clarifying analysis, without agreeing to Marvin Harris's condemnation of 'eclecticism' (Harris 1979).

Along with considering some structural aspects, the study is built on an actor-oriented perspective (Nuijten 2003).

The commons¹ issued a large amount of literature mostly concentrated on the institutional side of the topic, so to say, on a 'holistic' village-size view on self-driven management (for example see Ostrom 1990).

¹ I refer here to the commons as to a specific property regime, defined as access limited to a specific group of users who hold their rights in common (Mc Kean, Ostrom, 1995), not to be understood as open access.

Alongside with the commons issue, the paper is about participatory local development, as long as the depicted common property institutions are presumed to contribute substantially in the funding of building local infrastructure. From this point of view, the paper relies on works from the 'development studies' (Nuijten 2003, Cleaver 2001).

Rather than seeing commons management and local development only in terms of institutional arenas of action, the present study offers an insight in the way in which the community, as shaped by its actors (ordinary villagers, local informal and formal leaders, interest groups, etc.) deal with the commons, in terms of practices, representations, involvement, support and satisfaction.

Following the steps of prof. Henri Stahl in the same research area and research topic, my study enables scholars to have a *longue duree* view.

The study draws upon several methodological choices. I wish to pay special attention to a number of them.

Firstly, I take a comparative perspective, looking at 10 communities in the region rather than in one as it is commonly practiced in the anthropological field. I commenced with a study in two twin-communities that was meant to be 'the study'; I draw several conclusions from it, among which the fact that this should be only a 'pilot' study mainly because local narrations appeared to rest very much upon comparison with the other villages (the same reason in Heady 1999: 18), the micro-region of Vrancea revealing itself as a social 'unit'. In addition, the other situations seemed to be quite different, despite the homogeneity of exogenous and structural conditions; those differences were very appealing and required investigation.

Secondly, I chose to combine qualitative and quantitative methods for the fieldwork inquiry.² The empirical information was many times puzzling, as I confronted with major conflicts and cleavages among shareholders, with corruption and political involvement, all of them concluding to divergent evaluations and narrations. I tried hard not to take sides and to provide a comprehensive interpretation of our data, the quantitative scores proving for an 'objective', thus accurate view. The statistical analysis provides valid explanations and to create typologies on various dimensions, enforced and detailed by qualitative information from the interviews. The quantitative survey counts 304 questionnaires³, applied in four of the ten villages; the qualitative research counts around 170 interviews. Another methodological option is that I conducted mostly tape-recorded interviews. My informants showed very little discomfort in being tape-recorded (only at the beginning of the interview) and the transcribed information⁴ proved to be very useful in analysing the different kinds of discourses, in underlying contradictions and overtones, in analysing hypotheses that occurred later in the fieldwork or even afterwards, and, surely, in refreshing valuable information⁵.

On behalf of these options and because of the literature that I rely upon, my inquiry seems to be at the confluence of sociology and anthropology, although the in-depth approach stands more for the latter.

One of my ethical concerns was if I should give the exact names of the villages. I have several arguments to do so. Firstly, I think that every inhabitant of the region, who reads this paper, immediately recognizes which village is in question. Secondly, my analysis does not reveal any sensitive issues unknown yet from newspapers; problematic situations are very

²Information about the research: I divided the fieldwork in several visits during a period of two years (2003-2005); the financial support for fieldwork was provided by the University of Bucharest, Faculty of Sociology and Social Work.

³ We chose the random sampling procedure to ensure representative data, the questionnaire includes 101 items and the implication of students in sociology and anthropology as assistants in conducting questionnaires provides a good reliability for the answers.

⁴ transcriptions were made possible mostly with the help of my students.

⁵ although it may sound naïve, listening to the interviews again really helps in getting new connections and arguments while drawing conclusions.

often spoken out loud, are intended to become public (from the villagers' side). Thirdly, only in this way continuity with Henri Stahl's work is meaningful. Last, but not least, our sociological tradition invites us (Romanian researchers) to a *sociologia militans*, which implies to provide adequate information to be seen by appropriate decision instances.

The *key concept* and the key collective actor for the local property system we discuss here is *Obstea*⁶, an old form of participatory local governance and property administration. *Obstea* is a self-governance institution for villages' forest and pastures, spread all over mountain areas in Romania in various forms.

My interest is focused on the property regime that we particularly find in Vrancea Region⁷, which offers an interesting site for anthropological inquiry. It is a form of *using resources* and not a form of actually owning land; the rights to use are for all the villagers, *equally shared* and commonly managed through the village assembly.

The first part of the paper follows the historical path of this institution, the seizure and the communist and postcommunist period until the commons' restitution in 2000. The second part describes the general framework and organizational structures. Then, I 'zoom' into the actual functioning of those structures and property related norms, underlying local variances alongside with the importance of agency with special focus on elites. The third part details villagers' (as distinct from the category of elites) actions and ideas, their support and involvement.

Historical insight

To have a clear view over the present-day situation, firstly we must understand what *Obstea* meant in the past and how did it evolve.⁸

This institution was not founded at a precise moment, for managing the commons of a distinct community, in the form a contractual-like organisation. The legend tells us that Stephen the Great in the XVIth century endows the founders of seven villages for their military merits with the Vrancea Mountains and since then each village in the historical Vrancea Region possesses parts of the mountains.

All the villages from Vrancea practiced joint property over the mountains until recently. The first division of the mountains between villages, named at that time "the mountains' casting over the villages", took place in 1755⁹. Subsequently, another five division actions took place, the latest being in 1840.¹⁰ This late survival of joint possession for a whole region is unique in Romania and, with the exception of some Albanese regions, in Europe¹¹ (Stahl 1958).

⁶ I chose to give the Romanian word, coming from Slavonic language, for it may be useful for researchers as it reveals connections with similar institutions in other countries (see for example *Obshtomy* in Barbara Cellarius' work); the original sense of the word is togetherness and underlines the participatory essence of the institution

⁷ Vrancea Region is located in the central eastern part of Romania; our fieldwork is the Vrancea historical region, and not the whole Vrancea county; it is located in the mountain area and appears as a geographically 'isolated' place; in literature it is often mentioned for its autonomous character; at the beginning of the XVIIIth century Vrancea was named by the enlightenment Romanian writer Dimitrie Cantemir "*a Peasants' Republic*" (in *Descriptio Moldaviae* 1716), for its independence inside the Moldavian State (at that time).

⁸ I rely upon the sociological work of H.H. Stahl, based on assiduous documentation in the form of 'social archaeology' and on fieldwork research carried out between 1928 and 1936, mostly in the village of Nereju; I also rely on narratives of the past from interviews in my own research.

⁹ according to documents cited in H.H Stahl, 1958.

¹⁰ as H.H. Stahl describes, the reason for division were the pasturing necessities of each village and the distribution criteria was the monetary contribution of each village at the "great trial of Vrancea" against a powerful boyar claiming its territory; in the collective memories, the latest division operation remained as "the great fire of Vrancea" or "the wrangle of the mountains".

¹¹ H.H. Stahl offers as an explanation for this uniqueness the geographical position of Vrancea as a frontier line region, between three regions with very different social histories, in a completely isolated mountain valley.

We find *Obstea* in the documents of the XVIIIth century as a community-based institution, in the form of village assembly, which has the attributes, among others, to preserve the communities' property undivided and to ensure equal rights for every member of the community. Therefore, the *major property principles* in Vrancea Mountains were (and still are) *indivisibility, inalienability and equal sharing*.

Towards the XXth century¹², the villagers' access becomes more and more restricted, as the exploitation technology improved and the wood resource became a valuable commodity designated to gain money, welfare, social status (Stahl 1958).

Meanwhile, the *local elites* increased their interest for the commons, dealing with foreign exploitation firms, in some cases for the best of the local interests, in some others for their own personal interest. Several powerful foreign forestry companies, especially from Austria and Italy, 'accessed' the common properties of the villagers, beginning with the middle of XIXth century, with help from local intermediaries who 'fooled' the people to sell their use-rights usually for *a pack of cigarettes*, persons that were called *axe handles* by the locals (Stahl 1958). During my fieldwork I collected some very colourful stories about the resistance among locals to those free-riders, which in several cases took the form of serious fights.

In 1910, the Romanian State introduced *The Forestry Code* as the first forestry statutory law, which puts the *Obstea* on legal basis. As the collective memory recalls today in our interviews, these statutory regulations were not entirely followed, they were seen mostly as unnecessary formalities, the customary norms continuing the effective regulation. The villagers had to prove certificates for transportation and vouchers for harvesting. Those were provided by the *Obstea* board of administration, president or secretary, people from among local people. The voucher and the certificate were the only elements in formalizing the access at that time; the peasants were allowed to extract and to sell as much as they wanted and as much as the rudimentary means permitted. The oldest people remember nowadays that persons that were in charge with "managing the commons", with vouchers and certificates, were not important characters in the community, most of them being chosen randomly. My conclusion is that the formalization was only a surface phenomenon, meaning only few papers easy to obtain. The board of administration did not have the image of a bureaucracy, they had no centre building in the village, no hierarchical structure was in place, no strong criterions for selection were used, and statutory norms were not entirely followed.

Gradually, each *Obstea* from Vrancea had to make the legal formalities to be recognized by the state. Until 1948, each village issued its own statute in which it was attested the surface of forest and pastures, legal administrative norms and a list with *Obstea* members, mainly all the villagers with very few exceptions, the newcomers.

This legal basis proved itself important in the post-socialist restoration context, as we will see below.

Unfortunately, the *Obstea* did not 'live' for us to see if it would transform from a totally 'social embedded' institution into the more 'organisational' type (terminology used in Cleaver 2001). In 1948 it was seized by the communist state.

The seizure, the communist period and the 'transition' period

Some points about general property issues in the Vrancea mountain villages during the communist period will unify the picture that I try to give on the 'evolution' of *Obstea*.

'My' villages were not collectivised in the full sense of the process, although several plots of land were seized from those called by the communists '*chiaburi*', the large owners, so

¹² For this period we rely mostly on information from our interviews, querying collective memory.

much blamed in the socialist ideology¹³ (for details on that matter see Cartwright 2000: 6) and managed in a kind of smaller collective farms for animal husbandry. Usually, people in these villages opposed the 'invitation' to donate their land for socialist collective purposes. Thus, they kept their land and had to give to the farm an annual quota of what was produced in the household.

Besides the usual administrative structure and work facilities outside the village, there were no other effective connections to the socialist system; in this region, the socialist 'heritage' is not tightly rooted in the social reality of the villages (as there might be the case in other eastern-european villages). Definitely there are 'path dependencies', a context of specific 'socialist' processes that affects the nowadays situation, as I will show further in the paper, but these are not the key to understand the underlying mechanisms of this case.

In the 50s serious fights happened in Vrancea between villagers belonging to the Anticommunist Resistance Movement and communist authorities. Several people were killed. Moreover, some of them were imprisoned, while the others hid in the mountains.¹⁴ This event, together with the imprisonment of 'chiaburi' practically created a demographical vacuum of elites, since people who participated were mostly the communities' leaders.

We consider that another two important losses occurred during this period. Firstly, the educated persons, potential competent local elites, emigrated from rural areas, this being an important exogenous explanation for actual frequent mismanagement situations. Secondly, the self-governing tradition and experience was lost¹⁵, because the communal forest property was entirely seized and the self-governing structures did not continue to function in illegal ways, as it happened in other parts of the world (for example, Spain, see Behar, 1986).

Nevertheless, the contact between villagers and their common property was not totally interrupted. Most of them worked in forestry as wage earners; others stole wood from their former common property with the tacit acceptance of local authorities. Even though the villagers had no longer statutory rights over the mountains, favourable external factors coming from central level, like state policy of industrialization (which intensified forestry) or imposing state authorities everywhere led to a special type of access in which villagers could benefit from their former property mostly due to the created context, a kind of *technical access* (Mantescu 2006).

Immediately after the fall of communism, property laws were really fuzzy and incomplete (Verdery 1998, 2003). In that chaotic realm of getting individual property back, nobody thought about collective property rights, which were re-established only beginning with year 2000. Meanwhile, local business involving timber extraction and processing flourished. Locals entrepreneurs contracted with the (still in place) state agencies. Several powerful companies emerged in this way, mainly in the villages of Nereju and Tulnici, but also smaller ones in other villages.

There is one case about local entrepreneurial elites that I encountered in my study which is typical for what it is described in the postsocialism literature on property in Romania (Verdery 2003, Dorondel 2006). In Tulnici village during socialism, the collective farm, which dealt with sheep husbandry, was more powerful than in other villages. After the fall of the communist regime, the chief of that farm managed to keep abusively for himself a few trucks and several hundreds of sheep – which constituted an 'unclean' but useful capital for a very prosperous timber business which transformed him in one of the richest and the most

¹³ although the average size of the owned plots was too small to be considered 'large property', aprox. 20 hectares, compared to what the law initially stipulated, 50 ha (see Cartwright 2000).

¹⁴ The organization in which people from Vrancea fought against communist regime was named *Vlad the Impeller* and it was active till the middle 60's.

¹⁵ a factor that should be kept in the reader's mind for subsequent explanations.

influential local timber ‘barons’. He is the mayor of the commune of Tulnici and has also an important role to play in the present-day Obstea of Tulnici, as we will see below. Though, this appears to be a unique situation among the villages I have studied.

However, these emerged businesses did not contribute essentially to the development of the area, since they offered mostly black market jobs, low qualified and low paid.

We gave details about the local firms because they play an important role in the dynamic of the Obstea institution, as many of the patrons are involved in ruling committees of Obstea (flagrant role-conflicts or just skilled persons for the positions?) or are informal local leaders who nurture conflicts among shareholders concerning forest issues.

Obstea today – general description

After 50 years of communism and usurpation of property rights, according to Romanian State’s law no.1/2000, the State recognizes the villages’ rights over the commons in Vrancea.

In its actual meaning in Vrancea region, *Obstea* can be described as a community institution of land property, mostly of forest and pastures, and administration, commonly owned by the whole population of a village. *The participatory management is reinforced, but a more formal structure arises, in conformity with contemporary organizational trends.*

Characteristics of the resource

The owned **forest surfaces** are large, *varying between 2000 and 14.000 hectares for a village population varying between 800 and 5000 inhabitants.* These surfaces permit intensive harvesting without posing ecological dangers. In addition, these surfaces permit productive exploitation, as large units.

It is important to say that the resource has not the same characteristics for all villages in terms of spatial distribution and quality. For example, one village has mostly young forest, without the possibility for extracting too much, important particularities concerning financial returns and management strategy arising from that. Other ‘technical’ differentiation criteria may be that some villages are located near to the mountain, while some are even 100 km away.

As a simple contingency table may show, these specific characteristics of the resource do not influence effectively neither the actual outcomes for the community, nor the individual’s satisfaction with the economic returns from the common property. However, they play an important role in the people’s discourses, as reasons for a less competent management in one village, or for individuals’ practices as I will show later in the paper.

Organizational scheme

Nowadays, the common resources are managed by an executive committee in collaboration with the village assembly.

The committee is elected by the people, on a democratic secret vote system; it is formed of a president, two to four councillors. This committee is remunerated; the councillors have mostly a symbolic remuneration – equivalent of 50 euros per month. It is in charge with administrative operations (including organizing village assemblies, organizing auctions for selling timber and distribution of annual share of wood for the users), and with the elaboration of proposals of management schemes, to be deliberated in the assemblies.

The village assembly must be consulted in all important aspects, like those concerning annual shares distributed for the members, investments, modifications in the statute, incoming

members. It has the right to revoke the proposals of the board and even to revoke the board¹⁶. Meetings take place usually once a year, or more if important decisions have to be made. Usually, *Obstea* has a centre, a proper building in the village, most of the times new, an automobile for its members.

Monitoring the resource and guarding tasks are incumbent for external forestry specialized structures. In Vrancea Mountains, there are four such structures for 38 *Obstea*. They levy taxes for their activities, which represent large percent of the *Obstea* expenses.

In addition, as a monitoring instance we find the auditing commission, elected from among local people, chosen in an open village assembly.

The framework looks very promising, though actually there is a range of shortcomings, because of the actual functioning of these design schemes in the context of Vrancea communities. Elections are always suspected by locals, as there are not supervised from external enforcers. Additionally, as these rural communities do not have a large selection pool for elites¹⁷, role-conflicts or legal incompatibilities frequently occur, like the major of the village running for president or councillor of the *Obstea*, rangers as councillors of the *Obstea* board, owners of local forestry companies as *Obstea* presidents, etc.

Benefits and opportunities

An average of 20 % of the extracted wood goes for the **household consumption** of the population. At the beginning of the year, the board and the village assembly decide the quantity of wood, '*the size of the individual's right*', according to the investments plan and the extraction volume. Usually people receive as their share a quantity of 1 to 3 cubic meters of firewood per year, per family, and the same quantity of timber, with the right to sell it locally¹⁸.

As possible strategies for the users, there are mainly: 1) harvest and use or sale to local firms; 2) direct sale of the use-right to the *Obstea* or to the local firms. The user has no right to sell his share beyond the locality. If the *Obstea* makes the necessary papers, there is actual possibility for the villagers to sell their share everywhere. From the ten *Obstea* we examined, only one took this measure; the other ones do not even consider this step. The local companies have a benefit from this shortcoming, and the *Obstea* also, as a potential buyer. As in some villages serious free-riding problems occur, to be detailed below, we could presume that illicit arrangements between the *Obstea* board and local companies determine the prejudice of users in the way of obstructing sales autonomy.

The quantity that is not distributed directly to users is sold towards local or extra local firms. Auctions are organized for private companies, which harvest the surplus of wood from forest parcels. The **financial benefits** are invested¹⁹ in: a) *specialized equipments* for forest exploitation; b) *logistics* for organizational purpose, like buildings, computers, transportation and communication facilities; c) *local development*, specifically infrastructure, public utilities, construction and restoration of community use buildings. The *Obstea* organizations were re-established not earlier than 2001, so a. and b. investments categories are quiet large for the

¹⁶ this being the only effective sanction mentioned in the *Obstea* statute; however, the conditions in which the board may be revoked are not clearly stipulated.

¹⁷ as a consequence of the urbanization process during the communist regime.

¹⁸ For accuracy we can give precise figures: the average value of an adult individual's right is 40 euros so, for a household including two adults it is 80 euros, per year. The average value of a household's annual income in the investigated villages is 1500 euros per year. Concluding, the income from communal property rights values no more than 5% of the total income for a middle level household.

¹⁹ The invested profit excludes taxes for monitoring and expertise paid to forestry agencies and reaches amounts varying between 20.000 and 60.000 euros per year.

starting period, and this makes the subject of important quarrel among villagers and committees.

Beyond purchasing of public-use buildings, infrastructure and restoration of those already in use, the *Obstea* has the opportunity to develop feasible business, like tourism activities²⁰, or industries related to timber processing. However, for short-term strategies, very few *Obstea* consider these as priorities.

Statutory framework

Obstea has a juridical statute, being recognized as a legal institution by the Romanian State. The **statute**, differing in minor aspects from one community to another, regulates all the attributions of the *Obstea*, the conditions of membership, the bundle of rights and duties for the stakeholders and the administration board, the manner of managing and controlling.

The effective role of the state is minimal in this property regime.

In 2000, as the restoration process begun, the right wing ruling party at that time conceived the restitution of collective forests on a much-decentralized legal foundation. They stipulated that the *Obstea* institutions should follow the model of the old organizational structures. Thus, the county department elaborated an example of statute, mostly following the old stipulations before Second World War, *giving each Obstea the right to modify their statutory norms, according to local situations, with the agreement of the village assembly*. Despite these favourable conditions, most of the *Obstea* that we studied have not yet taken advantage of this flexibility²¹. However, each *Obstea* committee is highly aware of the possibility to adapt their legal norms, but only three of the ten communities have brought changes to the statute. Moreover, there is a high necessity for adapting the statute, since some stipulations are ambiguous, leading to interpretations, which are a cause for the internal conflicts to sharpen.

Sanctions are not enforced in the statute, which is most unfortunate, since sanctioning and monitoring are listed as structural dimensions on which depends the success of the institution (Agrawal: 1994, Ostrom: 1999). The statute is so permissive, that for some mistakes, like those of the bookkeeper, the whole *Obstea* is responsible²². The lack of sanctions is observed also in the larger legal framework of property laws in Romania (Verdery 2003: 157)

Besides the forestry agencies, designed to monitor the resource, subordinated to state structures at central level, and the regular state agencies (controlling mostly monetary operations) there are no other regulatory enforcers implicated in monitoring the accountability of *Obstea* committees.

Zoom into the local practices

Membership

The analysis over the membership norm provides a very good example about the way in which norms may change over time in the Vrancea context and the underpinning mechanisms; in addition, it sheds light over the interpretations that the statutes may induce under local circumstances.

²⁰ successful tourism is already practiced by some local entrepreneurs, but only in a few villages.

²¹ they have taken the model statute *tale quale*.

²² such a situation occurred in Paulesti village, when the whole *Obstea* had to pay a fine of 4500 euros.

Membership in the *Obstea*, the right to be a stakeholder of the common property is not acquired by inheritance, or by birth, but by living in a certain village. According to the statutes, the use-right is accorded to members of the community over the age of 18.

There is much uncertainty about the actual membership boundaries concerning the persons who moved in the village, without having any local relatives – the newcomers - and the persons who temporarily moved out from the village, working abroad for a period over one year, but having house and family in the village – the temporary migrants.

Following the statutes, those who require becoming members without descending from local villagers, pay a tax and receive equal rights with all the other members. As easy as it may look, the situation varies among the villages.

In the Tulnici community - very developed comparing to the neighbouring communities, feature that attracts immigrants - the village assembly changed the tax regulation and totally removed the rights of the newcomers.

In other villages, the exclusion is not so manifest. In the village of Naruja for example, a village with a high rate of immigrants from other communities (due to its administrative ‘centrality’ in former periods of time) the village assembly did not change the statutory norms, but it raised the tax at 25 euros (for many households an important amount) and fixed one day per year for the tax payment. In this manner, 42% of the village inhabitants are not members of the *Obstea*, which leads us to the conclusion that almost all of the ‘newcomers’ are non-members. Such newcomers are often living in Naruja for longer than 60 years and declare that they are still called (somehow gratuitously) ‘venetic’ (newcomer).

From the interviews I could see that almost all the newcomers did nothing to become a member, but they complain about the ‘exclusion’, seeing it as breaking the rule of the place.

It is very interesting in this case who was actually in charge for taking the decision of closing the membership, because our statistical data proves that ‘natives’ are not against inclusion. Moreover, common sense logic stands for the inclusion, as many natives have their own wives or husbands as newcomers. It appears that there were some powerful voices in the assembly, which imposed themselves with little help from the committee (whose members stressed in my interview on the limitations of formal procedure, which in fact might easily be changed as it is locally imposed).

As village development occurs (the case of Tulnici), or demographic pressure and immigration (Naruja) the villages tend to close their *Obstea* by imposing the nativity principle.

In these communities the exclusion of ‘strangers’ brings a shift in the membership principle, from the ‘**place**’ principle to the ‘**blood**’ principle.

The temporary migration abroad poses another problem, *the temporary loss of the use right*. In most communities, persons who leave the village for more than one year do not receive their share of timber. This is a problem in some communities, for example, Negrilesti, in which 17% of the inhabitants emigrated officially; unofficially many more. Being an individual right, nobody can claim another persons’ right, not even the family. In addition, being a use right, as long as a person does not use the resource, its right is suspended. This use character is enforced also by another customary regulation: *the persons who did not extract or sell its share during one year, cannot extract the next year two shares*. However, these regulations are not statutory stipulated, they are only approved by the village assembly.

As we can observe:

- There is high uncertainty regarding the member exclusion boundaries
- The blood principle prevails over the place principle when newcomers ‘menace’ the commons.

- Every village tends to create its own rules, adapted to local situations, but these rules are not always seen as fair

Struggles and performance

In Vrancea region, most of the villages encounter internal conflicts concerning *Obstea*. These conflicts were ‘productive’ for me as a researcher because ‘the study of conflicts shows how social actors organise themselves, what is important for different categories of people, and how they talk about this’ (Nuijten 2003: 20). However, for the performance of the *Obstea* these conflicts are not profitable at all.

The actors who play these conflicts are to be seen more as groups than as individuals, although very often, the group’s actions and opinions follow those of their informal leaders. The criteria for the formation of interest-groups vary a lot among villages or situations: there are family interests, investments interests, economical or political interests. It is almost impossible to draw a generalisation about which would be the most important criterion or how enduring are the groups and their interests. As Nuijten warns us ‘although the villagers themselves like to talk in terms of clear-cut divisions in the village, we have to be very careful in our interpretation of these statements’ (2003: 43).

Let us have a look at a number of conflictual situations and at what could we infer from them.

In some villages smaller and isolated conflicts occur, most often concerning the distribution of wood and profit.

For example, the priest would like the *Obstea* to invest in the painting of the new church and is supported by the older people who frequent the church, while the younger people, following the *Obstea* president, support investments in developing extraction equipment. It is interesting that even this apparently small conflict can nurture very hard feelings between the two leaders, which can grow into reciprocal accusations, like taking abusive advantages from official positions or instigation to opposing wise decision for local development. Moreover, both are members of the committee, so negative consequences are even sharper and vitiate the village assemblies as well as the committee’s work.

Another interesting case appears as a ‘procedural’ conflict. Let us see the ‘flow of action’ together with the ‘flow of ideas’ (Wolf 1990, quoted in Nuijten 2003) about this conflict. Elections for the committee have been held without the presence of 50%. Before the elections, the general assembly established the rule that elections should be validated in any participation conditions, taking into account that there are many temporary migrants in the village. The secretary ‘omitted’ to write down this decision, so, now, when the former president should be replaced, he invokes that statutory norms are broken, without recognizing the village assembly’s decision as valid. A long lawsuit between the former president and the new elected one follows in this case, while the members recognise two legitimate committees.

People see in this situation not only the incompetence of the former president for taking care of the bureaucratic procedures, but also his malevolence in giving away the position. They say that the decision was not written down on purpose, or may be he just threw away the paper. Associated with the bad management that he performed, he is seen by most of the villagers as a free rider who put this strategy in scene, just to gain time for ‘covering’ his illegalities. Actually, this *Obstea* had the worse management, as it could be seen from the very low level of investments and the high level of debts to resource monitoring agencies. To have the complete picture of what could be the worse ‘agency’ for an *Obstea* president in villagers’ representations, we must keep in mind that the former president owns also a firm of processing timber (role-conflict), which he build just in the middle of the village road (to be in

front of his house), he is the brother of the mayor and he is the father of seven strong men, all of them ruling timber business, who mark the village assemblies with their loud opinions and threatening faces.

The president's discourse relies mostly on emphasising the 'human nature' – "*not writing down was a mistake, as all humans make mistakes*" and on a 'fetishisation' of the legal procedures²³ "*we must follow the rules, as they are written, otherwise there can be no legitimacy*". There is a flagrant contradiction in his discourse; as we may observe there is no real 'excuse' beyond the populist words.

In the given conditions there are no forms of demanding accountability for his actions outside the formal channels. There is not the usual 'opacity' problem; the mistakes and the abusive administration are obvious. We could see in this case a form of 'rude' politics, in which local norms are simply blown away; power was gained in a favourable circumstance and is maintained by force.

In the village of Nereju we found the most violent conflict situation, around the so called problem of corruption. *Obstea* officials, together with the owners of local wood exploitation firms, are accused by the 'opposition' group, led by the former mayor, who claims that the *Obstea* management is totally abusive and corrupt. They denounce frauds concerning the elections of the *Obstea* committee, illegal extraction of large quantity of timber, false lists of signatures for decisions, false receipts for the investments. The 'visible economy' (Verdery 2003: 226) of the embezzlement is most intriguing for the members of the community: the officials build new, grandiose houses in the village, loaded trucks cross the village every night, transporting timber – while the investments for the community remain at a very low level. There is also much talk about political involvement in this case, as the *Obstea* officials are presumed to contribute to the funding of political parties in exchange of covering their illegalities.

Until now, our case looks like a banal corruption situation. What is most unusual is the reaction of the community towards those practices. If corruption is embedded in the everyday practices and norms of the community, as it is in our case, scholars report, based on fieldwork evidence, that no real resistance will occur, people would rather resign themselves than take any initiative (Nuijten 2003: 66, Zerilli 2005: 96). The Nereju case shows a very strong anti-corruption initiative, which took the form of a local rebellion against the *Obstea* rulers; there has been also a public protest in Bucharest and denouncements in the central newspapers. The discourse of the 'opposition' is similar to one about a guerrilla struggle; there are strategic persons in strategic places (geographical and social positions), secret gatherings. There are two persons recognised as leaders of this movement, the 40 years old former mayor and a 70 years old woman; much of the concrete initiatives depend upon them as organisers.

In response, blackmail and even death threats occur. We have again this kind of 'rude' politics, where every initiative fails and the only hope for the 'opposition' is the legal sanction.

Those two cases are the most extreme ones. In other villages, where outcomes of the *Obstea* are satisfactory, sharp conflicts also occur, though, less extended and violent, as I showed an example above and as there are also another ones.

In five out of ten villages, conflicts turned into long trials, resource consuming. There are no local arenas and mechanisms for a 'low-cost' resolution of conflicts. Customary law and local norms seem that have no effective power in regulating them and controlling their escalation. In the past, before the wars, such violent, 'rude' conflicts also occurred, so we can not blame the 'mercantile' and 'individualistic' condition of modern society for the failure of community control. At the same structural strengths or weaknesses (as statutory regulations,

²³ Which appears also in other president's discourses.

community profile, resource characteristics, pressure from upper level - bureaucratic or politic, historical path) there are different responses. The explanation lies in the particular configuration of actors and power relations within each village. Those who are involved and shape the conflicts, the significant actors, are either the local elites, which can be entrepreneurial, administrative or just charismatic informal leaders (as the old woman in Nereju) or the forestry 'authorities' (especially the rangers); those two categories are not mutual exclusive. What counts is their agency, in terms of capacities, intentions, and interests – played in interaction with the agency of others.

In our sample of 10 communities a low incidence of conflicts usually indicates a good performance of the Obstea. What means good performance?

Good performance, which involves multiple abilities, could be estimated through its visible outcomes. What can be seen in the community or in the institutions 'yard' as results of the investments? For most of the Obstea the level of outcomes is 'low' (4 Obstea out of 9), for 3 it is 'medium' and for 2 it is 'good', even very good in the case of Paulesti village (in which the Obstea has built his own centre, a villagers' club²⁴, contributed to the restoration of the town hall and to the pavement of roads, and purchased a range of forestry equipments). The key actors in this successful case are mostly young persons (35 – 50 years old) with prior experience in forestry or local administration. They have no major political or economical interest to influence their plans and decisions. They even set up a campaign for convincing people that any association with the local baron of Tulnici (which had attempts of transforming the Obstea of Paulesti in a satellite) would prejudice the long-term development of the village. They make not illicit deals and try to meet constructive opinions in the assemblies. This is the 'content' of successful agency in Vrancea context.

Concluding remarks about the structural perspective

In the beginning of our inquiry, as looking at the historical picture and at the institutional and geographical framework, we find several strong points for the forest commons in Vrancea:

- abundance of the resource, large surfaces of forest, which enables the extraction for profit for the community; good quality of the resource.
- historical legitimacy and prior experience for organizing
- potential good regulation, monitoring and planning through decentralization and participatory management, assuming that direct users know best their local situation and interests

As looking closer at local practices and claims, the image becomes more and more blur. Even the boundaries of membership are not clear at all, the very principle being contested. In addition, when we look at the flow of actions related to the commons in each village, we see very different functioning of the same structures. From a very promising general image, we reach the rude arena of conflicts.

Inside the same structures, the local 'stories' and actors matrix can build very different situations from street fights and blackmail to a peaceful development.

Looking at those variances, we conclude that most important is the interaction between 'agencies' of local elites.

What about the 'other' members, the non-elites? This participatory scheme is meant to empower them, to make them a part of the actual decision-making. Until now, we could see that there is little room for their voices and actions. Nevertheless, we should have a proper image about their opinions, representations and practices regarding their communal property.

²⁴ the villagers' club building is almost an institution in the Romanian villages, having the role of a 'house for culture', with a director and rooms for diverse cultural activities, and having also a more popular role of place to celebrate weddings;

Villagers' actions and narrations

Who are the users?

In order to understand how does the ,community' look like and who produces the narrations about Obstea, I will take a look at the villagers' socio-demographic profile²⁵.







The population is slightly aged (a mean age of 54 years), 42% of the households including retired people. The younger people in most villages temporarily working abroad. The education level is very low (no education 6%, primary school 28.4%, gymnasium 32.3%, high school 24.3%, professional courses and university 8.3%), the employment rate being also low (only 25.4% of the households include persons who earn wages, legally or on the black market, another 32% being day workers). The occupations distribution is quite uniform, most of the villagers practising agriculture (48.1% of the working people, consisting of day work, and subsistence strategies), the intellectual occupations being practiced only by 5.1% of the inhabitants. Although their occupation mostly concerns agriculture, the quality and quantity of household's owned land and livestock is not very high, an average household owning around 2 hectares of meadows and pastures for 1 cow, 1 pig and 3 sheep.

Resource use and the problem of access

Selling, harvesting or both?

A key discussion in the paper is about the actual practices of the local population related to communal property. By practices, we mean harvesting and commoditization of timber and fuel wood. There are two main strategies. The first consists in self-harvesting timber and fuel wood by the locals and using it for household subsistence or selling it to local forestry companies. The second consist in direct selling the use-right to the Obstea or middlemen, which harvest the timber and sell it to companies and pay the person for it, or to local companies. The first strategy includes harvesting and is convenient for the user in monetary terms, the selling price being higher, as it has labor invested in it and the second is convenient in terms of easy handling. These two main strategies include in fact multiple practices, as we describe below different actions of users related to different local instances.

Table 1. Practices of users related to local instances

1. User harvests, uses		
2. User illegally harvests more than his right, sells		Local company illegally buys and sells
3. User pays for the harvesting operation, uses	Middleman harvests 	
4. User pays for the harvesting operation, uses	Obstea harvests 	
5. User harvests, sells		Local company buys and sells
6. User sells		Local company buys, harvests, sells
7. User sells	Middleman buys, harvests, sells	Local company buys and sells
8. User sells	Obstea buys, harvests, sells or just buys and sells (standing timber)	Any company buys and sells or buys, harvests and sells

²⁵ The frequency analysis is based on our questionnaire survey.

In each community there can be found all of these practices, although in some villages one practice prevails over the others. What we can infer from the table is that *individual local users do not have the legal access to extra local markets, even when they possess transportation means, being limited in the profit they can drive from their share.*

The *most frequent practice* is the last one listed in the table (8), in which people that do not have harvesting means or availability sell their timber use-right directly to the Obstea, which harvests the resource, if it possesses harvesting technology, and then sells it by auction to interested companies. Usually, to sell one's right to the Obstea, to intermediaries or to local companies does not imply differences for the users in the obtained price. The only difference occurs on the long run, when they sell it to the Obstea, because Obstea invests the profit in the community, which adds value to the benefit of the user. Although we can suppose that rational choice over the material benefit is at stake in the users' reasoning, it is not entirely so. *The concept of clientelism and group affiliation plays a key role in depicting these practices.* A small clientele of neighbors and relatives develops around the middlemen. The timber companies in the villages and the Obstea have also their clientele divided according to above mentioned group-interests and affiliation to one leader or another.

Harvesting – desirable but difficult

Increased attention must be paid to *harvesting practices*. Direct harvesting is the only practice that binds effectively the user to his communal property.²⁶ Besides investing work into the forest, to harvest means also to know the forest, to evaluate it correctly. Consequently, this practice adds knowledge of the resource for the user involved in decision-making process and adds monitoring abilities. As we can observe in the above table, only three of the eight practices involve direct harvesting by the users; we find one of them (the illegal one) mostly in the two communities near the mountain.

Direct harvesting is made in very difficult conditions, by a low access level. How do we define access and what concrete aspects does it imply? Ribot and Peluso (2004) describe the access concept as „the ability to benefit from things”. Its concrete aspects in our case are distance from community to resource, technical means of harvesting and transportation of timber, power relations between users and authorities (rangers and Obstea board). The further discussion details each of them, as they occur in the interviews.

It is striking that most people do not have any physical contact with their communal property, not even to pay a visit in a Sunday afternoon, riding their little horses or by their carts. Most of the old people have not been in the forest since they were young, before Second World War.

Harvesting communal trees is a practice influenced by the *physical access to the mountain*, the actual distance to the forest. Most of the communities have their property at least 20 km away. The village of Nereju is actually located right near its forest, but the village of Negrilesti is about 80 km away.

Some Obstea do not permit the access in the forest, but employs specialised carters who bring the wood to the road. Most often users do not agree with these practices because they cannot control the quality of the brought wood. On the other hand, the members of the Obstea board argue that specialised carters are the best solution for maintaining order in the forest. However, most of the Obstea let free direct access for the users to harvest their share.

Possession of *technical means of harvesting and transportation* of timber is not common among local users. Even for those who own something, harvesting is not an easy

²⁶ This aspect will be detailed in a further discussion in the paper about mechanisms of representing the forest.

operation since the technology rests rudimentary. Only 22.7% of the users have technology for cutting down trees, 38.1% have wagons for transportation and horses only 20.2%.

Another important element in this discussion about access is *the role of the power relations between users and the forestry authorities*. The board, usually the president, decides whether a user may have the right to harvest in a convenient place (near the road and good quality) or not²⁷ Users often argue that “*we must go to that far off point with old trees to harvest our share, since the president has no interest in favouring us*”. Even though this situation occurs, a user may still harvest in a suitable place if he makes a deal with the ranger.

All those determine the locals to prefer the direct sale of their right. For the necessary household consumption, they prefer to buy from middlemen.

Alternative mechanisms of access – theft as inclusion

Deals with the rangers and bribery are at stake when we talk about the most interesting practice – *the theft of wood*, the users in this case developing a wide range of abilities. Extended night theft practices occur mostly in Nereju village, as the geographical position permits, being located nearest to the mountain; and as the socio-demographic situation demands, Nereju counting an increased number of very large and very poor families with no opportunities to work. Most of these poor families make their living from this kind of theft²⁸, selling the stolen wood to local companies, the average gain²⁹ from such activities (excluding bribery for the guards) being almost equal with an average legal household’s income³⁰. We face here *non-legal means of access as possible mechanisms of access* (Peluso, Ribot: 2003). *These illegal mechanisms engage a chain of illegalities*, since the local firms who buy this timber at lower prices must provide false vouchers for the exceeding quantity of processed wood, and rangers must ‘cover’ the damage.

Interesting about this practice is that, even though it is illegal, the actions of the thieves are well known in the community, everybody talks freely about that and no sanctions occur. The poverty of the thieves’ families makes the community tolerant about these acts. The villagers do not consider it as a theft from their own property, but as the only way of social inclusion for the poor.

Loss of access freedom = Loss of property

Due to the difficult access, direct harvesting is substituted most frequently with other modalities of benefiting from communal property, like selling the use right or contracting middlemen for harvesting. *This absence of effective contact between users and the forest conduces to an inaccurate image over the resource and to an insufficient monitoring and controlling – which is most inadequate as it comes from actors involved in the decision-making process. Besides these practical consequences there are also emotional ones. The forest loses its value.*

I observed during the empirical inquiry that, although harvesting is not practiced anymore by most of the local villagers, the problem of harvesting, and of the direct access is a point of reference and is reactivated in their narrations as a permanent and serious complaint.

²⁷ Their motivation for this situation appears as it is likely that letting the users decide for themselves in this case would not reach any consensus; but, of course there are other potential options, like using any random allocation procedure, which are not taken into consideration.

²⁸ They have a share anyway, but that quantity is not enough for a living, theft means illegal harvesting more than one’s share.

²⁹ About 150 euros per month, which for a 2 adults household means 4 shares more than the legal right.

³⁰ Calculated from our database.

We can say that the most serious complaint of old people regarding the today's Obstea norms is the difficult and restricted access in the forests. For them this constitutes the most striking difference between the good old norms before the communism and the new ones. *Loss of 'freedom' for accessing and using their communal resource* is invoked as an *alienation of their property right*; it places the property's administrators and guards on an 'external', even 'enemy' position in people's representations. A frequent opinion can be expressed in the following way: "*In the old times, our Obstea was ours indeed; I went in the forest where I wanted, I could harvest even one thousand trees, nobody asked me anything; if I go now, even to pick up mushrooms, the ranger is besides me with a loaded gun.*"³¹

Satisfaction among users related to communal property

I start the analysis of the villagers' perception over the performance of Obstea by stating that the empirical research show that the locals are mostly unsatisfied. What does it mean? A conceptual distinction occurs at that point: there can be satisfaction with Obstea management at a particular moment or satisfaction with the institution of Obstea, which includes its statutory and customary principles, economical power and development opportunities, land patrimony. In the locals' perceptions and representations these aspects are interrelated, so most often their expressed opinions offer an intricate view. Our analysis tries to distinguish the precise configuration of each element in people's perceptions for the conceptual accuracy's sake. However, it is difficult for a researcher to draw a conclusion upon the final degree of overall satisfaction only by looking at the qualitative data. The quantitative measures are of very much help in this case.

*The score of overall satisfaction with Obstea performance*³² is very low, indicating a mean value of 2.3 (1 the lowest value – 10 the highest). Only 12.2% of the villagers appreciate the activity of their Obstea as being satisfactory. Satisfaction level does not vary significantly between villages, even though management capacity, achievements and land patrimony vary. An interesting finding is that it was almost impossible to draw a clearly defined typology for the 'satisfied persons' and 'unsatisfied persons'. Persons with similar socio-demographic characteristics express divergent understanding and interpretation of the same Obstea institution. There is no such thing as a standard reasoning for being satisfied or unsatisfied. The same element can be at the same time interpreted as positive or negative (for example, building a church is a motif for pride for some villagers, while for others is an unproductive investment). One element has priority over another, depending on person (for example, the very restoration of Obstea patrimony as an ancient identity mark for the historical free villages can constitute a sufficient reason for being satisfied, while for others this element is very absent, economic returns being most important).

Satisfaction and material benefits

Interest

Even though this heterogeneity puzzles us, there is one simple criterion to be considered highly discriminator for the overall satisfaction with the Obstea performance. This criterion is ***the material interest***. The Obstea investments and activities can meet or not one person's interests. Community members are most often heterogeneous concerning interests in using trees (Bruce: 1989, Schlager and Blomquist: 1998) or in investing profit of the Obstea. Not

³¹ Informant P. I., age 82, Paulesti village.

³² Computed as a sum of values indicated for the variables "appreciation of achievements for the community", "appreciation of the honesty in administrating funds" and "trust in the Obstea board".

only direct personal interests are involved, but also indirect ones, related to clientelism and social groups' affiliation. One could argue that through the participatory management, Obstea is designed to meet the majority's interests. As it is shown elsewhere in the paper, in practice the village assembly's decisions do not represent the majority, but the opinion of the powerful users, those with higher economic and political assets.

In most cases, villagers expect to perceive an immediate material gain from the communal property in the form of community achievements and household income. As these requirements are met, the overall satisfaction with Obstea activities increases, without the major interference of other variables, such as judgement of fairness, norms observance, strategic management. This attitude is not very fortunate for the general course of the Obstea management, since serious mistakes and free-riding behaviours can occur without the awareness of most locals, who are blinded by their satisfaction with material advantages, or worse, who tolerate these mistakes on behalf of these advantages. I encountered one case that shows this situation – the case of Poiana village. Here, fights, even trials between members of the *Obstea* board disturb every activity of strategic planning, having long-term negative consequences. However, the *Obstea* provides large shares for the households, which generates satisfaction among stakeholders and support for the group led by the president of the *Obstea*.

Community achievements and individual benefits - "with this Obstea we have something, which is better than nothing"

An important aspect in the discussion is the effective measurement of *appreciation of the achievements for the community with funds from exploiting the common property*. People consider the forests as the most important income source for the community, by far overtaking funds allocated from the State's budget. Even those who show unsatisfied consider that "*with this Obstea we have something, which is better than nothing*". Most of them perceive correctly that the communal property exploitation empowers the community and opens development opportunities. In some villages, *Obstea* invested visibly in the development of the infrastructure, materializing this empowerment. Nevertheless, in most villages the investments in the community remained at a low level, generating a negative perception of the *Obstea* management. From our quantitative evidence, only 18.9% perceive that the *Obstea* has done 'a lot' for the community and 30.8% perceive that the *Obstea* has done 'nothing'. Sometimes, this perception is unfair, since people expect the *Obstea* to be a 'savior' for the community in all aspects, a *panacea*. As a reason for this statement, we bring a quantitative measure that shows that the most expected achievement from *Obstea* is the improvement of roads in the villages (35.2% mentioned it as a free answer), which does not constitute a principal task of the *Obstea* activity, state central authorities being in charge for the improvement of roads quality. We find here *a shortcoming for the functioning of Obstea, the lack of knowledge from the population about Obstea's attributions, leading to lack of common understanding* (Ostrom, 1999).

Individuals' vision over the administration's ways – discourse about corruption

Local population is most frequently unsatisfied with the activity of the *Obstea* board of administration.

When they are unsatisfied, the *moral judgments are most important*. The population blames *Obstea's* official leaders for dishonesty, greediness from which *free-riding behaviors* occur. They depict illicit subtraction of collective benefits, through mechanisms like bribery, political clientelism related to illegal deals between *Obstea* board and the forest department (be it local or central), or local forestry companies. They denounce the officials' flourishing business and households as indicators for these free-riding practices. Only 32.4% of the

population perceives the rulers as being correct in their activities.³³ In the described case of Nereju village our analysis shows that the satisfied persons are those who are connected with the Obstea activities and implicitly benefit in some degree from it.

The degree of tolerance for free-riding behaviours varies consistently between villages depending not so much upon the embezzlement degree, but on the overall perception of the *Obstea* outcomes³⁴. The strongest example in that direction is the case of Tulnici village, where a very rich official, a so called local baron, (I spoke about his 'postsocialist' ways of getting rich in a previous chapter) spends a small amount of his income for charity actions, annual allowances for the poor and other kind of donations for the community. Formally he is a member of the Obstea committee; informally he rules the Obstea. His charitable actions and his presumed 'management capacity' diffuse over Obstea institution and influence the general perception about it. The depletion of the Obstea funds does not appear very obvious as some considerable investments are visible. Therefore, most members of the community perceive him as 'good' even though 'corrupt'. In this case, corrupt practices are seen as 'correct' (Haller & Shore 2005: 13). Corruption is accepted because 'some of the benefits of this appropriation spill over the rest of the population' (Lomnitz 1995 quoted in Haller & Shore 2005: 13, Lazar 2005: 224).

Trust

The perception over these free-riding practices, however flexible it may be, leads to very low degree of *trust in the Obstea institution*, the perception of unfairness and dishonesty influencing significantly the percent of 66,1% who do not trust the Obstea board³⁵.

The problem of reciprocal trust is very important since through various mechanisms it determines the success of the institution (Ostrom: 1990). The community offers a favourable framework for developing generalized trust; its members trust each other in a very high degree (60% affirm that people in the village can be trusted), but actual practices of the Obstea board determine the people to be sceptical about any argument or initiative.

We may provide from the statistical evidence *a causal model for variables dependent upon level of trust*, in our case crucial consequences of the absence of trust. Our analysis shows that lack of trust in Obstea's board determines the villagers *not to participate* in the village assemblies, to consider useless their right to speak their mind and to make decisions. Another crucial consequence is the *lack of support for the very principle of common property*, people who do not trust the board manifesting the tendency to consider that communal property should be divided between the shareholders. In addition, an important variable is the *perceived necessity for the state intervention*, villagers with low trust appreciating that the Obstea should be subordinated to state authorities, some of them even considering that the communal property should not remain private, but to be administrated directly by state authorities.³⁶

The problem of mistrust highly influences the support of local population for the design principles of the communal property in Vrancea: participatory management, determining the actual participation rate in the village assemblies, indivisibility and private

³³ This percent varies significantly between villages, at $p < 0.01$ level, from 24.4%, the lowest degree of appreciation that the obstea is correct in the village of Negrilesti to 43.9% in the village of Naruja.

³⁴ The argumentation would be: "They make their share, but we make ours also."

³⁵ The Pearson correlation coefficient between perception of honesty and level of trust is very high, 0.490, at a significance level of $p < 0.01$

³⁶ All these correlations are significant at $p < 0.01$ level

nature of the property. Through its officials, Obstea as an institution loses support on several dimensions.

In order to have a broader view over the principles aspect, we will discuss the effective degree of support from the population towards the institution's main norms.

Support for design principles – the traditional foundation

There is actual support from the local population towards general principles of the organization of communal forest property. Among all the norms that regulate commons in Vrancea, we consider four of them as rooted in the organising tradition of these villages, 'the design principles' – *inalienability of the use-right, indivisibility of land, equal sharing between members and participatory management*. These general norms, which ultimately define the institution of Obstea in Vrancea region, survive over time on a customary base.

Inalienability

The principle of inalienability is sustained by 76.8% of the shareholders. For them, the right to the Obstea is seen as a local identity mark. The Obstea represents for many villagers a community before representing an organisation type. Thus, to hold a share in the communal property means to be a villager. Persons that argue *for* the alienability, invoke reasons on a rational choice basis. Even though the costs of being a shareholder are not high at all, they consider that they could make more benefit out of selling their right for good, so, for them Obstea is not an identity mark, but a provider of goods that can be traded.

Equal sharing

The principle of equal sharing of the common property's benefits among all the stakeholders is not usual for collective property arrangements. Even in Romania, Vrancea Mountains are an exception.

From our survey, most of the villagers see the norm of equal sharing as being the best way. Only 31.5% consider that there has to be an unequal sharing, but for those the shareholding should not be on the liberal principle, more for the ones that deserve, but on the egalitarian principle, more for the ones who need it, so that inequality in distribution ultimately leads to equality in wealth. Equal sharing principle is usually challenged by local practices, because access is not equal for all the members. Free-riding coming from the upper strata occurs, and theft from the lower strata. These two kinds of behaviour are not equally stigmatised as a violation of norms, the theft is tolerated, considered as more inoffensive and equitable.

Thus, a very resistant and popular norm is judged according to local context. Although, this norm, very rarely found in communal property arrangements, is not in danger to be changed, as it is 'path dependent', rising from a rooted practice and it is widely supported by local villagers.

Indivisibility

In Vrancea, although there is much agreement upon the mismanagement of most administrative boards, upon the perception of potential ecological dangers due to overexploitation of forests and upon the unsatisfactory individual benefits from the commons, most of local villagers do not see the individualization of the common forests as a solution for this unfavourable situation. Only 41.4% consider that the common forest should be divided

between members of the *Obstea*. Women and non-natives show a higher tendency to support the division.³⁷

The indivisibility of the resource provides some important economic advantages – it favours its predictability and exploitation productivity (Ostrom: 1999; McKean, Ostrom: 1995). If it were to divide the commons between members in equal shares, for a two adults household the average share would be 6,4 hectares, a small resource unit, not enough to make a profit out of it. Despite this argument, exactly those who argue for the division have mostly material reasons (not enough benefits due to the mismanagement).

Most of the villagers who answered our questions do not consider the economic profitability as a reason for sustaining the indivisibility norm. They consider instead the potential unfairness of the division operation (on the accessibility criteria “*one could receive a piece of land near the village, the other one, on the top of the mountain*” or the wood quality criteria), the potential conflicts arising from it as a consequence of trespassing and stealing and the impossibility of monitoring and guarding the resource. Some of these fears could be easily avoided, since individual forest property already exists in Vrancea, 23.2% of the villagers successfully owning average surfaces of 47 hectares each, therefore we argue that the grounds for supporting this principle are mostly traditional, not instrumental.

Our arguments prove that the indivisibility norm is sustained on a customary, ‘traditional’ foundation, as an identity mark to be preserved, not on purely economic justification.

Participatory management – challenged by local ‘powers’

Among the principles of the *Obstea*, the community members’ inclusion in the management schemes is one of its strongest points. Researches and policymakers stress the participation as being essential for robust community institutions (Gibson, McKean, Ostrom: 1999). More recently, development studies doubt the effectiveness of these arrangements, even calling participation ‘the new tyranny’ (Cooke & Kothari 2001). Those studies argue that far from representing the empowerment of all community members, such arrangements enable the powerful to make decisions with the legitimacy of ‘local’ and ‘representative’ knowledge.

In our setting, the claims of participatory management are also challenged by local practice, through different mechanisms.

Only 36% of the members participate frequently at the village assemblies, insufficient for legal recognition of decisions. For a meeting to be in the legal position for decision-making there has to be a percentage of 50 % +1 and for very important decisions 66%. Moreover, active participation, people who express a point of view in the meetings are even scarcer, 16% loudly expressed their opinions in the past meetings.

At this point, we encounter a discrepancy between abstract rules and actual practices, in theoretical terms - between the categorical property rights and concretized property relations (von Benda-Beckmann: 2004).

To have an in depth view over the absentee problem, we must analyse it as integrated in a wider set of behaviours, alongside with interest and active participation. Together, these variables form *the users’ involvement in the Obstea activity*. The statistical value for the involvement³⁸ is 3.2 on a scale from 0 (lowest value) to 10. This shows that the whole community is in a very low degree effectively involved in the decision making process.

³⁷ According to statistical evidence.

³⁸ A computed a score from 3 variables: interest, participation and expressing opinion at a meeting, with different weights.

'Voices' and 'voters' in decision-making process

Based on statistical evidence we can understand which characteristics define the people who participate in the village assemblies (these standing also as explanations) and to distinguish between characteristics of passive or active participants.

Our statistical data proves that participation of a person in the village assembly is more likely to occur whether the person is aged, knows more things about the past (has a good 'collection' of memories about the Obstea institution) and 'feels that he is a proprietor over the forest commons'.³⁹ In addition, these people trust the Obstea⁴⁰ and appreciate its achievements⁴¹. Therefore, *the level of customary based commitment to the institution, as an intrinsic characteristic of a villager, generates participatory behaviour.*

The evidence that people who do not appreciate the activity of the Obstea board as positive usually do not participate in meetings, gives us reasons to believe that the non-participants consider useless their involvement⁴², *the village assemblies being therefore populated by users who may manifest a tendency to approve the Obstea board proposals, as a consequence of their trust.*

Another consequence of this correlation is that participation rate is also dependent upon actual circumstances (bad management) and future favourable conditions may change this pattern.

Among these participants, there are persons who express their opinion, who are invested with 'a voice' (35% of those who participate declare that they expressed an opinion during last meetings). Their participation is not conditioned by any actual circumstances. They are customary committed to the Obstea institution.⁴³ Additional characteristics of the 'voices' are higher education and possession of larger individual property.⁴⁴ *With this profile, we can observe that the village assemblies benefits of the presence of the competent 'elites'.*

In the beginning, I supposed that the members whose opinion in such meetings would make the difference, the 'opposition informal leaders', would not involve themselves in the decision-making process, due to the expressed contempt towards the officials' corrupt practices. They declare that *'there is no point to express one's opinions, because anyway they do what they want'*; however, despite these declarations, they choose to be active and not to resign themselves.

The interviews show that even though remarkable competent opinions occur during meetings, the passive participants that form the voters' mass usually decide and vote without taking into account the expressed opinions; they do not vote according to judgement based on evaluation of the economic returns, or on any other cost-benefice calculation, but mostly according to previous group affiliations (which may not be profitable in a rational way for the affiliated one).

Does participation mean actual decision?

There may be other several causes for the observed non-participatory pattern. Some of them are structural. A large number of persons temporarily emigrate to work in foreign countries and some of the villages we studied encounter a demographical problem. The worst situation

³⁹ All these correlations are significant at $p < 0.01$ level

⁴⁰ correlation significant at $p < 0.01$ level

⁴¹ correlation significant at $p < 0.05$ level

⁴² The qualitative data sustains this statement too.

⁴³ On the same statistical base as above

⁴⁴ correlations significant at $p < 0.01$ level

is in the village of Negrilesti where from official statistics 16.73% of the total population emigrated to work mostly in Italy as shepherds⁴⁵. The unofficial figures from our interviews show an even higher percent, of 40%. However, this is not the case for all the villages.

We must consider also another structural incentive for failure in the functioning of participatory management; it is *the lack of salience* (Ostrom: 1999), as users are not dependent upon the resource they will not invest in participating or accessing knowledge for a well grounded position in the decision-making process. Although it may play a role in locals' motivation, our data shows that it is only a secondary one. We could not explain the non-participative pattern by the total lack of interest from the inhabitants, since 57% declare that they are 'interested a lot' in the *Obstea* activities and 'not interested' only 11%.

From our interviews, the villagers' most frequent explanation for their absence is a situational one; the villagers do not like to participate and consider the participation useless because of the chaotic atmosphere at these meetings and the impression that the *Obstea*'s officials manipulate the decisions.

We can infer from the direct answers and from the perceptions analysis that the existing *gap between local users and managers* is one of the most powerful reasons for the non-involvement model, which leads us to the conclusion that in fact *most villagers do not consider the Obstea as a self-governing institution. They do not consider themselves empowered in any way to decide over their communal property.* They feel deprived of their right to participate effectively in decision-making process, manipulated, and not listened by the board (30.9% consider their opinion is only 'sometimes listened' and 55.4% 'never listened').

Another important observation we made during our fieldwork is that individual choice in the deciding process is guided more by a previous affiliation to a certain group than by the individual's judgment of the situation. Therefore, the village assemblies look more like a struggle between village's interest factions, power relations between different social networks interfering very much in the decision-making. *Nevertheless, the participatory process is corrupted also by the low educational level of the villagers and their lack of understanding the 'management' process alongside with legal procedures, conducing to lack of knowledge for accurate individual choices.*

We argue that the participatory management is not essentially wrong from a functionalist point of view, because there has to be mutual monitoring between all the parties included in the common property system for making credible commitments (Ostrom, 1990: 45) and because there are mostly contextual reasons for its shortcomings. From a prescriptive point of view, for the mutual monitoring to become effective, the level of villagers' knowledge about formal procedures must increase and the groups affiliation's power to lower. In addition, as the recognition of the competent opposition voices would become effective, the gap between officials and 'the others' could be filled.

As we see, neither structural incentives, nor economic rationality, as most of the studies on participatory development suggest (Cleaver 2001: 48) explains our low participation pattern. The motivations are to be seen mostly among perception of recognition as a perception of empowerment.

⁴⁵ The National Statistics Data Base, 2004.

Conclusions - “The Obstea does not know, because ‘she’ is a newborn; but she will remember, the Obstea will know.”⁴⁶

The institution of Obstea enjoys support from the community members on several dimensions. There are some strong points that I want to underline: prior experience which enhance commitment; increased interest in Obstea activities and correct appreciation of the potential opportunities and power of the institution; support for most of the design principles as indivisibility, inalienability, equal sharing; desire to involve in the management practices and to access the resource. As we could see during the argumentation, the most loyal ally for the institution is the custom, the traditional foundation, although interrupted for 50 years from an unfortunate state policy. Local villagers do not argue the necessity of the institution as a contract, based on an instrumental reasoning about efficiency, but as a historical legacy, as a mark of the locals’ identity.

The main problems would be limitation of access, due to forestry regulations and rudimentary means; lack of knowledge regarding statute stipulations and formal procedure; and, most important, serious mistrust in the actual management, due to free-riding behaviours, manipulation and internal conflicts. The mistrust aspect tends to affect the support for important institutional principles like private nature of property, indivisibility and participatory management and the interest of the population regarding Obstea matters.

Villagers’ actions are and rationality relies much on their bond to the local leaders. They depend upon power relations within each village and their ideas reflect much of the arguments of the elites.

There is evidence that an honest and competent management may succeed in the given conditions, leading to sustainable local development. We observe that situational variables, at the lowest level of the village’s context, particularly the agency of key actors constitute the explanation for the success and satisfaction regarding the ‘government’ of the commons in Vrancea Region.

We confront the discrepancy between the categorical property norms, which provide a good framework and are highly supported, and the concretised property relations (von Benda-Beckmann: 2004), which in our case are not perceived by local users as suitable. In most cases, researchers argue that shortcomings in property management stem from the lack of embeddedness of statutory norms in the local context, as they may be abstract creations of central policy makers, as most of post colonialist studies suggest; for the situation to get better, they must adapt to local practices. In our case we have the vice-versa situation - the concretised property relations and practices related to communal forests must change and legal regulations must be enforced. The success of this institution relies on the agency of actors and not on robust structures.

⁴⁶ T.B, age 56, Paulesti village; here the villager uses a pun, he uses both meaning of the Obstea, as a community of people and as an institution, as a community ‘she’ (in Romanian Obstea is a feminine noun) knows, as an institution ‘she’ is a newborn.

References

- *** Statistical Database of National Institute of Statistics (2004), Romania.
- Benda-Beckmann F. and K. von, (2004), Struggles over communal property. Rights and law in Minangkabau, West Sumatra, Max Planck Institute for Social Anthropology Working Papers, 64.
- Blum J., (1971), The Internal Structure and Policy of the European Village Community from the Fifteenth to the Nineteenth Century. *Journal of Modern History*, 43(4): 541- 576.
- Bruce, J., W., (1989), Community forestry rapid appraisal of tree and land tenure. Series title: Community Forestry Note 5, FAO Corporate Document Repository.
- Cartwright A., (2000), Against "decollectivisation": land reform in Romania, 1990-1992, Halle/Saale: Max Planck Inst. for Social Anthropology
- Cellarius, Barbara A., (2000), Will forest owners cooperate? Some preliminary observations about Bulgaria's forest restitution, Halle/Saale : Max Planck Inst. for Social Anthropology
- Cleaver, F., (2001), Institutions, Agency and the Limitations of Participatory Approaches to Development, in Bill Cooke & Uma Kothari (eds.), *Participation : the new tyranny?*, London : Zed Books
- Dorondel S., (2005), Land, Property, and Access in a Village from Postsocialist Romania, in S. Dorondel, S. Serban (eds.), *Between East and West. Studies in Anthropology and Social History*, Bucharest: The Romanian Cultural Institute Publishing House, 268-307.
- Esman M.J. & Uphoff N., (1984) Local organizations: intermediaries in rural development, Ithaca: Cornell University Press.
- Gibson, C., McKean, M. A., Ostrom, (1999) E., Forest Resources and Institutions in Forests, Trees and People Programme - Forestry Department Working Paper No. 3, FAO.
- Haller D., Shore C., (2005), Corruption. Anthropological perspectives, London: Pluto Press
- Hann C., (1998), 'Introduction: the embeddedness of property', in Property Relations. Renewing the anthropological tradition. C. M. Hann (ed.), Cambridge: Cambridge University Press, 1-47.
- Hann C. (ed.), (2002), Postsocialism : ideals, ideologies and practices in Eurasia, London: Routledge, 2002.
- Heady, P., (1999), The hard people: rivalry, sympathy and social structure in an Alpine valley Amsterdam: Harwood Academic Publishers.
- Kideckel D. A., (1993), The solitude of collectivism: Romanian villagers to the revolution and beyond, Ithaca: Cornell University Press.
- Mantescu L., Vasile M., (2006) *Local interests and individual belonging in village forest commons in Vrancea Mountains of Romania*, paper presented at IASCP Europe Regional Meeting. Building the European Commons: from Open Fields to Open Source, Brescia, in Digital Library of the Commons <http://dlc.dlib.indiana.edu/archive/00001750/>
- McKean M., Ostrom E., (1995), Common property regimes in the forest: just a relic from the past? *Unasylva*, 180(46), FAO.
- Nuijten M., (2003) Power, community and the state: the political anthropology of organisation in Mexico, London [u.a.]: Pluto Press.
- Ostrom E., (feb. 1999), Self-Governance and Forest Resources, CIFOR, occasional paper no.20.
- Ostrom, E., (1990), Governing the Commons. The evolution of institutions for collective action, Cambridge University Press.
- Ribot C. J., and Peluso N. L., (2003), A Theory of Access. *Rural Sociology* 62(2): 153-181.
- Sava V., A., (1929-1931), Documente Putnene, (Putna's Documents). Focsani, Tipografia Curtea Putnei.
- Schlager, E., Blomquist W., (1998), Resolving Common Pool Resource Dilemmas and Heterogeneities Among Resource Users. IASCP Conference Papers.
- Stahl H. H. (1980), Traditional Romanian Village Communities. Cambridge: Cambridge University Press.
- Stahl H., H., (1939), Nerej – une region d'un evillage archaique: monographie sociologique, Bucarest: Institut de Sciences Sociales de Roumanie.
- Stahl H., H., (1958), Contributii la studiul satelor devalmase romanesti, Vol. 1, 2, 3 (Contributions in studying Romanian joint property villages). Bucaresti: Editura Academiei.
- Stahl H., H., (1969), Les anciennes communeutes roumaines – asservissement et penetration capitaliste, Bucarest, Paris, Ed. de l'Academie de la Roumanie, Editions du Centre National de la Recherche Scientifique.
- Stahl Paul H. (1986), Household, Village and Village Confederation in Southeastern Europe. New York: Columbia University Press.
- Verdery, K.,(2003) The vanishing hectare : property and value in postsocialist Transylvania. Ithaca: Cornell University Press.