

# *Obște* today in the Vrancea Mountains, Romania. Self-governing Institutions of Forest Commons

**Monica Vasile**  
University of Bucharest

*Henri H. Stahl prezice disoluția obștilor vrâncene pe cale „naturală”. Momentul 1950 marchează într-adevăr dispariția obștilor, însă pe cale violentă, prin confiscarea pădurilor de către comuniști. Mult timp după căderea comunismului, prin Legea nr. 1/2000, asistăm la retrocedarea obștilor vrâncene, la „restaurarea” lor în aceeași formă colectivă. Articolul reia subiectul pe care Henri H. Stahl îl deschide ca temă de căpătâi pentru tradiția sociologică românească și urmărește ceea ce se întâmplă cu obștile vrâncene actuale. Abordarea pune accent pe modul în care comunitatea și actorii sociali sunt prinși în relațiile de proprietate emergente în jurul instituției obștii. Dintre numeroasele dimensiuni pe care acest subiect ni le oferă am ales să prezint în detaliu tema participării colective la luarea deciziilor și satisfacția/insatisfacția comunității față de obște, chestiune care implică și discutarea corupției și încrederii.*

## **Theoretical and methodological clarifications**

We discuss here a legal institution that rules the common property of each mountain village (mainly forests) in Vrancea Region of Romania and the “bundle of social relations” inside the community.

The institution that we discuss is *Obște*<sup>1</sup>, an old form of participatory local governance and property administration. *Obște* 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

Region<sup>2</sup>, which offers an interesting site for anthropological inquiry. It is an old 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 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.

The commons<sup>3</sup> 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). 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 H. 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 communities (very close spatially and forming a single administrative commune) that was meant to be “the study”; I draw several conclusions from this first analysis, among which the fact that this should be only a “pilot” study and that I should inquire also other villages, 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. In its final stage, the study is drawn upon 10 cases out of 38 in the whole region.

*Secondly*, I chose to combine qualitative and quantitative methods for the

fieldwork inquiry.<sup>4</sup> 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 enables typologies on various dimensions, enforced and detailed by qualitative information from the interviews. The quantitative survey numbers 304 questionnaires,<sup>5</sup> applied in four of the ten villages, for the other six communities information is drawn from the interviews; the qualitative research counts around 170 interviews, applied in all 10 villages. Another methodological option is that I conducted mostly tape-recorded interviews.

On behalf of these options and because of the literature that I rely on, 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 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.

*The first part of the paper follows the historical path of this institution, the seizure and the communist and post-communist 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, underlining 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 *Obște* meant in the past and how it evolved.<sup>6</sup>

### *The “old” Obște*

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 in the sixteenth century Stephen the Great 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 1755<sup>7</sup>. Subsequently, another five division actions took place, the latest being in 1840.<sup>8</sup> This late survival of joint possession for a whole region is unique in Romania and, with the exception of some Albanese regions, in Europe<sup>9</sup> (Stahl, 1958).

We find *Obște* in the documents of the eighteenth 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.<sup>10</sup> Therefore, the *major property principles* in Vrancea Mountains were (and still are) *indivisibility, inalienability and equal sharing*.

Towards the twentieth century,<sup>11</sup> 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, several powerful foreign forestry companies, especially from Austria and Italy, “accessed” the common properties of the villagers, beginning with the middle of nineteenth 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). The *local elites* increased their interest in 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. In several villages, the old elites worked for the best of the community, they built churches, village halls, and communal baths. In some others, the locals’ collective memory remembers elites who sold wood to foreign companies and appropriated the gain. 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 *Obște* 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 *Obște* 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 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 criteria for selection were used, and statutory norms were not entirely followed. Gradually, each *Obște* 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 *Obște* 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 *Obște* 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 *Obște*.

“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* and managed in a kind of smaller collective farms for animal husbandry.

*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.<sup>12</sup> 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 lost<sup>13</sup>, because the communal forest property was entirely seized by the state 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 for the state structures; 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, on the black market of favours exchange.

*Immediately after the fall of communism*, property laws were fuzzy and incomplete. 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. Local 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.

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 *Obștea* institution, as many of the patrons are involved in ruling committees of *Obștea* (flagrant role-conflicts or just skilled persons for the positions?) or are informal local leaders who nurture conflicts among shareholders concerning forest issues.

### ***Obștea* 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 and old institutional forms are re-established in more formalised ways.

In its actual meaning in Vrancea region, *Obștea* can be described as a community based institution that administrates the forests, commonly owned by the residents of a village.<sup>14</sup> There are 38 *Obști* in Vrancea.

### ***Characteristics of resources***

The owned forest surfaces are large, varying between 2,000 and 14,000 hectares for a village population varying between 800 and 5,000 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 the mountain, while some are 100 kms away.

### ***Organizational scheme***

Nowadays, an executive committee together with the village assembly manages common resources. *De jure*, we still have the participative democracy. The people, on a democratic secret vote system, elect the committee; a president, two to four councillors form it. This committee is remunerated; the councillors have mostly a symbolic remuneration – equivalent of 50 euros per month. It is in charge of 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 include 50% of the village population to be in a legal position to make decisions. Following the statute, it 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 board.<sup>15</sup> Meetings take place

usually once a year, or more if important decisions have to be made.

The participatory 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. The villagers do not attend the meetings, as they should; elections are always suspected by locals, as they are not supervised from external enforcers. Additionally, as these rural communities do not have a large selection pool for elites<sup>16</sup>, role-conflicts or legal incompatibilities frequently occur, like the mayor of the village running for president or councillor of the *Obște*, rangers as councillors of the *Obște* board, owners of local forestry companies as *Obște* presidents, etc.

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

*Obște* 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 *Obște*, 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 *Obște* 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 Obște the right to modify their statutory norms, according to local situations, with the agreement of the village assembly*. Despite these favourable conditions, most of *Obște* that we studied have not yet taken advantage of this flexibility.<sup>17</sup> However, each *Obște* 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. The statute is so permissive, that for some mistakes, like those of the bookkeeper, the whole *Obște* is responsible.<sup>18</sup> The lack of sanctions is observed also in the larger legal framework of property laws in Romania (Verdery, 2003, 157).

### *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 locally. 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 1 500 euros per year. Concluding, the income from communal property rights

values no more than 5% of the total income for a middle level household.

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 *Obște* or to the local firms. The user has no right to sell his share beyond the locality. If the *Obște* makes the necessary papers, there is actual possibility for the villagers to sell their share everywhere. From the ten *Obști* we examined, only one took this measure; the other ones do not even consider this step; as a consequence, villagers can sell their annual wood quantity only locally. The local companies have a benefit from this shortcoming, and the *Obște* 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 *Obște* 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 invested<sup>19</sup> in: a) *specialized equipments* for forest exploitation; b) *logistics* for organizational purpose, like buildings, computers, transportation and communication facilities; c) *local development*, especially infrastructure, public utilities, construction and restoration of community use buildings. The *Obște* organizations were re-established after 2000, so a) and b) investments categories are quite large for the starting period, and this makes the subject of important conflicts among villagers and committees.

Besides purchase of public-use buildings, infrastructure and restoration of those already in use, *Obște* has the

opportunity to develop feasible business, like tourism activities,<sup>20</sup> or industries related to timber processing. However, for short-term strategies, very few *Obști* consider these as priorities.

## Zoom into the local practices

### *Membership*

*The analysis over the membership norm provides a very good example about the way 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.*

Membership in the *Obște*, 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. Some of them practice membership exclusion politics.

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 *Obște*, which leads 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, not even tried to pay the tax in time, but they complain about the “exclusion”, seeing it as breaking the rule of the place. This membership exclusion politics works very discretely by combining money and time restrictions. 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 *Obște* 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.

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, Negrileşti, 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.

From these characteristics follows the idea that we deal with a very flexible institution. This flexibility might be dangerous, as the norms for “moving” across boundaries are not clear, not customary regulated, and people in power may change them according to their interests. It appears that this bundle of rights is designed for stable communities with no inputs or outputs. As soon as the villages become more dynamic, the membership becomes fuzzy.



It is for sure a regime that favours the community despite the individual.

### *Struggles and performance*

Good performance of an *Obște*, can be estimated through its visible outcomes, like investments. For most of the *Obști* the level of outcomes is “low” (4 *Obști* out of 9), for 3 it is “medium” and for 2 it is “good”, even very good in the case of Paulești village (in which *Obște* has built its own centre, a villagers’ culture club, 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 *Obște* in a satellite) would prejudice the long-term development of the village.

Low performance associates with conflicts and corrupt practices. In Vrancea region, most of the villages encounter internal conflicts concerning *Obște*.

Let us have a look at a number of conflict 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 *Obște* 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 *Obște* 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. 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.

In the village of Nereju we found the most violent conflict situation, around the so called problem of corruption. *The “opposition” group, led by the former mayor, who claims that the Obște management is totally abusive and corrupt, accuses Obște officials and the owners of local wood exploitation firms.* They denounce frauds concerning the elections of the *Obște* 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 *Obște* 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 *Obște* 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 on them as organisers. In response, blackmail and even death threats occur. In the given conditions, there are no forms of demanding accountability for these actions outside the formal channels. There is not the usual “opacity” problem; the abusive administration is 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 5 out of 10 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 cannot 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, 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, who 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 mutually exclusive. What counts is their agency, in terms of capacities, intentions, and interests – played in interaction with the agency of others.

### *Some concluding remarks at this point*

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 resources;
- 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 is 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.”

One explanation for the bleak picture is that *Obşte* does not benefit from clear and detailed statutory framework. Nor does it have a customary developed

normative guidance. Practices are not yet encompassed in coherent bodies and this leaves breaches for conflicts and corruption. The only stable thing is the past (period before communism) revived in the present. The restoration brought back the old principles (participation, equality, indivisibility, inalienability), even the old statutes in a new coat. Nevertheless, the inactivity of those structures for 50 years determines mostly the adhocism of today, as this absence period prevented the constant upgrade of practices and customs.

The fuzziness characteristic for property rights in Romania after communism touches this commons' regime too.

One of the things that we can state at this point of the paper is that *Obște* has a very powerful collective dimension. Unlike other collective forms, the benefits for the individual are drawn indirectly, through the mediation of the community. Individual shares do not represent much, only 5%, of the household's income. Still, individuals are expected to embody the community and to participate in the management of their property. 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.

In the next part, I want to give the individual's point of view. What do the members of *Obște* do and think about their institution? On which basis are they satisfied or not, why don't they trust the committee and do not want to get involved in decisions? If we presume that they embody the community, what is the actual support of the community for the institution?

## **Villagers' actions and narratives**

### *Who are the users ?*

In order to understand how the "community" appears and who produces the narrations about *Obște*, I will take a look at the villagers' socio-demographic profile.<sup>21</sup>

The socio-demographic picture for the area does not look very promising. People are mobile, but poorer than in other areas of Romania and with lower education.

In „my” villages people practice mostly subsistence agriculture, raise cows for household consumption.<sup>22</sup> Although their occupation is primarily agriculture, the quality and quantity of household's owned land and livestock is not very high.<sup>23</sup>

Remunerated activities remain at a low level<sup>24</sup>, the total income of a household does not exceed an average value of 130 euros per month. They do not have job opportunities except working in small commercial business, in the forest and for the timber companies. Due to this situation, younger people migrate abroad in high percentage.

The education is also poor<sup>25</sup>, the intellectual occupations being practiced only by 5.1% of the inhabitants. For the whole area there is only one highschool. Some villages are 60 km away from this location, so the pupils have either to move in this commune, or to go by bus every morning. The population is slightly aged (an average age of 54); 42% of the households include retired people.

From this general picture, one may see that people are highly dependent on the economic environment, they do not possess resources (material and educational) to develop on their own basis.

### *Dissatisfaction problems*

I start the analysis of the villagers' perception over the performance of *Obște* by stating that the empirical research show that the locals are mostly unsatisfied. *The score of overall satisfaction with Obște performance*<sup>26</sup> 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 *Obște* 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 *Obște* 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.<sup>27</sup> One element has priority over another, depending on person.<sup>28</sup>

### *Satisfaction and material benefits*

Even though this heterogeneity puzzles us, there is one simple criterion to be considered highly discriminator for the overall satisfaction with the *Obște* performance. This criterion is *material interest*. *Obște* 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 *Obște*. Not only direct personal interests are involved, but also indirect ones, related to clientelism and social groups' affiliation. One could argue that through participatory management, *Obște* 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 *Obște* activities increases, without the major interference of other variables, such as judgement of fairness, norms observance, strategic management.

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 through the municipality. Even those who seem unsatisfied consider that „with this *Obște* we have something, which is better than nothing”. Most of them perceive correctly that the communal property exploitation empowers the community and provides development opportunities. In some villages, *Obște* 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 *Obște* management. From our quantitative evidence, only 18.9% perceive that the *Obște* has done “a lot” for the community and 30.8% perceive that the *Obște* has done “nothing”. In some cases, this attitude appears as unfair, since people expect the *Obște* to be a “savior” for the community in all aspects, a *panacea*.

We find here a shortcoming for the functioning of *Obște*a, coming from the population's side, high expectations and misperception of available financial outcomes and of procedural possibilities leading to lack of common understanding (Ostrom, 1990).

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

Local population is most frequently unsatisfied with the activity of the *Obște*a executive committee.

The population blames *Obște*a'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 *Obște*a 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 misappropriation practices. As a gross measure, only 32.4% of the population perceives the rulers as being correct in their activities.<sup>29</sup> Even in the villages where corruption is not at stake (1 and 2 in the table below), the villagers think that there has to be some embezzlement going on; they cannot conceive a correct board.

Table 1. Perception of the correctness of *Obște*a board

Village	The <i>Obște</i> a board is...	
	Mostly correct	Mostly incorrect
Năruja	44.9%	55.1%
Vrâncioaia	41.3%	58.7%
Nereju	25.9%	74.1%
Negrilești	24.4%	75.6%

In the villages where embezzlement is obvious, it is easier to observe that satisfied persons are mostly those who are connected with the *Obște*a activities and implicitly benefit in some degree from it. The degree of tolerance for corrupt practices varies consistently between villages depending not so much upon the embezzlement degree, but on the overall perception of *Obște*a outcomes.<sup>30</sup> The strongest example in that direction is the case of Tulnici village, where a very rich official, a so called local baron, 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 only one of the five members of the *Obște*a committee; informally, he is the one that rules *Obște*a. His charitable actions and his presumed "management

capacity" diffuse over *Obște*a institution and influence the general perception about it. The depletion of the *Obște*a 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 and 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 and Shore, 2005, 13; Lazăr, 2005, 224).

*Trust*

The perception over these free-riding practices, however flexible it may be, leads to very low degree of *trust in the Obște*a institution, the perception of

unfairness and dishonesty influencing significantly the percent of 66.1% who do not trust the *Obște* board.<sup>31</sup>

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 *Obște* board determine the people to be sceptical about any argument or initiative.

The analysis shows that people do not participate in the village meetings because of their lack of trust in the committee; they 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 *Obște* 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.<sup>32</sup>

*The problem of mistrust highly influences the support of the 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 nature of the property. Through its officials, Obște as an institution loses support on several dimensions.*

## **Participatory management – challenged by local “powers”**

Among the principles of the *Obște*, 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 and 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, 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.

### **“Voices” and “voters” in decision-making process**

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

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 *Obștea* institution) and “feels that he is a proprietor over the forest commons”.<sup>33</sup> In addition, these people trust the *Obștea*<sup>34</sup> and appreciate its achievements<sup>35</sup>. The evidence that people who do not appreciate the activity of the *Obștea* board as positive usually do not participate in meetings, gives us reasons to believe that the non-participants consider useless their involvement<sup>36</sup>, *the village assemblies being therefore populated by users who may manifest a tendency to approve the Obștea board proposals, because 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. Additional characteristics of the “voices” are higher education and possession of larger individual property.<sup>37</sup> *With this profile, we can observe that the village assemblies benefit 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 actually decision ?***

We could not explain the non-participative pattern by the lack of interest from the inhabitants, since 57% declare that they are “interested a lot” in *Obștea* activities and only 11% “not interested.”

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 *Obștea*’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 Obștea 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”).

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.

## Conclusions

“*Obște*a does not know, because ‘she’ is a newborn; but she will remember, the *Obște*a will know.”<sup>38</sup>

The institution of *Obște*a 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 *Obște*a 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 *Obște*a matters.

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.

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; 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, practices related to communal forests must change, and legal regulations must be enforced. While in other cases the problem lies in lack of coherence between customary and statutory law, what we observe in the case of *Obște*a is the ambiguity of both. The lack of well-established body of customary norms and practices leads to what I called adhococracy, which enables opportunists to find ways for pursuing personal interest.

## Notes

1. 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 (*obshtony*, *obschina*); the original sense of the word is togetherness and underlines the participatory essence of the institution.
2. 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 XVIII<sup>th</sup> 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).



3. 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.
4. Information about the research: I divided the fieldwork in several visits (the shortest lasted for 10 days and the longest for 2 months as I had to combine teaching periods in Bucharest with fieldwork) 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; very special thanks to prof. Ioan Mihăilescu, prof. Cătălin Zamfir and prof. Ilie Bădescu; I am also indebted to my students and friends who participated in the research.
5. 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.
6. I rely on 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.
7. According to documents cited in H.H Stahl, 1958.
8. As H.H. Stahl describes, the reason for division were the pasturing necessities of each village and the distribution criterion 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”.
9. 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.
10. Men and women have equal property rights, although men are mostly present in meetings and they are involved in forestry work.
11. For this period we rely mostly on information from our interviews, querying collective memory.
12. The organization in which people from Vrancea fought against communist regime was named *Vlad the Impeller* and it was active till the middle 60s.
13. A factor that should be kept in the reader’s mind for subsequent explanations.
14. There are no clear-cut membership boundaries, as I will show further in the paper.
15. This being the only effective sanction mentioned in the *Obște* statute; however, the conditions in which the board may be revoked are not clearly stipulated.
16. As a consequence of the urbanization process during the communist regime.
17. They have taken the model statute *tale quale*.
18. Such a situation occurred in Păulești village, when the whole *Obște* had to pay a fine of 4,500 euros.
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.
20. Successful tourism is already practiced by some local entrepreneurs, but only in a few villages.
21. The frequency analysis is based on the questionnaire survey.
22. 48.1% of the working people do that as a principal occupation, consisting of day work, and subsistence strategies.
23. An average household owning around 2 hectares of meadows and pastures for 1 cow, 1 pig and 3 sheep.
24. Only 25.4% of the households include persons who earn wages, legally or on the black market, another 32% being day workers.
25. No education 6%, primary school 28.4%, gymnasium 32.3%, high school 24.3%, professional courses and university 8.3%.

26. 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 *Obște* board.”
27. For example, building a church is a motif for pride for some villagers, while for others is an unproductive investment.
28. For example, the very restoration of *Obște* patrimony as an ancient identity mark for the historical free villages can constitute for some a sufficient reason for being satisfied, while for others this element is absent, economic returns being most important.
29. This percent varies significantly between villages, at  $p < 0.01$  level.
30. The argumentation would be: “They make their share, but we make ours also.”
31. The Pearson correlation coefficient between perception of honesty and level of trust is very high, 0.490, at a significance level of  $p < 0.01$ .
32. All these correlations are significant at  $p < 0.01$  level.
33. All these correlations are significant at  $p < 0.01$  level.
34. Correlation significant at  $p < 0.01$  level.
35. Correlation significant at  $p < 0.05$  level.
36. The qualitative data sustains this statement too.
37. Correlations significant at  $p < 0.01$  level.
38. T.B, age 56, Păulești village; here the villager uses a pun, he uses both meaning of *Obște*, as a community of people and as an institution, as a community “she” (in Romanian, *Obște* is a feminine noun) knows, as an institution “she” is a newborn.

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