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AGAINST  
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LAND REFORM IN  
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PERSPECTIVE

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## Against ‘Decollectivisation’: land reform in Romania, 1990-92

### *Introduction*

Romania’s 1991 land reforms continue an important tradition in that country’s development. Since the middle of the 19<sup>th</sup> century, the system of land ownership and agricultural production has been overturned approximately every thirty to forty years. These upheavals usually coincide with great changes in the political system. The 1864 land reforms for instance, were introduced shortly after the provinces of Muntenia and Moldavia were granted increased autonomy from their Turkish rulers. After the Great War, the distribution of six million hectares of land signalled the destruction of the power of the old aristocracy and the creation of the multi-ethnic Greater Romania. And then, not more than thirty years after the creation of a rural landscape dominated by small family farms, the state authorities embarked on the most radical programme of agrarian reform, herding the peasants into collective farms and absorbing the ‘surplus’ population into the new towns and cities.

Keeping with tradition, the 1991 Law on Agricultural Land Resources introduced fundamental changes to the previous system of ownership and production. Unlike previous land reforms though, there is clear sense that the law has a retrospective function, to undo at least some of the wrongs committed by the former Communist regime. In essence, peasants who were forced to join collective farms between 1949-1962 would have their property restored to them. This idea of reversing historical developments is reflected in the phrase most commonly used by western commentators to describe the land reforms in the central and Eastern Europe. The anthropologists Kideckel and Sampson, for example, both refer to the rural transition as a process of *de-collectivisation*.<sup>1</sup>

While Law 18 certainly unravels some of the actions committed during collectivisation, I argue that de-collectivisation is not the most helpful way of describing the post-Ceausescu land reform process in Romania. For a start, it implies that the primary aim of

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<sup>1</sup> See for instance Steven Sampson ‘All is possible, nothing is certain: The horizons of transition in a Romanian village.’ in David. A. Kideckel (ed.) *East European Communities - The Struggle for Balance in Turbulent Times*. Boulder. Westview Press. 1995.

the reforms is to undo collectivisation, secondly, it suggests that there is a single agreed point in time which can be identified as 'pre-collective' and third, it suggests that there is agreement as to what exactly did take place during collectivisation. I argue that all three assumptions are contentious, although in this paper, I concentrate on this last issue, focusing on the role of Law 18/1991 in creating its own version of Communist collectivisation. I argue that the judgements it makes over the rights and wrongs of that programme give a highly selective account of state action and peasant reaction. Part of the problem with the label de-collectivisation is that it implies that collectivisation was a top-down programme that was wholly imposed by the state onto a hostile, but relatively powerless, peasantry. In fact, the authorities in Romania employed far more elaborate tactics than sheer brute force, peasant resistance had deep impacts on the way in which ownership was socialised and furthermore, there were other peasants who could be said to have responded favourably to collectivisation. As Victor Frunza termed it, the reform of property and agriculture in Romania was a thirty-year war and, as in any war, there were those who fought till the end and others who learnt to live with the enemy.<sup>2</sup>

The article is divided into two sections. The first looks at the question of what was done with the state farms and how the property rights of the former landowners were addressed. The second section examines the larger question of how land of the collective farms was divided. I argue in both parts that not only does the law fail to compensate those who suffered severe injustices under the Communists, in some places it allows those who profited from these injustices to hold onto their gains.

### **1. The people's land**

Under Communist rule, Romania's agricultural sector was broadly divided into state farms, collective farms and a very small private sector. In terms of ownership rights as laid out in the constitution, 'the people' owned the land in the state farms, while the collective farms were owned by those who originally contributed land to the farm. In 1989 around 28% of the total agricultural land in the country was in the state sector, the

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<sup>2</sup> Frunza Victor. *Istoria Stalinismului in Romania*. Bucuresti. Humanitas. 1990.

collectives accounted for around 65% while the rest was held in private, usually mountain farms and in small personal allotment plots.<sup>3</sup>

Law 18 creates a dual system of compensation for former landowners. Those whose land is located within the boundaries of the state farms can receive shares in the semi-privatised state farms. By contrast, those with land in the collective sector can, within certain limits, reclaim the exact same land that they once owned.

This division was based on a number of considerations, not least of which was the 1990 administration's pre-disposition to large-scale, mechanised farming.<sup>4</sup> Agricultural production plummeted in 1990 and there was a real danger that food imports would have to increase further if the highly mechanised and subsidised state sector was broken up. Furthermore the people's land was actually made up from many sources – confiscated land from large commercial farmers, church land, land that was donated to the state. It was highly unlikely that these groups would come together to form new farms. With the collectives, at least there was the possibility that the members might join together to create new farming associations. However, even following this logic, the rights of former owners of land held in state farms were not wholly ignored. Up to a ceiling of ten hectares, they were entitled to shares in proportion to the amount of land that they 'owned' in the farm. The creation of shareowners is in itself not without controversy. In order to see how, we need to see how the 'people's' land was first made.

## **2. From the people to the people**

Before the World War Two, the state owned relatively little rural land in the country. With the rise of the Communist Party, this was to change. The state acquired land in numerous ways and the following sections do not claim by any means to be an exhaustive account of these techniques. My aim is to outline some of the key means that were used.

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<sup>3</sup> Ministerul Agriculturii si Alimentatiei. *Evolutia sectorului agroalimenta in Romania. Raport anul 1997 al Ministerului Agriculturii si Alimentatiei*. Bucuresti. 1998. p. 30.

<sup>4</sup> In January, the new Minister for Agriculture, Victor Surdu, declared that agriculture could not only make the country self-sufficient, it could also provide it with an export market. However, much to the disappointment of many in the villages, he claimed that the basic organisational units for farming should remain the collective and state farms. See Paul Grafton 'Measures and Half-Measures to Stimulate Agriculture'. *Radio Free Europe / Research Report on Eastern Europe*. 34 - 37. 11th May 1990 at p. 34.

## 2.1 Expropriation and Confiscation

The term expropriation encompasses all compulsory land acquisitions where the former owner received some compensation even though this may have been grossly inadequate, while confiscation refers to those takings where no compensation was offered. Several state actions can be included here, including some that pre-date the rise of Communist authority. In 1941 for example, at the height of the power of the fascist Iron Guard movement, an anti-Semitic law was passed whereby Jewish rural property was forcibly acquired by the state with only the barest amount of compensation.<sup>5</sup> Under the terms of the post-war peace settlements Romania was obliged to restore land and property to all those who had been discriminated against and, in December 1944, a provisional law on restitution was introduced.<sup>6</sup> However as the Institute of Jewish Affairs reported, ‘once the Communists were completely in control, the restitution provisions became inoperative or difficult to implement’.<sup>7</sup> Implementation was complicated by the massive displacement of people and, in many places, there was a bureaucratic unwillingness to expend resources on the search for missing landowners. Many of the country’s surviving Jews had already left the country, and many more had been killed in the Holocaust.<sup>8</sup> In 1945, the day before the Soviet favoured Premier Groza was appointed,<sup>9</sup> a land law decree was passed confiscating around 1.4 million hectares of land from ‘war criminals’, those who had fought against the United Nations, those who fled to unfriendly countries, those who had fled after the fall of the former leader Marshall Antonescu, absentee

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<sup>5</sup> The law on the confiscation of Jewish agricultural property was enacted on October 5th 1940. For more details on the wartime experiences of the Romanian Jews see Raul Hilberg’s *The Destruction of the European Jews*. W. H. Allen. London. 1961. Hilberg especially at pp. 738-47.

<sup>6</sup> Article 25 of the Paris Peace Treaty stipulated that “where the property, legal rights or interests in Roumania of persons under Romanian jurisdiction have since September 1, 1939, been the subject of measures of sequestration, confiscation or control on account of the racial origin or religion of such persons, the said property, legal rights and interests shall be restored together with their accessories, or if restoration is impossible, that fair compensation shall be made therefore.” Institute of Jewish Affairs. *Jewish Restitution and Compensation Claims in Eastern Europe and the Former USSR*. Research Report No. 2. London. 1993.

<sup>7</sup> *ibid.* p. 8.

<sup>8</sup> There were international agreements concluded in the 1960s to facilitate compensation claims at least by Holocaust survivors, but these, according to the researchers at the Institute of Jewish Affairs, were considered matters of ‘humanitarian aid’ rather than compensation for violations of property rights.

<sup>9</sup> March 6<sup>th</sup> 1945 is widely accepted as being a crucial turning point in the rise of the Communist Party in Romania. For a selection of articles considering the significance and the consequences the fall of premier Radescu and the appointment of Groza, see *6 martie 1945 - Incepturile Comunizarii Romaniei*. Bucuresti. Editura Enciclopedia. 1995.

landlords who had not worked their land in the previous seven years and individuals who owned in excess of 50 hectares. This final group was the only one actually to receive any compensation. Exceptions were made for the land of the Church, for land of public institutions, for communally held land and for land belonging to 'model farms'. Around 1.1 million hectares was distributed amongst the poorest peasants with the remainder going to the state.

The law was explicitly anti-German. Article 3 ordered the confiscation of all lands of collaborators and enemies of the people and supplementary regulations provided for the expropriation of all the lands of those who belonged to the 'German Ethnic Group' in Romania. Schieder notes that:

As the decree concerning the Ethnic Group, issued by the Rumania government on 20 November 1940, had declared all Rumanian citizens of German ethnic membership to be members of the German Ethnic Group in Rumania, this definition amounted to the complete expropriation of all German peasants, irrespective of the size of their properties.<sup>10</sup>

Once the Communists were in power, further laws were introduced to acquire the land for the people. In 1949, two days after the Plenary Session of the Central Committee passed their resolution announcing the beginning of the collectivisation campaign, Decree No. 83 was introduced. This confiscated all the estates of around 50 hectares that were exempted from the previous 1945 land reform.<sup>11</sup> Without compensation and therefore contrary to Article 10 of the 1948 Constitution which provided for just compensation, established by the court, for all expropriations, this Decree confiscated all their land and buildings, including the family home.<sup>12</sup> All livestock, agricultural and semi-industrial equipment and all 'the goods and the materials that may be used in agriculture' were

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<sup>10</sup> The most comprehensive recording of the fate of the Volksdeutsch throughout East-Central Europe during and following the war is the collection organised by the Federal Ministry for Expellees, Refugees and War Victims under the leadership of Professor Theodor Schieder. The series is called *Dokumentation der Vertreibung der Deutschen aus Ost-Mitteleuropa* and it was first published in 1953 in Bonn. Volume Three was *The Fate of the Germans in Rumania*, and was published in English in 1963. It documents the experiences of the German communities in Romania and subsequently in the labour camps of the USSR. Schieder, Volume 3 op cit. p. 89. The supplementary regulations no. 4/1945 can also be found here pp. 156-164.

<sup>11</sup> Decree 83, B.O. No.1 March 2nd 1949.

<sup>12</sup> M. O. No. 87 April 13th 1948.

transferred to the state. Ten years later, a further confiscation decree was passed. All privately owned land which was not directly cultivated by the owner and his family was confiscated. The law also forbade sharecropping, the leasing of land and the hiring of labour.<sup>13</sup> State farms were the main beneficiaries.

One other significant form of land confiscation was via the criminal law. Throughout collectivisation, the authorities relied upon the security services and the enforcement of the criminal law against dissenters.<sup>14</sup> New laws frequently increased the range of offences that could be committed ‘against the advance of the national economy’. One law from 1948 prescribed the death penalty for burning or destroying in any way industrial, agricultural or forestry products. For not denouncing anyone committing the offences provided under the Act, the penalty was between five and ten years hard labour.<sup>15</sup> Such was the detail and stringency of the economic plans that some degree of non-observance was almost inevitable and, therefore, potentially the subject of a criminal prosecution. For the local agricultural authorities the criminal law could be used to threaten the peasants with fines, detention or worse. If non-observance was considered to have been purposeful rather than the result of carelessness, the sanctions could be very severe, confiscation of property, deportation and even execution.<sup>16</sup>

The class nature of law enforcement was official policy. Levy found in the Romanian state archives a direction from the Central Committee to the Chief of Police in Bucharest ordering him to enforce the law especially severely against the *chaiburi*.<sup>17</sup> These were those peasants who in theory owned the largest amount of land and exploited their fellow peasants. In practice, the label was applied loosely. It included those who stubbornly insisted on remaining in the private sector.<sup>18</sup> Courts were prepared to accept the links

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<sup>13</sup> Decree 115, B.O. No.10 March 30th 1959.

<sup>14</sup> Bogdan Tanasescu. *Colectivizarea intre propaganda si realitate*. Bucuresti. Globus. 1992. p. 25.

<sup>15</sup> Law 16 M.O. No.12 January 15th 1949.

<sup>16</sup> For the use of the criminal law in the collectivisation campaign, see Roske Octavian (ed.). *Dosarul - Colectivizarii Agriculturii in Romania 1949-1962 - Studiu intocmit de Comisia pentru cercetarea abuzurilor si pentru petitii din Camera Deputatilor*. Bucuresti. 1992. Especially at pp.101-126.

<sup>17</sup> Robert Levy. ‘The “Right Deviation” of Ana Pauker. *Communist and post-Communist Studies* Vol.28 No.2 239-254. 1996 at p.244.

<sup>18</sup> In Turda, Transylvania, in 1951, out of the 587 people identified as *chaiburi*, 348 lived outside the villages, over a third owned less than ten hectares, whilst the single largest element comprised those owning between 11 and 15 hectares. In addition to these landowning peasants, there were those such as Lazar Bucur who owned neither land, nor machinery, nor livestock. There was the unfortunate Alexandru Tokor who was denounced as a *chaiburi* even though he was registered as only owning one horse. In many

that the prosecutors sought to show between the social background of a prisoner and their 'responsibility' for the crime. For those families, conviction of one of their members could have severe consequences for a whole series of matters: choice of school, type of job offered, promotion, and housing.<sup>19</sup>

## 2.2. Voluntary Donations

One of the more unusual methods through which the state acquired land was via donations. Particularly in the early period of collectivisation, the state received donations of land from all quarters. Schools, hospitals, private organisations, communal authorities, all transferred their land ostensibly to help in the goal of 'constructing socialism in the countryside'.<sup>20</sup> One of the largest of these institutional landowners in the villages was the Church. Although the Greek-Catholic Church was abolished in 1948 and its lands confiscated, there was evidence that the Party was prepared to come to an accommodation with the main Orthodox Church. Its lands were spared in both the 1945 and 1949 decree laws. In many areas the Church had already allowed the local authorities to manage their lands, taking the majority of the produce grown. In late 1948 and early 1949, the Synod of the Orthodox Church announced that it would transfer legal title to most of its lands to the state, with the actual transfer being affected by means of a letter of donation drawn up by local priests. The Orthodox Synod believed that with this method, it could ensure that its priests were left with enough land for their own personal use. Some months later, though, regulations were introduced by the Ministry of Agriculture preventing the local priest from selecting the portion that he wished to retain for himself.<sup>21</sup>

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cases, the reports give no further information to explain why such peasants should be called *chaiburi*. In other instances, though, there is mention of the ownership of some kind of agricultural machinery such as a tractor or a threshing machine. Similarly, there were those whose economic activities brought them to the attention of the authorities - the ex-publican who continued to sell alcohol, or the owners of *tuica* (plum brandy) stills. Sfatul Popular Regional Cluj - Sectia Agricola, Dosar Nr. 9, 1951

<sup>19</sup> Often conviction would result in a whole family being moved on by the local authorities, often to other parts of the country, and sometimes without the imprisoned family member being informed of the move. See Roske *ibid*.

<sup>20</sup> See Tanasescu *op cit* pp.31-38.

<sup>21</sup> See Sandru D. 'Proprietatea funciara rurala din Romania de la reforma agrara din 1945 pina la colectivizarea agriculturii (II)'. *Anuarul - Institutului de Istorie 'A.d.Xenopol'*. Vol.28 143-162, (1991) especially at pp. 148-150.

Throughout collectivisation, peasants of all classes signed away their land. Given the often-quoted deep attachment between the peasant and the land, the fact that so much land was donated to the state appears odd. At the time though, there were many reasons for donating land to the state, most relating to the severe difficulties peasants had in meeting their tax and quota obligations. Since 1945, agricultural production was organised according to the state plan. Precise instructions were issued as to the use of seeds and fertilisers and there was increased mechanised assistance from the Machine Tractor Stations. Instead of agricultural work being organised on the basis of households, with members of the family and extended family working the scattered plots, peasants found that they had Party activists to work with, or members of the army, or 'volunteers' from local factories and schools.<sup>22</sup> Each harvest was weighed and measured and the producer was then obliged to deliver a proportion to local collection centres, the quota being calculated according to the size of the holding and the local average yield.<sup>23</sup>

In the state archives in Cluj County, there are frequent petitions to the authorities to relax the quota or to allow an individual to make up their quotas in the following year. A letter written from the mountains near Cluj, in the summer of 1949, bears testament to burden of the quotas. The author, a state official, reports that with no access to pasture land the peasants were finding it very difficult to meet their milk quotas. As a result the levels of infant mortality were rising in the area and, in the opinion of the author, would fall only if the level of the quota was lowered.<sup>24</sup> This pressure on marginal producers was intentional.<sup>25</sup> The aim was to absorb the unproductive holdings into the first collective farms with their former owners either working in the new farm or joining the growing

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<sup>22</sup> See for instance Comitetul Regional PMR Cluj. Dosar 1364/33 Fondul 6 1947 - Raport de Activitate Sectia Taraneasca.

<sup>23</sup> Decision No. 4322 of the Ministry of Commerce and Industry M. O. No. 143 June 26 1947.

<sup>24</sup> Comitetul Provizoriu - Rapaorte Informative, Tablourilor Chiaburilor, Judetul Cluj. Dosar Nr. 20, Fond 37

<sup>25</sup> On the 7th March 1945, one day after the appointment of Dr Petru Groza as Premier, a meeting of high level Communist Party officials was held to discuss longer term strategy. The main conclusions of the meeting were transmitted to the western powers by an agent of the American Office of Strategic Services. In rural areas, the tactics were clear - the confiscation of the lands of the largest landowners, the dismantling of the small peasant farms and the creation of a 'collective system'. See 'March 7th 1945 - Romanian Communisation programme plan transmitted by an OSS agent', in *Romania - Viata Politica in Documente 1945*. Coordonator Iona Scurtu. Arhivele Statului din Romania. Bucuresti. 1994

industrial workforce.<sup>26</sup> However, the act of donating was not made easy. Whether or not there was a surplus of state land, the Ministry of Agriculture made it clear in a circular issued to all regional authorities that on no account was land to be accepted if there were any debts owing, in particular unpaid taxes or undelivered quotas. The archives in Cluj are full of desperate letters begging the state to accept land. The petitions describe the difficulties fulfilling quotas because of illness or old age, or the fact that all the younger members of the family had gone to work in the towns and cities. Still, rejected donations included those from ‘mutilated’ war veterans and widows too sick to work the land. From the petitions from Cluj and its surrounding regions in 1949-51, it appears that the authorities were almost entirely inflexible in the application of the law. Although rejected, once made a donation was not forgotten. After an offer, the local authority was obliged to record the fact and, should the property later become suitable for the creation of a state or collective farm, the ‘gift’ was reactivated.

### **2.3. Other mechanisms**

There were other laws designed to limit the growth of the private sector and push peasants towards socialist agriculture. The Law on the Circulation of Agricultural Estates for instance, introduced in June 1947, prohibited the sale of any land above 15 hectares whilst making it illegal for anyone not solely engaged in agriculture to buy land. For estates over 5 hectares the state secured the right of first refusal and, should it wish to buy the land, it could do so at below market prices. Introducing the law, the Minister of Agriculture, Trian Savulescu, made it clear that the land acquired under the Act would be for the use of state and collective farms.<sup>27</sup> In the following year, Decree 125 ordered the confiscation of all rural land owned by persons whose Romanian citizenship had been revoked.<sup>28</sup>

## **3. The people's land under Law 18**

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<sup>26</sup> Between 1948-56, the urban population in Romania increased by 1.7 million, whilst the overall number of people living in the rural areas fell by 111,300. Quoted in David Turnock. *Romanian Villages: Rural planning under Communism. Rural History* Vol. 2 No. 1 pp. 81-112 at 84. 1991.

<sup>27</sup> Tanasescu op cit. 1992. p.13.

<sup>28</sup> M. O. No. 154, July 7th 1948.

Despite all these different mechanisms for acquiring land, the post-Ceausescu land law makes very little attempt to open up the past and enquire about the actual circumstances of the original taking. From the former owners listed above, some are entitled to claim their shares in the state farms and some are not.

Despite the clear class nature of law enforcement during collectivisation, Article 36 provides that those who lost land as a result of criminal proceedings can only claim a share in the farm if they can prove to a tribunal that they were the victims of political persecution.<sup>29</sup> On the other hand, under Article 16, all those Romanian Germans who can show that they lost their land as a result of their deportation, regardless of the fact of any actual collaboration during the war, can apply to receive equivalent shares in the state farm.<sup>30</sup> By contrast, there are no provisions in Law 18 to compensate former Jewish landowners for what they lost in 1941.

As mentioned earlier Decree 83/1949 was unconstitutional by the law at the time, in that the land was forcibly acquired without compensation. Yet, Article 37 provides that only those who can show that their land passed to the state by way of a special measure 'other than expropriation' can claim shares in the farm. Land forcibly acquired at the end of the 1950s under Decree 115 is similarly excluded. Perhaps the most wide-ranging exclusion is to those who 'gave' land to the state. Undoubtedly there were those who did freely cede

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<sup>29</sup> Decree-Law 118 introduced in 30<sup>th</sup> March 1990 establishes the procedure by which an individual can prove that their imprisonment or other persecution by the authorities was the result of political motives. Yet even though the scope of the law extends to March 6<sup>th</sup> 1945, there is no actual definition of 'political motive'. It remains the case that many actions committed by the state authorities against peasants, particularly those who were class enemies, may slip through this definition, despite the fact that the confiscation, imprisonment or harassment was unjust.

<sup>30</sup> Between autumn 1944 and 1945, approximately 80,000 able bodied ethnic Germans were deported from Romania to the Soviet Union on the grounds that they were needed in the reconstruction of the USSR. Throughout the country, the Red Army demanded a list of all Romanian Germans on the pretext that the latter were 'engaged in extensive espionage and were hindering the Russian war effort'. As an early form of reparation, all those aged between 16-40 were placed on trains and sent as far as Siberia, despite the fact that the Allied Protocol on reparations made no mention of drawing labour from German populations outside the Reich. The greatest number of deportations took place in Transylvania, particularly in the southern region. According to the study conducted into the fate of the Volksdeutsch by the German Federal Ministry 'the proportion of losses reached almost 15%, i.e. more than 10,000 did not return. Of those who did come back, almost 50% moved to Germany or Austria'. The land reform that was introduced in the following year made great use of this 'abandoned' land. Roberts estimated that nine tenths of all confiscations of properties took place in Transylvania 'undoubtedly a high percentage of the Germans had been actively pro-Nazi ..[but in any case].. the Soviet order paid no attention to such criteria'. See Henry L. Roberts *Rumania - Political Problems of an Agrarian State*. New Haven. Connecticut. Yale University Press. 1951 p.297.

their land to the state, but as the archives in Cluj, make clear, there were many other for whom the decision was forced on them by the combined burden of taxes and quotas.

One final irony that demonstrates the inability of Law 18 to fully confront collectivisation is the fact that some former owners who can claim shares might in fact end up receiving land. Again this does reflect a consistent position or one that appears to favour the most deserving. One of the legal fictions that existed throughout the Communist period was that the collective farms, the *colective agricol de productie* (CAP) were the sum total of the land of its members which they, as a sovereign body, under the guidance of the Communist party, controlled. In practice, a great many of the early collective farms were made up of a small amount of land brought by the members and a large donation of land from the state authorities.

In the plans of the agricultural economists, the ideal collective farm was between 80-100 hectares in size. Early on though there were many applications that fell far short of this ideal. In January 1950 for example, in Somes county in Transylvania, ten peasants from Comuna Preluci made an application to the Ministry of Agriculture to set up a collective, declaring a combined total of 12.39 hectares of arable land and requesting a grant of state reserve land to help them achieve their target of 18 hectares. In the village of Taga, in the same county, even though there was a total of 661 hectares of arable land in the village, the 16 applicants owned a combined total of 20 hectares; in nearby Cernu, the 30 applicants brought with them a total of 61.64 hectares.<sup>31</sup> Whilst this might be accounted for as reflecting early misunderstandings, the trend of using non-member land continued in the following years. In Cluj County in 1952, the total amount of land brought by members of the collectives amounted to 8,392 hectares, whilst the total amount of land added from other sources was 5,755 hectares.<sup>32</sup>

Whether a peasant receives shares or land depends only partially on the way the land was originally acquired by the state. In theory, if a former owner knows that his or her land was used to make a collective farm, he or she can apply to the local Land Commission for

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<sup>31</sup> Comitetul Regional PMR Cluj - Somes. Dosar 973/66 Fondul 7, 1950. In not one of these villagers were all Party members signatories to the application to start a collective. In Taga there were five Party members who had not signed, in Preluci, another 15 and in Cernu another 16. It may be that some of these worked outside agriculture. Still, the ratio of Party signatories to non-signatories suggests that not all Party landowners had recognised their duty to the new farms.

<sup>32</sup> Comitetul Provizoriu al Judet Cluj. Sectia Agricol. Dosar 57/1950 Fondul 88. State Archives, Cluj.

restitution. Furthermore, if land were transferred from the collective to the state farm, as it frequently was in the 1970s and 1980s,<sup>33</sup> then this would preclude the original owners from claiming that land but instead joining the ranks of other share-owning peasants.

#### 4. Who brought what to the collectives?

In a similar manner to the way it deals with land in state farms, Law 18 is selective in its treatment of the rights of former landowners in the collective farms. Briefly, it 're-constitutes' the property rights of those peasants who originally brought land to the collective farm. Secondly, to those who worked for the collective yet brought no land, it 'constitutes' differing amounts of land in their favour. To allow for this, Law 18 provides for a 'surplus' of land to be created by fixing the maximum that the former owners can reclaim at ten hectares. Local Land Commissions, made up of the mayor, vice-mayor, agricultural specialists as well as four elected villagers, were charged with implementing the law. Former owners can prove their entitlement to the CAP's land using their original title deeds, contracts of sale, wills, original applications to join the CAP, copies of the pre-CAP land register (*Cartea Funciar*), entries in the Agricultural Register or failing these documentary methods, using the oral testimony of witnesses.

As we have seen with state farms, the process of making a collective was by no means straightforward. As argued at the beginning, collectivisation was not a one-dimensional process, peasants learned ways in which they could reduce the burdens of the quotas and thus remain outside the collectives. Ghita Ionescu for instance, reports how the authorities must have been surprised when the 1955 census revealed that the number of medium sized (between 5-20 hectares) private farms had actually increased. He argues that:

The peasant class, in spite of persecution, compulsory quotas, exorbitant taxes and exaggerated prices for the use of the services of the MTS, had been able to resist

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<sup>33</sup> As Verdery points out, the legal status of these transfers was unclear. Often they were instigated by the local Party or the managers of the CAP who were finding the production quotas too onerous to meet. See Katherine Verdery. 'The elasticity of land: Problems of restitution in Transylvania'. *Slavic Review*. Vol. 53 No.4 1071-1109. (Winter)1994.

collectivisation and to maintain its traditional position in the economy of the country.<sup>34</sup>

Whilst some of the more spectacular forms of resistance, such as countywide uprisings, are increasingly well known, there were many other lower level forms of resistance, analogous to what James Scott in another rural context, calls the ‘weapons of the weak’.<sup>35</sup> The dismantling of the collectives was an opportunity to make public some of these anti-state actions. Individuals could appeal to the authorities that they should be allowed to regain what had once been theirs. Unfortunately, it was not always clear what exactly that was. The following sections are based on archive work in Cluj and in two villages in Transylvania, Plaeisti near Turda and Mirsid near to Zaluja in Salaj County.

#### 4.1. Shrinking land

As we saw earlier, the authorities used agricultural taxes and compulsory delivery quotas to exert pressure on the private farmers. As the wealthiest farmers, the *chaiburi* were subject to the highest tax demands. In the announcement of a new fiscal law in 1949, the Party declared that:

The new law on agricultural taxation is based on the principles of class struggles as practised in the Romanian People’s Republic. The law is designed to aid the poor and middle strata of the peasantry and to put pressure on the *chaiburi*.<sup>36</sup>

In addition to their regular agricultural income taxes, which could be as high as 49.4%, all *chaiburi* were liable to a supplementary income tax of between 20-50%, the precise level being set at the discretion of the local taxing authorities.<sup>37</sup> The agricultural quotas were set at progressively steeper rates according to the size of an individual’s holding. A decision of the Ministry of Food and Commerce in 1949 gives a good example of the way in which quotas were calculated. From the 14th January every owner of a cow or water

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<sup>34</sup> Ghita Ionescu. *Communism in Rumania 1944-62*. London. Oxford University Press. 1964. p. 240.

<sup>35</sup> James C. Scott, *Weapons of the weak: everyday forms of peasant resistance*. Yale University Press. New Haven. 1985

<sup>36</sup> Murville D.M.A. and Wekerele A. ‘Land and Peasant in Romania’ in V. Gsovski and K. Grzybowski (Eds.) *Government, Law and Courts in the Soviet Union and Eastern Europe*. London. Atlantic Books. 1959. p.1865.

<sup>37</sup> The regime of agricultural income tax brought in by Law No. 18 - B.O. No. 45 July 14th 1949 - allowed local authorities to impose a supplementary tax on local *chaiburi* in addition to his or her regular tax liability.

buffalo was obliged to deliver 200 litres of milk a year to the state. For those owning two such animals, the quota was set at 600 litres per year, whilst those owning three animals had to deliver 1100 litres of milk per year. Such were the demands placed on those in the top bracket that it was not unknown for farmers to have to buy produce from their neighbours in order to fulfil their quotas.<sup>38</sup>

In this environment many peasants fell into debt with the authorities, some being forced to take drastic measures and give away their land to the state. However, there were other ways to reduce the tax and quota burden. One method was to 'shrink' the amount of land 'owned'. Every year the Agricultural Register was taken based on submissions by individual peasants as to the amount of land they owned. It was probably the principal record of land ownership register during the Communist period and it was used as the basis for calculating agricultural quotas.

Holdings could shrink in a number of ways. Peasants could simply lie and say they owned less than they did although this was risky. If the total figures did not tally then they could be compared with the year before to see whose land had changed. If the land shrinkage could not be satisfactorily explained, the individual risked imprisonment. A safer method though was for a peasant to take advantage of any connections he or she had with the Register's compilers and get land taken from his account and then added to another's. Thirdly, a peasant could divide land within a household so that a minor, and therefore a non-quota payer, became the owner of part of the land. Fourthly, a peasant could pretend that he or she had entered into a 'sale' with someone who had left the village, all the while continuing to work 'his' land.

These are just some of the ways in which quotas and taxes were lessened. In terms of Law 18 though, their significance is that they were private arrangements that were for obvious reasons usually unwritten. When it comes to returning to the pre-collective position, unless all the original parties were still in the village and, furthermore, unless they agreed to the original terms of the arrangement, the principal record of land ownership at the time the collective was set up was the Agricultural Register. It is true

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<sup>38</sup> Sections 21-25 Decree 143 B.O. No. 46 May 20th 1950 made the punishment for non-delivery by *chaiburi* more severe. Non-delivery was punished by the confiscation of the quotas. One quarter of this quota was then sold at delivery prices to poorer peasants and *mijloaci* who had provided information on the miscreants.

that there were other methods of proving what individual peasants once owned. If they had them, former owners could use extracts from the main pre-Communist land register - *Cartea Funciar*. However, not only was the demand for extracts from *Cartea Funciar* extremely high, the deadline for submitting original copies of all relevant papers to the Land Commission was only 45 days after the law was first introduced in February 1991.<sup>39</sup> In Plaeisti the only other available and reliable documentary source of land holding was the original applications that peasants made to join the collective. However, as the mayor in charge of administering the land reform complained, once these papers had been delivered to the Land Commission in Plaeisti and before they could be used by anyone in the village, they mysteriously disappeared.

The falsification of records like the Agricultural Register and the effective absence of alternative, reliable records of private land ownership during collectivisation raise difficult practical problems. In both case study villages, the elected members of the Land Commission believed that they had been selected because they could remember the pre-collective boundaries. They claimed that even when they were unsure as to the exact boundaries, they could always consult with other older peasants from the village. Even so, aside from the issue of memory loss, as we have seen above in the late 1940s and 1950s there were changes in the ownership of private land that were concealed from the outside world. Whether these concealed histories actually came to light could be arbitrary, as the following examples show.

In Plaeisti there was a peasant who in the 1950s managed to get the local Agricultural Register amended so he 'lost' three hectares of land. In 1991, his son, Mathai Endre became entangled in a great argument with his mother and his wife over what should be done with their 'missing' land. Endre knew that extracts from *Cartea Funciar* could prove that his father owned ten hectares of land until some time in the 1950s when it suddenly shrank to seven hectares. He believed that if he could show these papers to the Commission and tell them what his father had done, and then he would receive all ten hectares. However, both his wife and his mother feared the repercussions of making public their actions. They believed it was best to keep Endre senior's actions private.

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<sup>39</sup> There were other problems. Applying for an extract of *Cartea Funciar* requires having the correct topographical number for all the different strips that a peasant might have once owned. Without that number, searching for the relevant document becomes difficult.

After many more disagreements, the matter was settled by the fact that Endre was unable to acquire the relevant extract of *Cartea Funciar* in time. As it turned out, he received the amount recorded in the register. In Mirsid by contrast, some of the local Land Commissioners were privy to certain false entries to the agricultural register. In 1991, they were able to inform the original 'victims'- that is those whose quotas and taxes had suddenly risen through no fault of their own, that they actually owned more land than they thought. As one Commissioner conceded, it took some time before they were able to convince them that the extra land was in fact theirs.

#### **4.2. Consolidation and compulsory land exchanges**

One final example of the way in which the Romanian land reforms only partially addresses collectivisation is the question of compulsory exchanges. Owing to traditional methods of dividing land between families and the pressure of over-population in the rural sector, many peasant households held their land in a number of different strips that would often be some distance from each other. According to a survey conducted in 1939, the 'average holding consists of four to five strips, with the distance between them of between four and seven kilometres'.<sup>40</sup> The problem of fragmented farms had long plagued Romania's farming sector and, in order to ensure the success of the new collective and state farms, it was vital that large surfaces were created. In this way land could be divided into areas according to the type of crops grown and, more importantly, be worked with agricultural machinery. Initially, the local authorities tried to arrange for voluntary exchanges of land in the areas of proposed collectives. The role of both the local agricultural authorities and the Party activists was to persuade the owners of adjacent and linking plots to exchange them with those who were joining the collective. Often the latter were unable to bring all their land to the new farm and it was usually these strips that were offered by way of exchange. The main obstacle, and one that had thwarted previous attempts at consolidation, was that like was not offered for like. More usual was the offer of an exchange of high quality, well maintained land, close to the centre of the village for land that had been poorly looked after, of low fertility and often

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<sup>40</sup> M. Gormsen *Short Introduction to the Principal Problems of the Agriculture in Romania*, Bucharest. 1945.

far away from the village.<sup>41</sup> Official preparations for the consolidation of land holdings had begun before the announcement of collectivisation in March 1949. The reaction of the peasants to these actions demonstrates some of the difficulties in ‘rationalising’ holdings. A report from the Committee of Provision in Cluj cites the case of an agricultural engineer who was threatened in Comuna Juriul de Campie as he drew maps. Sensibly, the report suggests that it would be better if engineers did their work during times when the majority of peasants were away in their other fields.<sup>42</sup>

These land exchanges raise similar issues as the question of donated land. Without the original witnesses, it is hard to know whether the contracts were produced under duress, or whether they should be taken at face value. One important difference between exchanges and donations was that there was little reason to misrepresent the size of donated land. With land exchanges it was in the collective farm’s interests to either exaggerate the amount of land being exchanged or to misrepresent its precise location. The closer a strip was to the centre of the village or the less it occupied hilly ground, the more acceptable it would appear as an exchange. The Ministry of Agriculture had issued instructions that the interests of smallholders and peasants with medium sized holdings were not to be harmed in any way.

Despite this, there is evidence that the pressure to create new collective farms led to abuses. The consolidation of land in Comuna Catacau in Cluj County for example, illustrates the procedures involved in gaining the agreement of all parties. A single contract was drawn up authorising 201 separate land exchanges. Each party to the exchanges was expected to sign the contract in front of the Mayor and the secretary from the local agricultural authority. However, in many cases, there was no signature given and a significant proportion of other ‘agreements’ were done by way of thumbprint or cross.<sup>43</sup> Anecdotal accounts from both Mirsid and Plaeisti attest to the use of coercion, ranging from direct violence against the unwilling to threats that a son or daughter would not be allowed to go to college should the owner refuse to sign. What is clear is that

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<sup>41</sup> See Tanasescu *ibid.* pp. 34-42.

<sup>42</sup> It was not possible to find when the first phase of this operation was, but given the sensitive nature of the work, it could be assumed that the first phase took place some months previous to this, perhaps even prior to the Plenary Session in March 1949. *Comitetul Provizoriu al Judetului Cluj - Sectia Secretariat*, Dosar 12, Fondul 563 1949.

<sup>43</sup> *Comitetul Regional PMR Cluj* Dosar 973/66 Fondul 7 1950.

almost every collective farm required a huge number of exchanges of land to create the size and shape which the authorities required. Cluj County reveals that, for the 5,972 hectares brought by members to the farm, it was necessary to make exchanges of land totalling 5,746 hectares.

Consolidation caused a great bitterness in the countryside. In the establishment of the state farm Unguras, in Turda, 27 complaints were reported concerning the quality of land received by private persons. Typical complaints were that land from the valley had been exchanged for land in the hills, that pastureland had been given for arable land or that the land received was simply *slab*, i.e. weak and infertile. The report concludes that almost all the complaints related to plots less than one hectare in size, and that the operation was conducted in favour of the state farm.<sup>44</sup> That there was significant resistance to the exchanges programme can be in part inferred from the passing of Decree 151 in 1950. Until this point, the exchanges had been achieved through persuasion and *munca de lamurire*;<sup>45</sup> this Decree simply declared that land exchanges should go ahead when they were in the interests of the collective or the state farm. Even though this law required the farms to draw up contracts detailing the exchange, there was ‘a widespread failure’ on the part of many authorities to complete formalities.<sup>46</sup>

In relation to the land exchanges that pre-dated the collectives, Law 18 makes no provision. Land is returned to those who had brought it into the farm, even if that land had originally been acquired by means of a compulsory exchange. Article 15 provides for limited compensation in cases where one party to an exchange never received any land. In a court case brought by a former owner of land exchanged, in this case in the construction of a state rather than a collective farm, the court held that if the legality of the exchange can be established by reference to contracts and that documents can be found which prove that the exchange took place, then the original exchange will stand, regardless of the fact that like was not exchanged for like.<sup>47</sup>

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<sup>44</sup> Comitetul Provizoriu al Judetului Cluj - Sectia Agricol Dosar 57, Fondul 88 1950.

<sup>45</sup> A phrase that literally means the work of explanation.

<sup>46</sup> Verdery Katherine. ‘The elasticity of land: Problems of restitution in Transylvania’. *Slavic Review*. Vol. 53 No.4 1071-1109. (Winter)1994.p.1090.

<sup>47</sup> In this case the original exchange was overturned as no contract or archive record could be located establishing the circumstances of the exchange, despite the fact that the person whose land was taken for the IAS had been cultivating the plot given in exchange for the past thirty years. By way of compensation,

### *Some conclusions*

This article considers only some of the ways in which Law 18 avoided opening up awkward questions about collectivisation. There are others that relate to the position of the churches, the question of communal land and forestland formerly owned by private individuals and associations. I have tried to show how the law made inconsistent judgements about the wrongs of Communism and the rights of peasants. The case of the Romanian Germans for instance contrasts unfavourably with those Jewish owners who were deprived of their land in 1941. Similarly the refusal to reopen the question of the use of criminal law during the collectivisation campaign leaves the class based campaigns of the security services largely intact. Expropriations of land took place where the victim was left uncompensated despite the law in force at the time. Where former owners petitioned the courts for the return of their land, there were occasions when the courts offered redress in spite of Law 18. In some cases the courts used the pre-Communist Civil Code that provided for the right to peaceful possession and invalidated takings where there was violence involved.<sup>48</sup> In other circumstances, the court held that certain state acquisitions of land violated international treaties that Romania was a signatory to, such as The First Protocol of the European Convention of Human Rights and its protection over the peaceful enjoyment of possessions. However, these cases were the exception and the vast majority of post-Communist land transfers were affected through Law 18.

Why did the law avoid so much of what had happened during collectivisation? Given the pre-disposition of the ruling National Salvation Front to large scale farming and the maintenance of the domestic food supply, it is perhaps tempting to say that the reluctance to reopen difficult cases was based on, what was considered, pragmatic economic grounds. And yet, the outcomes of Law 18 seem to point towards a failure of its

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the plaintiff was granted shares in the recently privatized IAS equivalent to the amount of land she had "originally" held. See *Dreptul*, Anul 4, Nr. 8, 1993. pp. 66-67.

<sup>48</sup> . In Decision 48 of July 11th 1991, the Supreme Court held that Article 1851 of the Civil Code, annuls legal ownership where it is originally founded or conserved by violence. The court held that this provision formed an exception to Communist legislation, such as Decree 218/1960 and Decree 712/1966, which authorised the post facto transfer of title to socialist bodies. See Paul M. Cosmovici. *Drept Civil - Drepturi Reale, Obligatii, Legislatie*. Bucuresti. Editura All. 1996 at p. 24.

economic and compensatory objectives. Many of the original victims of the collectivisation campaign had either died or moved on to other jobs, parts of the country. Compensating the survivors with land for injustices that happened thirty to forty years previously ended up creating huge numbers of absentee landlords. Most of the sons and daughters of peasants who re-claimed their parent's land remained in the towns and cities. By 1997 approximately 60% of the country's rural land was owned by people who lived in urban areas.<sup>49</sup> Some worked the land themselves at the weekends, while others rented their land out. Restrictions on sub-leasing combined with an unfavourable economic environment for small to medium sized production have meant that there are many parts of the country where the land is uncultivated.

Law 18 attempted to stem the demise of collective farming in Romania, partly by avoiding certain awkward aspects of the original collectivisation campaign. In this respect, Law 18 illustrates the peculiar route that Romania has taken following the fall of the former regime. There is less of a break with the past than a selective reform.

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<sup>49</sup> According to information from the UK agricultural consultancy firm MASDAR, *Information Pack for Farming in Romania*. Wokingham. December 1997.