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Negotiating Property and State:  
Post-Socialist Struggles over  
Albanian and Romanian Forests

Thomas Sikor, Johannes Stahl,  
and Stefan Dorondel

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## **DEV Working Paper 09**

### **Negotiating Property and State:**

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## Abstract

Central and Eastern Europe has experienced intense negotiations over access and property in the past two decades. This paper examines how these negotiations intersect with processes constituting authority by way of four case studies on struggles over forests in Albania and Romania. The cases indicate significant variation in the configurations of property and authority regarding forest; yet they also reflect the influence of national politics in the two countries. In Albania, custom not only competes with the state as an institution sanctioning rights to forest but also emerges as an alternative politico-legal institution contesting state authority more broadly. In Romania, local struggles over forest play out the contestations between personalized and law-based exercises of state authority at the national level. These insights suggest that due to their radical nature and simultaneous occurrence, negotiations over property and authority have challenged the position of post-socialist states as primary politico-legal institutions and have generated different exercises of state authority.

## Introduction

Central and Eastern Europe has experienced a massive transformation of property rights over the past two decades. Property reforms belonged to the key projects undertaken by post-socialist states (Stark and Bruszt 1998). As for rural areas, they implied radical changes in property rights to agricultural land and forest. Yet property reforms were not only state projects but also projects undertaken by millions of rural people asserting various kinds of claims to rural resources (Verdery 1996). People's abilities to get their claims recognized as property in the form of land titles or other documents varied, though, depending on the economic, political and cultural resources available to them (Hann 2003).

As important as these legal processes were, the processes of 'making' property extended much beyond the implementation of property reforms. After many people had acquired statutory rights to land, they wanted to exercise these rights in practice. Yet this was not an easy undertaking in agriculture, as many did either not know the exact location of their land, did not have access to the necessary machinery, credit and inputs, or did not find attractive outlets for their products (Hann 1993; Verdery 2003). One of the reasons why they could not translate their formal ownership into 'effective ownership' (Verdery 2003) were the practices of powerful actors. After land reform was over, some of those pursued their interest in agricultural profits by other means. Using the terms of Ribot and Peluso (2003), they sought to gain access to agricultural land no longer by way of property but through other access mechanisms, such as control over product markets (Giordano and Kostova 2002) and highly speculative productive ventures based on short-term leases of agricultural land (Verdery 2003).

In this paper, we seek to set these practices and processes 'making' post-socialist property in relation to processes constituting authority. Following Sikor and Lund (this issue), we suggest that it is useful to examine linkages between the processes shaping access and property, on the one hand, and those forming power and authority, on the other. We are particularly interested in exploring how negotiations over access and property intersect with the formation of state power and authority. Post-socialist property negotiations appear to be intimately interwoven with the 'state of the post-socialist state' (Sturgeon and Sikor 2004). This is because post-socialist states assume a primary role in implementing property reforms (Stark and Bruszt 1998), and because control over property titles is among the most important political resources available to state actors in Central and Eastern Europe (Kurtz and Barnes 2002). The authority enjoyed by post-socialist states, therefore, has some bearing on negotiations over property. Vice versa, struggles over property are a key influence on the quest for authority by post-socialist states (Verdery 2002).

Such an inquiry into the foundations of post-socialist states appears appropriate considering the momentous changes experienced by these as part of the broader political economic transformations since 1989. As suggested by Grzymala-Busse and Luong (2002), Central and Eastern European states experienced a process of reconstitution as the relationships among the multiple actors making up the state and thereby their practices changed. Decision-making powers moved from the executive to the legislative branches at the national level and from the national to the local levels of the state. They also followed increasingly rule-based procedures, in contrast to the personalized style in the early 1990s. Yet the challenges faced by post-socialist states went beyond changes in their operational structures and styles. Post-socialist states have struggled to reassert their authority against competition by other politico-legal institutions that offer personal security, promote development and sanction property. The latter have included a wide array of institutions, such as local customary arrangements (de Waal, 2004), local-level associations (Sikor 2005), Mafia-style networks (Verdery 1996), religious groups (Hayden 2002) and broadly-recognized moral values (Humphrey 1995; Verdery 1999).

Thus, we refer to the state in two senses in this paper. We look at the state as an abstract social institution in the sense of what Abrams (1988) calls the 'idea of the state'. Understood this way, post-socialist states have encountered competition from other politico-legal institutions for authority over property. States have not been the sole institutions conferring property rights, enforcing them and resolving disputes over property, i.e. classical spheres of state jurisdiction. In addition, we examine the practices of concrete state actors. We are particularly interested in the actions of local state officials, including local governments, the local representatives of central government agencies and various kinds of local commissions. Their actions regarding property may be very different from what central organs expect them to do, as illustrated by the influence that local land commissions have exerted on the

conduct of land reform (Kaneff 1996; Verdery 1996). Local governments, in particular, may take advantage of decentralization and the dissolution of centralized party structures to employ the newly acquired powers for their own purposes (Verdery 2002; Mungiu-Pippidi 2005).

Returning to forestry, we surmise that struggles over forests provide a particular opportunity to examine the simultaneous constitution of post-socialist property and authority (cf. Verdery 2004b). Just as in agriculture, property reforms in forestry have been key state projects (Staddon 2000). The implementation of the property reforms, therefore, possesses direct implications for the reconstitution of state authority, as forests have become the most valuable resource in many rural areas (Staddon 2001a). Yet in contrast to agriculture, state authority is also at stake in forestry in other significant ways. Environmental concerns continue to motivate a strong involvement of the state in forestry, even where ownership is considered 'private' (Staddon 2001b). In addition, the reconfiguration of state authority in the forestry sector takes place upon a particular historical background. Prior to nationalization, many forests were under (either de facto or officially sanctioned) customary authority, such as cooperatives (Cellarius 2004) and village councils of elders (de Waal 2004).

The paper proceeds as follows. We begin with a comparison of national politics in Albania and Romania to explore contestations over authority at the national level. We then proceed to examine practices and processes constituting property and authority regarding forest in four local case studies, two each from Albania and Romania.<sup>1</sup> We conclude with a comparison of local negotiations over property and authority among the four sites and between the two countries, linking local struggles over forests with national politics.

## **National Politics in Albania and Romania**

### **Turbulent Extrication from Socialism in Albania**

*S'ka shteti, s'ka ligji!* ('There is no state, there is no law!'; Albanian saying after 1990)

Major instances of violence accompanied Albania's extrication from socialism. In the aftermath of the collapse of the social regime in 1991, the country experienced an orgiastic wave of vandalism (Vickers and Pettifer 1997). Albanians took to the streets

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<sup>1</sup> The case studies draw on ethnographic fieldwork conducted in 2004. Stefan Dorondel (in Romania) and Johannes Stahl (in Albania) stayed between two and four months in each site collecting information primarily through semi-structured household interviews, informal conversations and direct observation.

indiscriminately destroying any kind of physical structures associated with the socialist state: the buildings of agricultural cooperatives, schools and most of the rail and rural telephone systems. In 1997, people across the country once again went on a rampage ransacking banks, town halls, courthouses, land registries, police stations and even military barracks (de Waal 1998). The lawlessness came to a head when military depots were looted and arms stolen – including some 600,000 Kalashnikov AK-47s. Armed bands of people controlled roads, villages and towns for months, implying nothing less than a temporary collapse of the state (Biberaj 1998). This situation compelled the European Union to send in an international intervention force to support new elections.

The violence and open unrest in 1991 and 1997 reflected the lack of legitimacy of the Albanian state in the eyes of the general population. In 1991, people vented their frustrations with a socialist regime that had isolated them from the rest of the world and made their country the poorest in Europe (Vickers and Pettifer 1997). In 1997, many again took to the streets as they felt betrayed by political leaders perceived to engage in personal feuds, to use violence and to enrich themselves in office (Saltmarshe 2001). In particular, people implicated political leaders in the collapse of pyramid investment schemes, which wiped out about sixty per cent of Albania's private savings (Abdul-Hamid 2003). Many people also resented the state for not being able to guarantee their personal security. They felt that the state had done little to stop cross-border trafficking of people, arms and drugs by Mafia-style gangs, which openly challenged state monopoly over the means of enforcement (Saltmarshe 2001).

As the authority attributed to the state was low, many Albanians turned to customary arrangements in the conduct of their daily lives. In Albania commonly referred to as *Kanun*, these customary regulations reach back centuries, being transmitted orally from generation to generation. Their influence declined under socialism but made a strong comeback after its demise. The regulations apply to many aspects of personal life and economic production, such as inheritance rights, the prosecution of killings and other personal offences (Lastarria-Cornhiel and Wheeler 1998). Their influence is particularly salient in northern Albania (de Waal 2004), yet they also govern social relations in squatter settlements in the capital Tirana (Voell 2003).

Moreover, the causes of the rapid decline in the authority of the state went much beyond people's frustrations with the political leadership and their turn to customary arrangements. Many people simply left Albania. Starting in 1991, many Albanians left their country in search for jobs and a better life to neighbouring countries, particularly to Greece and Italy. The prospects of migration continued to be seductive as by 2002 around one quarter of the population continued to live below the national poverty line (Nicholson 2003). Poverty was especially prevalent in rural

areas, as reflected not only in low income levels but also a more general sense of exclusion (de Soto et al. 2002). Therefore, by 2001, more than one sixth of all Albanians lived abroad, their remittances accounting for almost a quarter of the country's GDP (Nicholson, 2003). The Albanian state did not assume much significance in their trans-national strategies any longer, as they oriented their lives towards neighbouring countries (Rapper and Sintes 2006; Stahl and Sikor, forthcoming). Migration, therefore, posed as significant a challenge to the authority of the Albanian state as people's frustrations with the political leadership, open violence and customary arrangements.

Property was a major field in which contestations over authority took place. Property reforms were a cornerstone of the legislation enacted by Albania's governments throughout the 1990s (de Waal 2004). Agricultural reforms mandated the distribution of all collective farmland to the current agricultural labour force in equal shares. In forestry, the government legislated the restitution of forests to historical owners. This meant in practice that the state would retain ownership over ninety-two per cent of the country's forests, as those had been in state ownership at the time of collectivization in 1944 (de Waal 2004: 33). In addition, the Albanian government instituted strict regulations to enforce state ownership of forests, creating a police-like body of forest guards to enforce forest regulations. Nevertheless, the reforms were repeatedly challenged by people asserting competing claims to land. In agriculture, many rural villages opted to reconstitute agricultural land to historical owners despite the national policy of distribution (Kodderitzsch 1999). The demands for restitution culminated in a law in 2004 that granted historical owners rights to compensation. Control over property, therefore, appeared as contested as broader authority relations in Albania. State legislation and customary regulations, in particular, offered competing authorizations for property claims.

### **Negotiating a 'Law-Governed State' in Romania**

Să se aplice legea! ('One should enforce the law!'; Romanian saying commonly heard in the early 2000s)

Romania's 'revolution' of 1989 involved a far less radical change in political regime than the term suggests. After the execution of the previous dictator Ceausescu and his wife, the National Salvation Front took over and included many high-ranking politicians from the previous regime (Hollis 1999). The Front won the elections in 1991 under the leadership of Ion Iliescu, a former socialist party secretary. Iliescu also managed to win the 1992 elections, now as the head of the successor to the Communist Party. In addition, Romania did not experience the violence and collapse of public order that accompanied Albania's extrication from socialism. There was some sense of public disorder, when miners marched into Bucharest in 1990 and 1991. Nevertheless, their actions were much smaller in scale and not



directed against the state as an institution (Gledhill 2005). Instead, some high-level politicians had called the miners in as a political weapon against students and other demonstrators, resorting to the kind of personalized exercise of state authority characterizing the Ceausescu regime.

National politics remained highly personalized during the first half of the 1990s (Pop-Eleches 1999). The new constitution granted the president powers far in excess of those known in other presidential systems and allowed governments to make abundant use of emergency ordinances (Hollis 1999). Political leaders were quick shifting their stance on political issues and forming new alliances, paying little attention to more programmatic work (Pop-Eleches 1999). They engaged in dubious and illegal manoeuvres protected by the far-ranging immunity given to parliamentarians (Hollis 1999). This led to general dissatisfaction with political leaders over the 1990s, causing massive shifts in electoral majorities in the 1996 and 2000 elections (Pop-Eleches 2001; Tismaneanu and Kligman 2001).

Local politicians and officials did not fare better in the general perception of the Romanian population. Many mayors and other local decision-makers wielded powers that went much beyond those granted in the Law on Local Government Autonomy in 1991 (Verdery 1996). Many ignored higher-level regulations, relied on local networks involving previous socialist cadres and channel locally-raised revenues into their own and their allies' coffers (Mungiu-Pippidi 2005; Verdery 2002). In some cases, their actions took the form of local 'parasitism, barely controlled anarchy, and scavenging on the part of virtually everyone' (Verdery 2003: 113).

Nevertheless, disorganized national politics and local nepotism did not seriously damage the authority the state enjoyed as an institution in the eyes of the Romanian population (Pop-Eleches 2001; Tismaneanu and Kligman 2001). In contrast to Albania, the Romanian state remained the sole politico-legal institution possessing authority. There were no politico-legal institutions that offered viable alternatives to the state. Customary arrangements, for instance, did not take on a role as significant as those in Albania (cf. Cartwright 2000). Mafia-like networks, which had sprung up in the 1990s, did not form separate institutions which could contest the authority of the Romanian state, as they often penetrated state institutions. In the opposite, local power abuses and Mafia-like structures often worked to consolidate the authority of the Romanian state understood as a set of abstract laws and procedures set apart from local officials' predatory practices (Verdery 1996). People blamed individual politicians or the political leadership in power at any particular time but did not question the idea of the state as being the primary institution of authority.<sup>2</sup>

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<sup>2</sup> Another factor was that Romanians did not enjoy the migration opportunities available to Albanians.

What was at stake, however, was the exercise of state authority. There was a wide range of political models available, ranging from the highly personalized exercise of state authority under Ceausescu to the law-governed exercise built on a system of rules and procedures. The former gained visibility in the highly authoritarian leadership promoted by the ultranationalist leader Tudor, who won an astounding percentage of votes in the 1990 presidential elections (Hollis 1999). The latter found increasing support under the Constantinescu government in the second half of the 1990s (Tismaneanu 1997). The government instituted a series of reforms which sought to reduce the possibilities for politicians and officials to influence the distribution of state services to their own advantage (Pop 2006). The move to a 'law-governed state' was associated with Romania's application for membership in the European Union. It eventually won the country accession in 2007, even though it took the country somewhat longer than others in Central and Eastern Europe.

Property rights assumed a key role in the struggle between personalized and law-governed exercise of state authority (Verdery 2003). The restitution of agricultural land and forests to their historical owners was one of the first legislative projects undertaken by the National Salvation Front in 1990 (Cartwright 2001; Strimbu et al. 2005). Moreover, in an effort to achieve broad support by the rural population, the government restricted the maximum areas of agricultural land and forest that individual owners could receive in the process. Ten years later, the Constantinescu government expanded the ceilings for agricultural land and forest and mandated the restitution of collective and communal forests next to individual forests. As a consequence, the share of Romanian forests in private ownership increased to twenty-one per cent in 2004 (National Forest Department 2007).

The implementation of restitution played out the struggle between personalized and law-governed forms of exercising state authority. The initial reform provided a lot of leverage to local land commissions, giving local power holders ample opportunities to influence the process and its outcomes (Verdery 1996, 1999, 2002). Yet over time, the central government imposed increasingly stringent rules on the management of private and communal forests. For example, the Forestry Code (Law 26/1996) imposed tight controls on forest owners, individual or communal, to be executed by Romania's National Forest Department. The Code also provided the legal foundations for a body of armed forest guards with policy-like powers, widely known as *Armata verde* ('green army') in Romania.

Thus, Albania and Romania divested themselves from socialism and departed into post-socialism on different paths. Albania experienced a major crisis of state authority, as reflected in two major outbreaks of violence and the widespread emergence of customary arrangements. The Romanian state also faced a problem of legitimacy, but it was far from the radical challenge to authority encountered by the

Albanian state.<sup>3</sup> In Romania, contestations over authority centred on the struggle between personalized and law-governed exercises of state authority. Control over property was a central arena in which these contestations took place in both countries, yet their governments pursued different strategies to assert control. Albanian governments sought to retain forests in state ownership. Romania's governments restituted one fifth of the country's forests to private actors.

## Local Forest Politics

We now turn to the local cases. This section examines the processes constituting property and authority regarding forest on the ground as those are conditioned by and feed back into national-level politics. We begin with the two cases from Albania.

### **Kodra (Albania): The Emergence of Customary Property and Authority**

Kodra is a thriving village located close to the road connecting Tirana with the town of Korça.<sup>4</sup> The village's population has remained stable at around 1,000 persons after 1990, unlike many other villages in rural Albania that experienced significant out-migration. People have stayed in Kodra because off-farm jobs in nearby Pogradec and farming afforded them a secure basis of their livelihoods. As for forest, Kodra's surroundings include some blocks of chestnut forest (*Castanea sativa*), the chestnuts having long been a prized specialty throughout Albania. Households from the village used to consider those their own prior to collectivization. The socialist regime expropriated them, however, putting the forest under the control of the Directorate General of Forests in 1966.

Kodra was not left untouched by the general turmoil taking hold of Albania at the breakdown of the socialist regime in 1991. As elsewhere in Albania, some villagers from Kodra went on a rampage destroying major assets held by the agricultural cooperative and state organs. Alone and in small groups, they sneaked out at night to dismantle the irrigation system and loot the animal shelters. They also cut most of the fruit trees that villagers had planted under the cooperative and sold the valuable wood through middlemen to Greece. Furthermore, they cut down significant portions of the chestnut forests, which remained in state ownership and were managed by the District Forest Service.

These actions were not merely attempts by individual villagers in Kodra to gain access to cooperative and state assets. Neither were they simply random acts of

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<sup>3</sup> Romania also experienced outbreaks of violence, but those were much smaller and did not challenge the state in the sense of a politico-legal institution (Gledhill, 2005).

<sup>4</sup> Kodra is a pseudonym, as are the other village and personal names used in this paper.

violence caused by villagers' frustrations with the socialist regime. Instead, the actions also reflected the conscious desire to unmake socialist property. As villagers explain today, some people engaged in these acts of destruction to eliminate the possibility that the socialist regime could recover and assert control over agriculture and forestry once again. By cutting 'communist trees' and destroying cooperative buildings, they wanted to erase key objects of value upon which the state's claims on rural resources had rested. If these pillars no longer existed, they thought, there was no way for the state to regain control over production.

Yet there was also another type of reaction to the situation: villagers undertook individual and collective efforts to save some assets that they thought might be of value in the coming years. Some villagers decided to patrol some patches of chestnut forest and/or camp out in them at night as a way to keep loggers away. They targeted the patches of forest that they or their parents had owned prior to collectivization. They felt that they continued to possess rights to the forest, and that now was the time to assert the rights before the forest was cut by other people. Moreover, villagers engaged in collective efforts to assert their claims to chestnut forests. In 1991, the village council pressed claims on a block of chestnut forest against the neighbouring village of Arrat in reaction to logging activities undertaken by people from that village. The council argued that Kodra should receive exclusive rights to the chestnut forest because it had been used only by families from Kodra prior to collectivization. The village council eventually succeeded in its efforts, but not before the loggers from Arrat had cut most of the trees.

In this way, Kodra's villagers engaged in significant efforts of property making following the demise of the socialist regime. They were not satisfied with gaining access to the chestnut forests surrounding their village, but they also sought to legitimize their claims with reference to historical rights. In 1992, Kodra's people asserted control over three more patches of chestnut forest located in the immediate vicinity of the village. They proclaimed that the chestnut forests were no longer in state ownership but now belonged to Kodra. Kodra had a right to the forests because villagers had possessed proprietary rights to them prior to collectivization. The villagers did not seek any endorsement of their specific claims from the state. The District Forest Service, in turn, did not initiate any action either in support of or in opposition to Kodra's claims. Asked about the event, a forest officer explained in 2004 that the Service was 'too busy' protecting forest in other areas.

The villagers based their claims on the legitimacy attributed to historical rights. Historical rights were also the defining criterion that the village used to allocate parcels of chestnut forest to individual households. As the village elders still remembered the old borders, they had little problem pointing out what household was entitled to which parcel of forest on the basis of historical patterns. It was also no problem that, after more than thirty years of collectivization, many original

families who claimed rights to chestnut parcels had grown into extended families (*fis*). In this case, the extended families divided the parcels among all member households in an egalitarian manner. As a result, households received an average of 0.3 hectares, the largest parcels measuring one hectare. About forty per cent of all households did not receive any chestnut trees in the process, as they could not claim historical rights. This inequality did not diminish the general acceptance of restitution, however, as virtually all villagers recognized the legitimacy of historical claims.

These insights, we suggest, show that Kodra's villagers spent significant effort to unmake socialist property and develop new property relations in 1991 and 1992. The new property relations were customary in the sense that they emerged from villagers' practices and reflected villagers' notions of which kinds of claims were considered legitimate and which were not. Kodra's property relations regarding chestnut forest therefore resembled the customary property relations regarding agricultural land in Albania's northern mountains described by de Waal (2004). The property relations stood in contrast to the legislation and regulations of the Albanian state, in particular the state's claims of forest ownership, control over forest access by way of the concession system, and mandate to oversee the restitution process.

As a consequence, we find that property making in Kodra was intimately connected with the reconfiguration of authority relations. As forest property became defined in customary ways authority shifted from the state towards custom. The state was no longer a significant institution authorizing claims to forest as property. It was replaced by custom as the primary institution endorsing forest claims as legitimate. Custom possessed sufficient authority to back up villagers' property rights against competing claims. In this way, authority relations regarding forest in Kodra reflected and simultaneously contributed to the emergence of custom witnessed across Albania as discussed above.<sup>5</sup>

### **Bagëtia (Albania): At the Frontiers of Property, State, and Custom**

Compared to Kodra, Bagëtia is located near much richer forest resources, as it is adjacent to immense old-growth oak and beech forests in the Qafë Panje and Guri Nikes Forest Sectors. During socialism, the Forest Sector was intensively used, managed and controlled by Albania's General Directorate of Forests. Many villagers from Bagëtia and surrounding villages worked there as woodcutters, guards or in the timber yards. Qafë Panje also supplied the cooperatives of Bagëtia and other villages with firewood and timber. Yet today, the gravel road connecting the village to the lowlands has become impassable. Bagëtia's population has drastically dropped over

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<sup>5</sup> We emphasize that this finding refers to authority with regards to forest property and does not apply to general authority relations in Kodra. As we discuss in another paper (Stahl and Sikor, forthcoming), the sanctioning offered by custom for claims to agricultural land was weaker.

the same period, from 350 people in 1991 to 99 people in 2004. Many people left permanently, seeking employment in Greece. The remaining villagers live on remittances, seasonal labour migration, state assistance and livestock production.

Like their peers in Kodra, the villagers of Bagëtia claimed property rights to the forests surrounding their village in the early 1990s. They asserted that they should be the only ones entitled to exploit the forests, as they had possessed proprietary rights to those prior to collectivization. They marked their claims by spraying warnings on trees and rocks all over the claimed territory, such as 'Property of Bagëtia' ('Prona e Bagëties!') or 'Don't touch Bagëtia's forest!' ('Mos prek pyllin e Bagëties!'). Like in Kodra, their claims were ignored by the District Forest Service. The Service continued to issue concessions to traders from the lowlands for the exploitation of the forest.

Starting with the general turmoil of 1997, an ever-growing number of people from the entire region got involved in logging the forests. Every summer, when dirt roads dried up, large numbers of woodcutters came up the mountain to cut timber and firewood. By 2004, there was a large number of individual woodcutters from Bagëtia and other villages who cut trees with their own chainsaws and transported the logs with horses or mules to places along the roads. There were also logging crews consisting of four to six young men. Both kinds of loggers sold to wood traders without concessions, who typically owned a single truck and distributed the wood to households in the lowlands. Finally, there were six logging companies that had obtained concessions from the District Forest Service in a tendering process.

Individual woodcutters and concessionaires not only sought to gain access to the forests of Qafë Panje and Guri Nikes but also asserted the legitimacy of their claims. The woodcutters argued that they had problems making ends meet and relied on the income gained from woodcutting for their subsistence. Or, as an elderly man yelled at a forest guard asking him to stop extracting wood: 'Do you think we came here for fun? We came here because we have to eat!' Everybody, woodcutters reasoned, should have the right to ensure a secure livelihood. In contrast, the concessionaires based their claims on the fact that they had followed the legal stipulations for forest exploitation. They had participated in the tendering process and placed the highest bid. Yet they also took out larger volumes than permitted by the Service on a habitual basis.

The Service turned a blind eye on the common practice of the concessionaires to break the conditions of their licenses and did not undertake any serious efforts to stop the activities of individual woodcutters. As for the latter, the subsistence argument carried weight with forest officials. The director of the District Forest Service, for example, admitted frankly: 'In the past the Directorate has been a bit lax with loggers around Bagëtia because we knew that they are poor and need the forest

as a source of livelihood.’ On the ground, woodcutters did not have to fear detection. If they were approached by a forest guard, they could settle the issue with a small bribe.

In contrast, the Service undertook serious efforts to stop unlicensed wood trade, or ‘organized contraband’ in forest officers’ language. For instance, on one day in August 2004, the Service initiated a concerted action involving all nine forest guards and the director, fining illegal loggers in Qafë Panje and confiscating a huge volume of wood. This action was part of a broader campaign to deter unlicensed wood trade. As lack of staff and vehicles limited the means available to the Service, it at least sought to heighten the perceived risk of detection. ‘Fear guards the graveyard’, the director of the Service explained.

Nevertheless, keeping out unlicensed traders was no easy feat and sometimes even dangerous, as two events in 2004 illustrate. In the first case, a forest guard was physically attacked when he tried to fine an unlicensed trader. The trader had simply jumped out of his truck and pushed the guard into the ditch next to the road. In the second case, a high-ranking forest officer caught a young trader driving a truck full of firewood without the necessary paperwork. The case was crystal clear according to the law yet never resulted in any fine, as a mutual friend resolved the matter over lots of *raki* (locally distilled liquor).

Thus, the forests of Qafë Panje and Guri Nikes represented a frontier, we surmise, not only in the sense of a rush on economic riches but also in the sense of ongoing formation of property relations. Many actors enjoyed access to the forests, and a majority of them asserted property rights. The rights claimed by the concessionaires on the basis of forest regulations existed side by side with the customary rights declared by woodcutters and villagers. At the same time, the latter adhered to different notions of customary rights: rights of subsistence equally shared by rural Albanians versus the historical rights held by local residents. In addition, while many actors enjoyed access and/or use rights, it was virtually impossible for any of them to exclude competing claims.

Furthermore, we posit that the forests were also at the frontiers of state and custom because authority relations had not gravitated towards a clear centre. The District Forest Service possessed neither the required capacity (in terms of staff and vehicles) nor legitimacy to make woodcutters and traders comply with state regulations. Custom, in turn, did not take the form of an institution that is clearly recognizable and generally considered legitimate as in Kodra. Custom instead offered people a very ambiguous point of reference for making claims on forests, legitimizing historical rights as well as more broadly shared subsistence rights. Authority relations in the forests around Bagëtia, therefore, appeared highly diffuse, similar to what de Waal (2004) describes for agricultural land in the plains near Tirana. In this

way, authority over forest in Bagëtia reflected the kinds of processes underlying national-level challenges to the Albanian state discussed above.

### **Dragomirești (Romania): Unravelling Property but not the State**

Dragomirești is a commune of worker-peasants in Arges County, Romania. Many people from Dragomirești used to work in the nearby Dacia car plant. The commune's population of 2,850 people remained relatively stable after 1991, when people dismantled the agricultural collective and took up subsistence farming to complement their salaries, pensions and social assistance payments. The large forests surrounding the commune gained special significance for them as the timber represented assets of significant value. Before their nationalization under socialism, people or their parents had owned a large share of these forests in the form of individual and collective holdings.

The villagers received a significant portion of the forests surrounding Dragomirești after the demise of socialism. In 1993, the State Forest Department restituted a patch of 172 hectares to them in accordance with Law 18. The villagers initially used the restituted forest collectively, as the mayor's office was reluctant to divide it among them. Forest use was monitored by a forest guard paid by the mayor's office according to the regulations issued by the State Forest Department. Yet in 1997, heeding a request by the majority of villagers, the mayor's office divided the forest patch up into individual holdings and dismissed the forest guard. Villagers had not been pleased with the perceived limits imposed on their newly acquired ownership rights to forest. 'It is my forest', many argued, 'why does the state regulate how the forest should be used when the forest belongs to *me*?' A few years later, in 2002, people's forest holdings increased by another 428 hectare, as Law 1/2000 had expanded the ceiling on forests eligible for restitution.

Yet one particular group missed out on forest restitution completely: ethnic Rudari (an ethnic group often considered to be a sub-group of the Roma). Although they had lived in the area and worked in its forests for many generations, the small group of Rudari living in Dragomirești received neither forest nor agricultural land in post-socialist land reform. According to the law, they were not entitled to benefit from restitution because they had not owned any land or forest prior to collectivization. At the same time, it was the very Rudari who took to the forests starting in 2003. They no longer restricted their exploitation of the forest to firewood and underbrush as in the 1990s but went for valuable timber. The logging involved simple woodcutters, some with horse carts for the transport of the wood out of the forest, and a few big men with trucks. The latter transported the wood on commission for wholesalers or sold it directly to buyers in southern Romania.



The logging also involved a few ethnic Romanian patrons, who possessed at least as much power over the Rudari woodcutters as the Rudari big men. These included the staff in the mayor's office, the local police and the forest guards employed by the State Forest Department to protect the forests remaining in state ownership. For obvious reasons, the guards were particularly feared by the Rudari, who considered them to be 'worse than dogs' ('pădurarii sunt mai răi ca câinii' in Romanian). Similarly, the local policemen were an object of constant concern, as the Rudari depended on them turning a blind eye on the illegal wood trade and protect them from prosecution by other police units. The staff in the mayor's office, in turn, wielded significant power over them by disbursing the social assistance payments, allowing them to use communal land, and deciding whether or not to report the trucks owned by Rudari patrons to the tax authorities.

The Romanian patrons used their power to exact favours from the Rudari. A forest guard got free wood supplies from Rudari for his private wood processing business. The policemen regularly received bribes for their protection services. More importantly, the forest guards used their power to direct the Rudari to specific private forest holdings where Rudari could cut timber and face a low risk of detection by the owner. The Rudari logging, in turn, allowed the staff in the mayor's office, the forest guards and village policemen to advise forest owners to sell their timber to them at low price 'because Rudari will cut it anyway'. They also helped forest owners to arrange deals with companies, receiving a small payment from the owner and large commission from the company for the brokerage.

How did forest owners react to the logging? Many blamed it on the Rudari. Mobilizing long-held ethnic stereotypes, they were convinced that Rudari could not do anything else but encroach on the forest owned by others. Many even declared that the Rudari 'should be killed since they are not good for anything else but stealing our forest'. Nevertheless, some villagers undertook actions against the predatory actions of local state officials, turning to other entities of the state in search of support. For instance, a forest owner sued the local bookkeeper in 2004, after the bookkeeper had tipped off some Rudari about the pending sale to an outside company. The Rudari had logged over the forest before the owner could initiate any action against. In another instance two years later, newspaper reported that the county police had caught a policeman right when he exacted bribes from Rudari woodcutters in return for his 'protection'.

These observations tell us that the villagers of Dragomirești spent considerable attention to their newly acquired property rights to forest in the 1990s. To them, property meant not only the right to exploit an important economic asset but also the departure from the restrictions on their productive activities and personal lives imposed by the socialist regime. The language of private ownership was highly seductive to them as it promised unlimited freedom in the perusal of assets. Yet the

actions of Rudari and Romanian patrons unravelled their property rights. Despite their ownership rights, many villagers did not derive significant economic benefit from those. Much of the value contained in Dragomirești's forest accrued to the logging companies that purchased timber cheaply, the Romanian patrons receiving favours and commissions, and the Rudari big men.

Nevertheless, we also note that the unravelling of property rights to forest in Dragomirești did not diminish the authority that the Romanian state – understood as a politico-legal institution – enjoyed in villagers' minds. In their perspective, both the formation of property relations in the 1990s and their unravelling in the early 2000s served to reconstitute the authority of the post-socialist state on a new basis. This basis rested on the positive notions villagers attached to private ownership and the need for a state to enforce ownership rights. In this way, local officials' predatory practices actually served to enhance the legitimacy of the Romanian state in the eyes of the local population, as Verdery (1996: 213-5) has noted in her discussion of land reform. This legitimacy accrued to the state as a politico-legal institution – or idea (Abrams 1988) – set apart from the concrete practices of its agents. It also referred to a state that exercises its authority by way of abstract rules and procedures, distinguishing such a law-governed exercise clearly from local officials' attempts to personalize it. In this way, local struggles over forests in Dragomirești played out the contestations over the exercise of state authority discussed above.

### **Dragova (Romania): Manipulating Property, Transforming the State**

Dragova is a commune of three villages and 1,100 people in the mountainous part of Arges County, Romania. Its residents used to own a large part of the surrounding rich forests before nationalization individually, communally and in a collective. Agricultural production was never collectivized in the commune, as it was quite common in villages concentrating on animal husbandry. Animal husbandry, trade and some tourism provided relatively high incomes under socialism. After 1990, tourism gradually became the dominant source of income.

The people from Dragova received larger forestland holdings in the restitution process than their peers in Dragomirești. Looking at the village located in the commune centre alone, 145 households received one hectare of forest each in 1993 in accordance with Law 18 and another 277 hectares in 2003 as a consequence of Law 1/2000. In addition, they gained joint ownership over a forest of 300 hectares on the basis of a forest that they had collectively owned before 1948. Together with people from the other two villages in Dragova commune they gained the rights to a communal forest of seventy hectares, to be managed by the mayor's office. Furthermore, a number of households acquired 500 hectares in 2005 as part of a forest they had collectively owned with families from neighbouring communes in the past.

The villagers set out to exercise their newly acquired statutory rights. Some of the villagers took to the forest themselves, using chainsaws to cut logs and horses to transport those to the road. Many, however, contracted a local logging company for the harvest. The company had begun operations in 1993, the same year in which villagers received their first forest parcels. It started out as a small venture, building on the skills and networks their owners had acquired as managers in the local tourism cooperative under socialism. Later, when operations increased in volume, the company purchased trucks, using those to transport the logs to their own furniture factory or sell them directly to buyers abroad.

The company benefited from close relations with the mayor's office, as it was formally owned by the wife of the man who became the local mayor in 1996. The mayor made sure to provide his wife with an advantage in timber auctions regarding the communal forest. His actions allowed his wife's company to win all auctions. The mayor also pushed a decision through the commune council to increase the volume extracted from the communal forest as a way to finance the upgrade of the local road. Furthermore, thanks to his position he was always informed about actions undertaken by the regional and national branches of the Ministry of Agriculture and Forestry. This helped his wife engage in illegal logging and employment practices without any risk of detection.

The mayor also used his position as the head of the local land commission to influence the second round of forest restitution in 2003 to his wife's advantage in several ways. First, the mayor arranged for the restitution of rich, accessible forest to some villagers, requesting them to sell at least half of the standing timber to his wife's company at low cost. Second, the mayor used persuasion, force and trickery to get the local land commission to allocate forest to some villagers even though those could not claim any historical rights. Again, he made sure that the beneficiaries would return the favour by selling at least half of the standing timber to his wife's company at a low price. Third, the mayor manipulated the restitution of the collective forest to the group of households from the commune. He wielded his influence on the land commission to shrink the area of forest restituted to the families. The difference between the claimed and actually restituted area offered the mayor the necessary maneuvering space to arrange for the allocation of forest parcels to villagers without historical rights – once again exacting preferential sales to his wife's company in exchange.

The mayor spent significant economic and political resources to ensure his re-election in 2004. He arranged for the allocation of some forest to people from his own village in Dragova commune, although those could not assert any historical rights. This move won him critical votes in the upcoming election. In addition, he sought to portray himself as a local benefactor and powerful broker between Dragova and the

outside world, investing some of his wife's profits made in the logging business. He distributed basic food items to old people for free. He invited the President of the Romanian Parliament to visit the commune. He promised to get funds from the European Union to improve the road connecting Dragova with surrounding villages. He also promised villagers to protect them against encroachment on their forest rights by adjacent Piatra Craiului National Park. His outside contacts left a strong impression on the local population, as noted by a middle-aged man: 'all people from this village know that he is well known in the central government as well.'

Therefore, we find that the actions of the mayor and his wife influenced property relations in two ways. First, like in Dragomirești, they unravelled property as a key influence on the distribution of forest values. The benefits derived from the ownership titles diminished because the mayor and his wife controlled the timber business, including the logging, transport, trade, and some processing. Second, the mayor manipulated the restitution process in the favour of his wife's company. His manipulation not only increased the volume of timber available for extraction but also ensured the company high profits from that. As a result, people in Dragova saw the connection between the mayor's practices and the declining value of their rights very clearly. In contrast to Dragomirești, there were no Rudari to serve as scapegoats for logging in Dragova. The obvious villains were the mayor and his wife.

The mayor reacted to this problem, we suggest, by moving towards a personalized style in the way he managed communal affairs. In addition, the mayor sought to 'capture' not only the local state (cf. Mungiu-Pippidi 2005) but also the state understood as a politico-legal institution. In contrast to the local officials in Dragomirești, the mayor spent much effort enhancing the legitimacy he possessed in local people's eyes. As part of this, he made sure to enlist the support of higher state organs, not allowing any fissures between himself and other state actors. These maneuvers made local people believe that 'if you fight with him you fight with the state.' That 'state', therefore, took on a very different expression to villagers in Dragova in comparison with their peers in Dragomirești. Just as in the other village, state practices reflected the struggle between personalized and law-governed forms of exercising state authority discussed in the section on Romanian politics discussed above. Yet unlike the other village, the mayor's practices and villager's reactions strengthened the influence of personalized exercise in Dragova.

## Conclusions

The four cases indicate broader social dynamics affecting forests in post-socialist Central and Eastern Europe. There is nothing less than a mad scramble for access to forests, as forests represent one of the few valuable assets remaining in rural areas.

Various kinds of actors engage in a rush on the forest as they fear to lose out if others happened to make the first move. For this reason, they attempt to gain, maintain and control access to forests in different ways. Many actors focus their energy on property, either by asserting their own claims or influencing the recognition of other claims. Yet some actors display little concern with property and instead concentrate on gaining access to forests in other ways. Some participate in or control timber logging, transport and trade, while others take advantage of their state positions to get a share of forest benefits. As these actors negotiate access and property regarding forest they constantly make and unmake property relations.

The negotiations over access and property regarding forest, we show, are intimately linked with contestations over authority at the local and national levels. More broadly, property constitutes a primary field in which post-socialist states – understood both as social institutions and sets of concrete practices undertaken by multiple state actors – have sought to reassert authority and move its exercise to new foundations. Nevertheless, property reforms and the emphasis they give to statutory property rights and law-governed exercise of state authority have been contested by competing claims of property and authority regarding forest. Underlying these contestations are two distinct dynamics. On the one hand, state actors exercise authority by way of different practices, thus offering support to different sets of claims on forests. As illustrated by the maneuvers of Dragova's mayor, local state actors are savvy drawing on personalized traits to circumvent laws and procedures about property. On the other hand, post-socialist states face competition by other politico-legal institutions, such as customary arrangements. State and custom offer local actors competing authorizations of claims on forests. Custom itself, like the state, emerges as a somewhat ambiguous institution that supports multiple and often competing claims on forests.

As a result, we find significant variation in the specific processes establishing, modifying and diminishing property and authority. On the one hand there is the frontier-like situation in Bagëtia, where various kinds of actors assert use rights to forests on the basis of multiple politico-legal institutions. In this situation authority relations have not gravitated towards a discernible centre. On the other hand there are situations like in Kodra and Dragomirești, where people reference a relatively clear set of property rights to the rules and procedures of a single politico-legal institution. The authorized property rights take the form of statutory or customary rights, legitimizing the state or custom as the primary politico-legal institution possessing authority in turn. And there are constellations of property and authority like in Dragova where authority may gravitate to a clear centre but is exercised in a personalized manner.

Despite the local variation, we detect systematic differences in property and authority regarding forest between the Albanian and Romanian cases. Statutory

rights possess much more weight in Romania, as indicated by the Romanian government's concern to implement forestry reforms and local people's preoccupation with their statutory rights. The attention received by statutory rights corresponds with the central role the Romanian state assumes in authority relations. The central position of the Romanian state, in turn, may afford its local agents special leverage not only on property rights but also access to forest by other means at a level unknown in Albania. In Albania, customary rights assume a surprising significance regarding forests not only in our cases but also nation-wide. This significance sets Albania apart from Romania, where local practices may be different from statutory law and regulations but do not form systematic bodies of customary rights (cf. Cartwright 2000). Custom in its varied incarnations, therefore, competes with the state over authority challenging the state as the primary institution sanctioning property rights regarding forest, thereby setting struggles over forests in Albania apart from those taking place in Romania.

These insights on forests suggest the presence of larger differences in the dynamics of property and state between the two countries. Albania experienced a serious crisis of state authority in the 1990s. Although the government conferred ownership on forests to the state, the Directorate General of Forests and Pastures has not been able to enforce it. In addition, the Directorate ignores villagers' demands to recognize their customary property rights. Both factors weaken the authority of the Albanian state further, as local people identify the state with the actions of its local agents. As a result, weak state authority and ineffective state ownership reinforce each other, facilitating the strong emergence of custom as an alternative politico-legal institution contesting the authority of the state.

The connections between national politics and forest dynamics look different in Romania. National politics are characterized by contestations between personalized and law-governed forms of exercising state authority, contestations that are played out in local struggles over access and property regarding forest. Local state agents have implemented forest restitution, helping establish the authority of the state in a new arena from local people's perspective. Yet they also manipulated restitution to their own advantage and created new avenues of access to forest for themselves, taking advantage of their positions in the local state. Their predatory practices feed into the national-level contestations over the exercise of state authority. On the one hand, they strengthen law-governed elements in the exercise of authority as long as people separate the state as a politico-legal institution from the practices undertaken by its local agents (Verdery 1996). On the other, they foment personalized forms of exercising state authority if local people equate the state as a politico-legal institution with the predatory practices of local officials (Verdery 2002).

Given this variation among local cases and between the two countries, what's post-socialist about the dynamics of property and authority examined in this paper? We

surmise that one special element is that the reconstitutions of property and state have not only been radical in nature but have also reinforced each other. Of course, post-socialist property negotiations occur at massive scales unknown from other contexts (Verdery 1999). Equally far-reaching are the transformations experienced by post-socialist states (Grzymala-Busse and Luong 2002). Nonetheless, it is the *simultaneous* nature of negotiations over property *and* authority that has thrown property and authority relations up into the air (cf. Sturgeon and Sikor 2004). Concurrent negotiations over property and authority facilitate local negotiations over property extraordinary influence on emergent authority relations; they also create special openings for contestations over authority to affect property relations. They challenge the very notions of statutory property rights and the state as social institutions, not just the distribution of property rights among social actors and positions of specific state actors. In this way, they provide exceptional manoeuvring space to those social actors who command over advantageous economic, political and cultural resources, giving them extraordinary leverage on emergent property and authority relations.

Nonetheless, we do not want to say that these dynamics of property and authority are unique to post-socialist settings. After all, people in the post-socialist countryside seem to share a fundamental experience with their peers in other settings characterized by radical reconstitutions of property and authority relations (e.g., see Berry, this issue). The promotion of private ownership turns out not to provide the expected miracle basis for a prosperous future. Expectations ran high in Central and Eastern Europe in the early 1990s. Many people thought that the move to ownership would help achieve important goals, such as economic efficiency, social equity and a western-style democracy. These expectations rested on two myths: first, that ownership clarifies and enhances the share of resource value derived by owners; and second, that ownership emerges through a state that sanctions it by way of legal acts and derives part of its authority from that. Yet the massive decline in the resource value accruing to post-socialist owners has dispelled the first myth over the past decade (Sikor 2006; Verdery 2004a). The insights presented in this paper do away with the second myth. The state is not the sole institution sanctioning property rights, nor do property relations necessarily strengthen state authority. The relationship between property and state cannot be taken for granted but requires empirical investigation.

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