

Serial Anachronism: Re-Assembling Romanian Forest Commons

by

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A dissertation submitted in partial fulfillment
of the requirements for the degree of
Doctor of Philosophy
(Anthropology and History)
in The University of Michigan
2017

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DEDICATION

To my best friend, Puiu

ACKNOWLEDGMENTS

I am deeply indebted to my committee for their support and forbearance during the long process of researching, thinking and writing this dissertation. Without their lucid and penetrating comments, this text would surely be poorer. My two co-chairs, Katherine Verdery and Matthew Hull, have been incredibly generous with their time and interest, placing their trust in me even when I did not fully deserve it. Katherine Verdery has been a mentor since the beginning of my graduate studies at UM. I have been privileged to explore the intricacies of property relations under her expert guidance and to benefit from the example of her outstanding work on processes of property transformation in Romania. I could not have asked for a more insightful interlocutor than Matthew Hull on the possibilities for dialogue between anthropology and adjacent fields such as ethnomethodology, actor-network theory and science and technology studies. His provocative questions have helped me place the commons in a wider spectrum of political action, but also to articulate the contexts of practice in which the relationships between wholes and parts are negotiated. I am grateful to Gillian Feeley-Harnik for showing me how to dwell on the temporal depths of long histories but also on the poignant intimacies of ethnographic encounters. Her endless curiosity, attention to detail and sheer enjoyment in the potential for expansive connections between anthropology and history have been a continuous inspiration. Paul C. Johnson focused my interest in knowledge practices and their shifts in time, encouraging me to connect my own evidentiary practices to those of the commoners I studied. I am in his debt for helping me articulate the notion of “forensic communities.”

While not formally part of my committee in the last stages of dissertation writing, Webb Keane has been a wonderful guide through the process of articulating a persuasive research proposal and the theoretical experimentation it entailed. His comments on several drafts of this work encouraged me to aim for analytic subtlety without sacrificing the texture of social relations.

In light of the subject of this dissertation, it seems only fitting to emphasize here the part played by the Anthropology and History Program in creating a shared environment for stimulating conversation. I am grateful to many professors, colleagues and friends for countless exciting exchanges in the setting of Anthropology and History reading groups: Dana Agmon, Chandra Bhimull, David William Cohen, Fernando Coronil, Krisztina Fehervary, Ema Grama, Bridget Guarasci, Daniel Hershenzon, Dong Ju Kim, Sonja Luehrmann, Edward Murphy, Monica Patterson, David Pedersen, Tasha Rijke-Epstein, Julie Skurski, Ann Stoler, Joseph Viscomi. Alaina Lemon, the director of the program, and Diana Denney, graduate coordinator, have made the experience of submitting and defending the dissertation as smooth as possible.

I owe a special debt to those colleagues and friends who invested time and energy in endless discussions of my project at different stages and/or in comments on various drafts of this work: Luciana Aenasoaie, Dong Ju Kim, Josh Reno (UM), Irina Carabas, Calin Cotoi, Stefan Guga, Alexandra Ion, Narcis Tulbure (Bucharest), Norbert Petrovici (Cluj) and Don Kalb (Budapest). I must single out Luciana, Irina and Don – this dissertation would not have been completed without their enthusiastic support. Luciana and Irina have been steadfast friends, persuading and goading me into writing when I most needed it. Don has allowed me to exploit him to the hilt as a versatile and challenging intellectual sparring partner.

My research has been generously funded by the Social Science Research Council (International Dissertation Field Research Fellowship, 2005), the Wenner-Gren Foundation for Anthropological Research (Dissertation Fieldwork Grant, 2005) and the International Institute at UM (Summer Research Fellowship, 2004). During dissertation writing at UM, I have received funding from the Rackham Graduate School, the Department of Comparative Literature (in the framework of the Global Ethnic Literatures Seminar) and the Center for Russian and East European Studies. In Bucharest, I benefited from the assistance of the New Europe College where my experience as a fellow during 2010-11 introduced me to an interdisciplinary scholarly setting and to the generous support of Andrei Plesu and Anca Oroveanu.

I owe more than I can say to all my interlocutors during fieldwork in Vrancea, particularly in Nereju and Paulesti. They invited me into their homes and lives, shared unstintingly of their knowledge and experience and trusted me with their stories. The present text can only begin to do justice to the richness of their gifts.

This dissertation is dedicated to my best friend for the past two decades, Puiu Daniel Latea, and to the commons of ideas we created through countless hours of thinking, listening, talking, reading and writing together.

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ABSTRACT

The ongoing global renaissance of the commons thrives on an implicit temporal hyphen: old and new commons are different and yet alike. Premised on untimeliness, commons oscillate between the deep past, the present and the distant, potentially utopian, future. For Romanian forest commons, brought back by legal fiat in 2000 amid debates over a troubling return to archaism, this hyphen condenses, at the same time, the reconstitution of a collaborative mode of ownership, a distributive politics and a practical understanding of the ways in which social relations aggregate into corporate entities.

Re-assembling a historically layered object produces anachronism. But this is not simply the effect of historical forms surviving or being imported into present composites of commons practices. The resilience of commons is, in fact, grounded in serial anachronism. Focusing on the highland region of Vrancea, this dissertation brings together a succession of historical misalignments — 1755, 1801, 1910, 2000 and 2008 — the mathematical articulation of forest commons as a regime of proportional distribution, pragmatic redefinition as timeless ownership, contradictory legal codification, ambivalent reconstitution and, finally, recognition as historical patrimony.

These are instances of creative anachronism that reveal not just the fraught coexistence of “archaic” with “contemporary” forms in the commons, but also the complex exercises in

simultaneity that such coexistence requires. As a distributive politics, the commons stimulates ratios between the one and the many; as a politics of anachronism, it fosters constant movement between distribution (or dispersal) through time and assemblage. Persistent re-assemblage relies on forensic evaluation and thus, implicitly, on the accumulation and reconfiguration of multiple evidentiary artifacts (including narratives, documents, objects and sensory clues). This repertoire of proofs which commoners use, successfully or not, for bridging gaps of time, knowledge and power becomes a collaborative project of persuasion directed at state officials, forestry experts, environmental activists, academics and, indeed, the commoners themselves. The serial anachronisms intrinsic to contemporary Romanian forest commons have, thus, a double-edged potential: they are incongruities demanding practical synchronization via constant reassemblage as well as compelling materials that creatively employ the effect of untimeliness as a political and rhetorical form.

INTRODUCTION

This dissertation explores, first of all, a tenacious problem of political theory: the relationship between the one and the many, or in other words, the constitution of unity in plurality. This is, at the same time, a question of social order that is relevant to various kinds of collectives on a spectrum that includes commons, partnerships, corporations and states. The contemporary process of reconstitution of the forest commons in Vrancea (Romania) offers some insight into the generation of a template of political governance in a community of equals that should be ruled by all of its members.

Second, this is an inquiry into the modes of assembling and representing collective entities such as the commons. In order to re-make itself anew, the commons has to organize and communicate a persuasive account — this is articulated not just for the purposes of external recognition, but also for the elucidation of its own members. I argue that commoners have to recognize themselves as such, suggesting that intelligibility is at the core of a restitution process that depends on collaborative action.

Third, the dissertation dwells on the form of the reconstitution process. Five decades after it was legislated out of existence in 1948, the forest commons re-assembles itself anew out of a layered past that seems to have only the most tenuous of futures. The persistence of different

versions of past commons produces incongruities — what I call serial anachronism — but the formal stake of this process is to re-define and deploy them as resources.

Ontology without rigor

The imaginary landscape of an inquiry is not without value, even if it is without rigor. Michel de Certeau (1984: 41)

Investigating the imaginary landscape of my own inquiry into the historical and material conditions of possibility that allow for the reconstitution of forest commons in contemporary Romania — can be a valuable attempt, although it *necessarily* lacks rigor, and especially so when the inquiry in question knowingly takes the form of a “messy history” (Poovey 1993). What is this imaginary landscape and why does it preclude rigor?

To answer this question, I have to formulate yet another one: what is it that makes an object of (scientific) knowledge a unity in its own right? That is, by means of what kind of epistemological alchemy does one circumscribe the object of a research? These simple questions are informed, on the one hand, by my attempt to think (that is, to delimit, isolate, open and then re-configure) the mode of existence of a place (Vrancea Country) and of a relationship (commons); and, on the other hand, by the ways in which this attempt has been shaped and problematized by readings in anthropology, history, ethnomethodology, political economy, science and technology studies (STS), and studies of situated cognition. Thus, there have already emerged some of the figures — place, relationship, texts — that populate this imaginary landscape, which I see as a constantly shifting space for the articulation of a methodology, of questions of theoretical relevance and of evidence. Many other figures still await to be

concretized and if I were to turn this introduction into an exhaustive pursuit, I would probably end up compiling a bestiary of objects barely apprehended in “the frenzy of knowing and the pleasure of looking” (De Certeau 1988: 232).

The present configuration of this shifting landscape revolves around the question of the ontological position of a research object.¹ For the purpose of simplicity, I will start out by referring to this object as a *place* — Vrancea Country (*Tara Vrancei*). According to Michel de Certeau (1988: 35), the historiographer is confronted with two positions of the real within the scientific process: “the real insofar as it is the *known*,” what the historian studies and tries to understand, and “the real insofar as it is entangled within the scientific operations,” the procedures and protocols which shape this study.² In one case, the real is the result of analysis, while in the other, it is its postulate. How do these two forms of reality shape the existence of the place “Vrancea”? On the one hand, this is the site of my (historical and ethnographic) fieldwork — a highland region in South-Eastern Romania. On the other hand, like most places, it is an “interdiscursive region” (Foucault 1971), created by writing, in the form of history, ethnography, fiction, poetry and so forth. Such texts not only are the potential objects of investigation, but also form its milieu, its discursive space and in this sense, I take this textual “Vrancea” to be my second field.

An imaginary landscape bereft of any utopian valences would be a desolate space to inhabit. That is why I occasionally venture onto a future oriented third field — that of old and

¹ My use of the term “ontology” is tied to STS and historical epistemology; I take distance from the often essentialist overtones of radical and almost gleefully incommensurable difference it acquired after the so-called “ontological turn” in anthropology (for example, Holbraad 2012 and de la Cadena 2015; see Bessire 2014 for a trenchant critique).

² From this point of view, my dissertation tries to engage with Michel De Certeau’s (1988: 57) understanding of historiography as the relation between a place, analytical practices and writing, the construction of a text.

new commons — assembled out of past and present anticipations of the commons as an alternative, if not revolutionary, historical formation. The urgency of this field also derives from the current, ongoing revitalization of the commons in the form of the singular common, standing for a critique of neoliberalism, a novel mode of political action and hotbed of new social movements.

I argue that by inhabiting these three fields at the same time, that is, by overcoming the dialectic of “result” and “postulate,” one can obtain a better grasp of how the historical ontology of a research object is articulated. What may appear as the arbitrary juxtaposition of three different orders of phenomena points in fact to a type of relation that has to be itself investigated rather than assumed. How are these triple fields related? Can and should they be situated in a common temporality? These are some of the underlying questions that I will address throughout this dissertation.

However, before doing so, I still have to tackle the question of rigor and of its necessary absence. In a way, this may be seen as an unexceptionable caveat. To the extent that this discussion concerns the space of research, it is predicated upon the openness and fluidity of an ongoing process. As such, it operates within a regime of the unforeseen and the unpredictable in which “what must be taken into account is what has been overlooked” (Strathern 1999: 5). The irregularity of this space makes difficult (and, in fact, undesirable) the creation of an appearance of rigor.

But the absence of rigor is also meant as a recognition of the intrinsic indeterminacies of situated historical production.³ When grounded in the the discrepancy between the prospective

³ My understanding of indeterminacy as a resource constitutive of history owes much to David William Cohen and A. S. Atieno Odhiambo (2004) and Michael Lynch and David Bogen (1996).

and retrospective features of social practice (Schutz 1967 [1932]; Mills 1940), indeterminacy is by no means a new issue for the social sciences; yet, some of its implications bear repeating. Let me approach the problem via Harold Garfinkel's penetrating critique of theorized accounts, which find in the world precisely the same phenomena they had already postulated (2002: 263-285). He illustrated the pitfalls of this process by reconstructing Galileo's inclined plane demonstration of the real motion of free falling bodies. Garfinkel did not attempt the exact replication of Galileo's experiment as an already made event; on the contrary, he deliberately introduced small "inaccuracies" in the experiment so as to understand what would have been the problems faced by Galileo in his real-time endeavor to design what eventually became a successful demonstration. As Rawls (2002: 47) puts it, Garfinkel "wanted to understand what about the experiment *could go wrong*" (author's italics). By doing so, he took most seriously the issues involved in the recovery of a prospective achievement rather than a retrospective account (Rawls 2002: 34). His key insight is that, in contrast to theorized enterprises that work backward from an already refined product, the process of discovery is always liable to "lose the phenomenon."⁴

Retrospectively, Galileo had to design an experiment that would prove something about gravity, being accountable to the existing field of scientific knowledge. This is what Garfinkel (2002: 173-5) calls "classical accountability." Prospectively though, Galileo lost his phenomenon many times until he designed an experiment that would actually work, being "naturally accountable" to a wealth of concrete contingencies: the minute problems of measurement, timing, the resistance of various materials that made up "the phenomenal field of detail"

⁴ Losing the phenomenon is a constant preoccupation in Garfinkel's studies. In particular, his "tutorials" dealing with recordings of everyday actions such as rhythmic clapping in time with a metronome or the act of listening for a ringing phone try to recapture the work of anticipation that is lost in retrospective accounts, be they recordings or narratives (Garfinkel 2002: 145-168).

(Garfinkel 2002: 278). Garfinkel's pedagogical re-enactment preserves the indeterminacy of the original experiment, revealing the ways in which the phenomenon could have been lost as well as the sort of organized anticipation of contingency that prevented that.

Being able to lose the phenomenon, or dealing with indeterminacy, is generally essential to all kinds of practices, including everyday, ordinary doings and academic inquiries. I also think it is specifically important for the transdisciplinary project of anthrohistory⁵ within which this dissertation was elaborated. Is anthrohistory liable to work like a theorized account rendered virtually infallible by retrospection? Is it able to lose phenomena?

By way of illustration, I point to an instance of productive failure in my own research. While studying the transformations in the distributive regime of Vrancea's forest commons, I came across a 1755 document that outlined the details of the first operation of regional mountain division (see chapter 3). Included here was a step by step account of the proportional calculation that resulted in a specific ratio: $240/645 = 0.45$. Only it did not. I divided 240 by 645 again and again; still, the result was 0.37 rather than 0.45. First, I checked for errors of transcription in the already published document. Then I re-read the document at least a dozen times to figure out what I was missing, stubbornly refusing to believe that the 18th century authors could have fallen prey to such a glaring error in a simple arithmetical division. It took me the better part of a day until I realized that the calculation was not based on a decimal system, but rather a duodecimal one. The Romanian currency *Leu* was, at the time, divided into 40 *parale* which were further divided into 120 *bani*. Converting this duodecimal currency system into the decimal, one obtains

⁵ Ian Hacking (1995: 234-257) would say that indeterminacy is as important for history and in general for the memory sciences, to the extent that newly available descriptions of actions have retroactive effects on the definition of past actions, so much so that the past itself is rendered indeterminate. In a different temporal vein, Hirokazu Miyazaki (2004), dwelling on the incongruity between retrospective anthropological analysis and the prospective orientation of Fijian knowledge practices, understands locally produced indeterminacy as the necessary impetus for action, the precondition of a practical philosophy of hope.

the following proportions: $240/645 = 1.2/0.446$ (the last, reasonably rounded to 0.45). After all, the result was right; yet, I discovered it to be right only when I let go of the calculation as a fixed arithmetical expression and approached it instead as the situated product of a specific system of monetary accounting. I was prompted, thus, to recall that until 1864 this *Leu* had been imaginary money, a pure unit of account without any material existence, which served to calibrate conversions among the multiple currencies in circulation in the Romanian Principalities throughout the 18th century (Zane 1930). The emphasis on calibration then forced me to revisit the sequence of proportional calculations and to “discover” the repeated tinkering that altered the initial ratio to the satisfaction of all participants. I could finally understand these calculations as part of an ethical mathematics — an ongoing process of adjustment and rectification — and, thus, an indeterminate achievement of prospective practice rather than a fixed product already settled in, and by, the retrospective documentary account.

In a similar vein, one could bring the lesson of indeterminacy to bear on the contemporary process of re-assembling the forest commons as a whole. This is still an ongoing transformation; still susceptible to failure regardless of how one defines the shape of the expected result. Although pre-historicized in the very notion of “restitution”, the ontology of forest commons in the now remains equivocal. Such an assertion is undoubtedly the effect of a slippery isomorphism between method and object of study. At the same time, it also underlines the difficulties of writing up the commons. Analytical and narrative techniques that aim to account for the commons as a constant movement between part and whole, one and many, should, ideally, allow for, and even, exploit fuzziness.

Field I: Anthrohistorical scaffoldings

My archival research and ethnographic fieldwork (to make a provisional separation) has been inspired from the first by a quasi-Latourian search for relations between and within entities. I approached each object or practice as a processual unfolding of inter-connectivity. The “field” itself seemed to have no clear boundaries, always threatening to spill over into uncharted (and therefore, irresistible) territories. My objects of study were potentially unbounded too: how far back into the deep past should I trace the story of the commons? How to determine the limits of such intrinsically fuzzy entities as mountains and forests? How to contend with the vernacular conceptualization of commons as the seemingly paradoxical fusion of a metaphysical and, at the same time, quantifiable togetherness? I envied practitioners of actor-network theory (ANT) who had the definite benefit of a safety-net: a starting point in initially circumscribed locations such as laboratories which they could then unpack at leisure.

Since I was caught up in the ongoing process of re-assembling the forest commons, I had to turn the challenge of this dynamic into an opportunity, swimming so-to-speak with the current and diving into the eddies. This would be then a methodological strategy that approximates the “whirlpool dynamic, where an idea or object swirls around in circles producing many variations of itself before it settles down and sediments” (Jimenez 2010: 117). I focus on such historical and ethnographic sites of sedimentation which I identify as scaffoldings – provisional structures that allow movement between scales and layers as well as the temporary flattening out of the analytical relationality produced in research.

Since even the smallest inquiry into the commons brought forth historical references — narratives, objects, documents, etc. — my research inevitably moved back and forth between the

field of contemporary Vrancea's commons and its archives. Aside from initial exploratory fieldwork in the summer months of 2003 and 2004 and more recent brief visits, the bulk of my research took place over two years (2005-2007). I traveled extensively over the region becoming familiar with most of the forest communities re-established after 2000, but I spent most of my time in the villages of Nereju and Paulesti which I selected with a view to implicit comparative potential (both contended with deepening class inequalities in the interwar period but took different attitudes to the late 19th century presence of industrial lumber corporations and to 1910 forestry codification). My ethnographic fieldwork consisted of activities that partially overlapped those of commoners themselves: walking (village roads, river beds, forest and mountain paths), observing and attending local events (from communal meetings and elections to festivals), spending time in sawmills, forestry offices and Obstea headquarters and last, but not least, talking (from casual conversations to detailed interviews that took the better half of a day). Since I was privileged to get unfettered access to the private document collections of many of my interlocutors, archives were part and parcel of my fieldwork from the very beginning. Such private document collections are inscribed in an archival continuum that includes institutional archives (of the Obstea and the Forestry Offices – to which I had only limited access) and state archives (ANVN in the county seat of Focsani and ANR in Bucharest).

The presence of extensive forms of locally produced documentation (private collections, personal museums and numerous local monographs) foregrounds the status of history as an epistemic category in my research. To put it simply, I have not assumed that whatever comes out of the archives is to be considered as “history.” Neither have I automatically taken chronologically challenged events or artifacts (“this is from the 19th century!”) to be “history.” I would say that for an ethnographer motivated by the epistemological practices of the people she

studies, “history” would have to involve more complex kinds of recognition.⁶ Foremost among these was evidentiary recognition: actions with, and invocations of, historical references in a forensic vein, as the ground for inferential evaluations, clinching arguments in disputes, comparative analogies or moral and political justifications. In short, I took the capacity of a thing to act as proof to be intimately linked to the situated recognition of its historicity. Perhaps the most famous historical artifact in the region is the *uric* (King Stephen the Great’s act of perpetual donation, see chapter 1); never seen or touched, the elusive document is, at the same time, the supreme object of local forensic fantasy.

Historical scaffolding

For most students of Romania, and particularly of the Old Kingdom (*Vechiul Regat*),⁷ modern history can be navigated by a series of common signposts. These are especially clear when it comes to the study of property relations. The big question of the 19th and early 20th centuries was that of property, or more precisely, of land and the peasantry (*Chestiunea taraneasca*). Agrarian reforms (1864, 1921) and peasant revolts (1887, 1907) are unavoidable markers in a well established narrative of social and political struggle, signaling the transformation of landless, dependent peasants into owners and citizens (Müller 2010).

I am interested in a different history, one bereft of common signposts, often submerged into, or even erased by the official one: the history of the commons. Until the abolition of serfdom in 1864, Romanian peasants could be broadly separated into two categories: freeholders

⁶ Birth (2008) develops this idea as a critique of homochronism, that is, the equation of “history, a representation of the past, with historicity, a representation of a connection to the past.” But see Trouillot (1995) and Price (1998) for a sensitive treatment of multiple historical accounts

⁷ In 1918, under the reign of King Charles I, the Romanian state took its current shape by uniting Transylvania (formerly under the dominion of Austria-Hungary) to the Principalities of Moldavia and Wallachia (joined in 1864). The latter two became known as the Old Kingdom.

(*razesi*) who lived on their own land and serfs (*clacasi*) who worked on the estates of boyars. Freeholders never comprised more than a quarter of the total rural population, but in a few regions (especially highlands) they made up 100 percent of the peasantry. One such region was Vrancea Country (*Tara Vrancei*) — a confederation of fourteen villages situated on the oriental curve of the Carpathian Mountains, at the border between the Principalities of Moldova and Wallachia and, until 1864, on the fault line between three empires, Ottoman, Russian and Habsburg. The Vrancea mountains, covered with thick fir and beech forests (the name itself is said to derive from the Slav *vrana* — black — because of the depth and thickness of the forest), were owned in common by the peasants for centuries, until the nationalization of forests by the Romanian Communist Party in 1948. The forest commons (*devalmasie*) was regulated according to a body of local customary law that was enforced by the General Assembly of Vrancea (*Adunarea Vrancei*) and by the community of each village (*Obstea*). The General Assembly was a temporary meeting of delegates from the fourteen villages of Vrancea who decided the distribution of “mountains” among villages according to the amount of taxes they paid. After 1820, this distribution was calibrated to the amount of money each village had contributed to the judicial expenses made in order to save Vrancea from Iordache Roznovanu, a Moldavian boyar who tried to claim it as a princely donation.

The forest commons and the social forms that supported it began to deteriorate in late 19th century when industrial lumbering first appeared in the region. With the help of local middlemen, foreign corporations (German, Hungarian and Austrian) tried and, in many cases, succeeded to buy forests from the villagers and thus to exploit large quantities of timber for export on international markets. Only in 1910 did the Romanian state enforce a Forestry Code that attempted to prevent the complete deforestation of the Vrancea mountains (but also of other

regions) by re-organizing the *Obstea* according to modern juridical norms. However, such re-organization was only partially successful as it ignored or, at best, misrepresented the local ownership norms and practices, leading to a strained relationship between commoners and the state.

During socialism, Vrancea forests became the property of the state (100 percent of Romanian forests were state owned by 1948), although villagers' small plots of agricultural land were not collectivized, as happened in the rest of country. Local accounts as well as some post-1989 historical investigations insist that Vrancea was a stronghold of “anti-communist resistance” where armed bands of peasants found refuge in mountain caves, trying to fight somehow against the new order. However, by the 1960s such rumors were only memories and Vrancea's image remained that of a “backward” region where poverty was the norm.

After the fall of socialism in 1989, a tortuous process of property restitution was initiated (Verdery 2004). While de-collectivization and the restitution of formerly nationalized houses were largely completed by 2000, the restitution of nationalized forests remained a thorny issue, given the Romanian state's reluctance to give up such precious “national resources.” Although forest restitution was included in the same law as de-collectivization (Law 18/1990), it only concerned the *private* ex-owners of forests who received one hectare of forest per person in contrast to former owners of arable land, who were entitled to ten hectares. The 1990 law ignored completely the issue of former forest commons. After ten years of continuous pressure from below and increasingly bad management of the forests on the part of the state, a law concerning the restitution of community forests was adopted in 2000. This law provided for the re-establishment of the *Obstea* as owner of the forest commons, specifying at the same time the rules for its administration. Nevertheless, at least in the case of Vrancea, commoners insist that

this is not the *Obstea* they remember and that locally elected administrators behave just as state officials did, pillaging the common wealth of the forest and disregarding the welfare of the community.

Ethnographic scaffolding

My doctoral work and fieldwork research led me to consider a number of different kinds of problems: some of them are philosophical-practical issues that have to do with the nature of social action and its temporal modes, the material mediations of knowledge, and the intelligibility of social orders; others are related to the effects of historical sequentiality, the political economy of postsocialism, property transformations and the regime of conversions among different systems of value. Here I discuss only three issues — evidence, collaborative action, and anachronism; their conceptual elaboration is the outcome of a path of ethnographic engagement in practices.

Evidence. I am interested in the unfolding, real-time practice of evidence-work as a prospective achievement, rather than only in the end products as evidentiary objects or in retrospective accounts of such practices. I take the difference between *practice* and *account* to be a very important one. That is why I look in detail at the collaborative work of inferences, at practices of analogy, decomposition and/or assemblage or, more specifically, at the formulation of numerical categories and proportional relations. In many ways, this is “evidence in the wild.” The Edwin Hutchins (1995) paraphrase isn’t accidental, as his work on distributed cognition has been important to me. More generally, my approach to this topic is informed by ethnomethodology, STS and by anthropological work on cognition as a study of *situated action*, as the relational,

social product of interactions among actors and objects (Lave 1988, Suchman 2007, Verran 2001, Turnbull 2003). In this view, *mediated* action is central to practice. The forms of mediation — the devices, contexts, artifacts — change and configure knowledge and meaning; they don't just convey them. Moreover, this is “making evidence together,” that is, *collaborative* work that requires finely tuned practices of coordination. To cover the rich register of knowledge practices (including evidentiary ones) related to claims of ownership, I gather them under the umbrella of the “forensic”, a concept I borrow from Kenneth Burke (1984) to specify a grounding in rhetoric as a mode of action.

Collaborative action: These notions of *situated action*, *collaboration* and *mediation* are equally important for the way I approach the commons as a historically composite object. I am broadly interested in the regime of existence of collaboratively constituted entities, from forest commons to partnerships and corporations and in following the devices that mediate and thereby transform practices of ownership. The register of these devices includes collaborative practices of calculation and valuation, especially those that establish degrees of divisibility according to changing forms of corporate association, forestry practices, and monetary regimes; modes of conversion among these different systems of valuation; units and techniques of measurement in distributive processes; graphic inscriptions that stabilize natural-social boundaries; as well as artifacts that succeed or fail to precipitate new modes of action and argument in legal and extra-legal disputes. The latter artifacts range in materiality from verbal invocations, sensory evaluations, arithmetical operations, and performances to documents, photographs, or portraits. In the company of Marilyn Strathern (1999), Katherine Verdery (2004) and other anthropologists of property relations (Hann 1998; Rose 1994), I take ownership as a way of acting, a practice, not as a set of rules, plan or program of action (regardless of how minutely it might be codified

in legal terms). In fact, my study of forest commons since they come into the spotlight of state law in the early 19th century until the present is a study of codification as an always incomplete process that constantly requires paraphrase and citation.

Anachronism. There is an implicit temporal hyphen in notions like restitution or reconstitution (of the commons). This hyphen is a big question mark: is there a given, temporally stable set of social relations and practices, which can be brought back to life by legal fiat? Which of the past versions of the commons belongs to the present? In the case of forest commons, this is, at the same time, the reconstitution of a collaborative mode of ownership, a form of sociality, a distributive politics and a practical understanding of the ways in which social relations aggregate into corporate entities. One of the immediate effects of historical sequentiality is *anachronism*, which, since the early 19th century, defined the commons as a form of perpetual mediation, either between the deep past and the present or between the present and the distant future. The conceptual work I do with anachronism allows me to inquire more closely into how periods are constituted as relatively coherent categories. As such, anachronism brings into focus questions of temporal intelligibility; these questions are never divorced from the practices and artifacts that organize them, in effect, the practical methods that make anachronisms recognizable to actors. I use anachronism not just as a figure to convey the complexity of the restitution process as the work of assembling a historically layered object. There are multiple fragments of the past forest commons that keep emerging in various contexts, mutually constituted by people's actions: lawsuits, boundary disputes, voting rights, access rights, the distribution and quantification of shares in the commons, and so on. In the very process of working through such disputes, local actors identify certain practices and artifacts as forms of temporal misplacement. They fail to fully coordinate, basically, don't belong together in the present. There is the sense of multiple

coexisting temporal layers or, as Ernst Bloch (1991) put it, “the simultaneity of the nonsimultaneous.” I am interested in these local collaborative methods of identifying anachronisms and in their double-edged potential: on the one hand, as incongruities to be dealt with in exercises of simultaneity; on the other hand, as persuasive materials that creatively employ the effect of untimeliness as a rhetorical form. In broader terms, this is an attempt to cancel out the possibility of a retroactive anthropological history that ignores the distinction between variously situated *accounts* of the past and socially occasioned, observable, and collaborative *practices* of constituting the past as persistent, resilient.

Field II: Henri H. Stahl, contemporary

When does the present begin and when does the past end? The past and the present are happening in each moment. Each moment is in the past and in the present. (...) All his life, man encounters a historical environment. This is not about detecting traces that we can show to be of the past. All present life is a continuation of the past. Any kind of division or caesura is wrong. Henri H. Stahl (cited in Rostas 2000: 257)

The brief situation of "Vrancea" in the *long durée*, which I provided at the beginning of the introduction, is now possible mainly because this region became the object of intense historical, sociological and anthropological research in the late 1920's by the Romanian School of Sociology in Bucharest. The anachronistic persistence of the commons into the 19th and even 20th century was irresistible to the Romanian historians, jurists, economists and social reformers who

debated the origins of property in the late 19th and early 20th century.⁸ In the late 1920s, once the Romanian School of Sociology embarked on an ambitious fieldwork project in Romania's remaining communal villages, the topic became a crucial ingredient for the very disciplinary articulation of the social sciences and humanities (Rostas 2001). At this point the biography of "Vrancea" as a scientific (sociological, historical, juridical) object (Daston 2000) interweaves with and makes possible the foundation of an ethnographic tradition in Romania and, in particular, with the formulation of an early and somewhat idiosyncratic attempt to blend history and anthropology in the form of a "social archeology." While late 19th and early 20th century students of the commons had only occasionally ventured outside the bounds of archives, libraries and legal collections, this new generation of scholars questioned the limits of written evidence and proposed to read the past of the commons in the landscapes and social relations of contemporary surviving communal villages.

In this regard, the main figure was the sociologist, historian and honorary anthropologist Henri H. Stahl whose lifelong work on the Romanian free communal village (Stahl 1958-1965; 1980) and monograph on Nereju (Stahl 1939) transformed Vrancea into a powerful argument for the historical re-interpretation of Romanian feudalism and state-building.⁹ Working within a Marxist theoretical framework that stressed the specificity of Eastern European capitalist development (Guga 2015), Stahl refused to accept the existence of Romanian feudalism. Instead

⁸ Some of the early 20th century Romanian scholars involved in the discussion of the commons, and particularly the study of free communal villages were Alexandrescu (1896), Angelescu (1909), Brezulescu (1905), Calinescu (1908), Creanga (1907), Mototolescu (1910), Petriceicu-Hasdeu (1878), Radovici (1908), Sarbescu-Lopatari (1906) and Rosetti (1907). It is no less significant that such debates over the nature of property and community developed in the context of a relatively coherent cooperative movement that explored forms of association for ownership, production and consumption, not only in an attempt to improve the condition of rural populations, but also to articulate alternative political ideas. For a history of the Romanian cooperative movement as well as its connections to European socialist thought, see Angelescu (1913) and Mladenatz (1931). On cooperatives in Eastern Europe and Russia, see Coffey (1922), Carlson (2007) and Kotsonis (1999).

⁹ See also Caramelea (1944); Jivan (1936); Poni (1921).

he asked himself more empirical questions: What was the Romanian village of the Middle Ages like? Was it a village of serfs? Or was it a free communal village as some 19th century historians suggested? As such, his works of social history (Stahl 1958-65; 1969; 1980) reveal a hybrid combination of different types of peasant communities between the 17th and 20th centuries: ancient free communal villages coexisted with serf communal villages and, later with villages of *corvée* peasants working on the lords' estates for the demands of an export-oriented, capitalist grain agriculture. Stahl's whole argument against the existence of Romanian feudalism hinges on the original existence of free communal villages that only gradually fall under local fiscal exploitation and are eventually destroyed by the incursion of capitalism and the institution of second serfdom. In particular, it is the persistence of free commons in Vrancea until the beginning of the 20th century that enables him to ground his theory and undertake a social history *à rebours*, while at the same time, witnessing the dissolution of these "archaic" forms under the pressure of industrial lumbering during his fieldwork in the late 1920's.

Stahl conceived of his research as a "social archeology" — a method of inquiry based on a continuous movement back and forth between the past and the present and the exploration of a sinuous temporality (Stahl 1939; 1980; Rostas 2000). He begins from the present (the communal village of the late 1920s) and works his way far back in the past, at the time of tribal invasions of the 12th century, and then comes back upon the present to re-investigate its contours. In contrast to his professor, Dimitrie Gusti, who struggled to carve out a distinct disciplinary field by "proving" the existence of sociology as a separate discipline with "its own object and methods" (Rostas 2000: 256), Stahl took advantage of the epistemological fluidity of the 1930's in Romania, when the boundaries of canons and curricula had not yet been fully drawn, and

asserted the equal dependency of sociology on monographic study and history.¹⁰ In this sense, he identified his work on Nereju as a “*monographie sociologique historique*” (Stahl 1939: 226).

The Nereju monograph is in many ways a hybrid product, different both from Stahl’s subsequent works as well as from the other monographs published by members of the Sociology School.¹¹ For Stahl, this seems to have been the most intense period of detailed ethnographic work and a veritable immersion into the intimate historicity of a peculiar type of village. Although he was clearly aware at the time of “the theoretical importance of Vrancea” (Stahl 1939: 31-33), namely the relevance that the study of some of the last free communal villages had for the understanding of a social history of Romanian capitalism, his fieldwork led him to explore unexpected issues: the workings and material concretizations of “social memory” and its relation to history. While the main “theoretical” problem became prominent in Stahl’s subsequent studies, the question of memory and its embodiments faded away and Stahl’s mature career registered a move from the “affective narrative” to a more “analytical history” (Chakrabarty 2000: 71).

For Stahl, the alliance between historical and social study must not be articulated arbitrarily; rather it must be modeled upon “the welded joint between past and present,” the almost impalpable junction of two temporalities whose contours merge into one another: “In

¹⁰ “I deny the existence of a sociology with its own object and methods. Let us give it another name, let’s call it social anthropology or whatever you wish to call it. But, either way, it can only be conceived as an application of the social sciences to historical study, to the past and the present” (Stahl, cited in Rostas 2000: 256).

¹¹ The monograph on Nereju differs also from the other products of the Sociology School, mainly because it carries the mark of Stahl’s dissatisfaction with Dimitrie Gusti’s particular brand of holism as well as the strong imprint of his interest in history. For Gusti, who had briefly studied with Emile Durkheim in Paris in 1910, the monographic approach had to account for the totality of social life. As a result, each monographic campaign included separate teams of various researchers appointed to study the four frameworks of biology, cosmology, history and psychology. Although this format was also followed in the case of Nereju, the space accorded to the biological and cosmological (mainly a study of anthropogeography) frameworks was reduced in contrast to the historical framework that takes up almost the entire first volume of the monograph. Moreover, Stahl insisted that the work be organized around a central driving question rather than producing a more or less mechanical inventory of facts.

Nerej, it is rather the past that explains the present. Nerej is a village where most of the facts of everyday life are not an original creation of present generations, but instead they are legacies of the past village“ (Stahl 1939: 225). The use of words such as “legacy,” “heritage” or “archaic remnants” might be misleading at first glance, signaling the presence of a historicist perspective.¹² However, in the last chapter of the first volume of *Nerej*, Stahl addresses “the misunderstanding concerning ‘traditions, superstitions and survivals,’” asserting his skepticism of those accounts of traditional life that attempt to reconstruct the world of the pristine village by putting together the discrete facts, gestures and opinions assumed to have been mechanically and sometimes randomly transmitted across generations (Stahl 1939: 383-4). He posits the impossibility of reconstituting “the perfect peasant culture” (which must always remain an ideal type in a Weberian sense) and attempts instead a “spiritual archeology” that regards “traditions” and “survivals” not as accidental relics, due to simple lapses of memory, but as essential traits enabling the present existence of free common villages such as those of Vrancea. In this sense, the ignorance of informants, “their impossibility to reveal to us the complete secret of the peasant culture” exposes in fact the intricate work of habitual social memory: such memory cannot be verbalized or theorized, it exists only through the performance of a living group.

“The knowledge of the whole is forbidden to all effective participants” (388), but this ignorance is precisely what enables the performance of customary law, magic rites and funeral rituals. Such an interpretation hints at the ways in which memory acquires meaning only when projected into concrete settings: “The memory of people is linked to a certain number of facts: if these are missing, memory fails, or to put it otherwise, memory can only work when presented

¹² Stahl seems to have been aware at the time of Edward B. Tylor’s “doctrine of survivals” (Tylor 1871) and of various forms of survivalism fashionable in folklore studies, but he assumed neither that ancient cultural forms could be preserved completely intact, nor did he develop his archeological study of cultural and material traces into a static doctrine of cultural continuity.

with an occasion” (389). Within the bounds of orality, there develops a particular “mnemotechnics” that is never the simple memorization of an unchanging tradition, but a creative act of re-interpretation on the part of the whole social group. Customary law displays and obeys in all its performances “this special gift of variation and improvisation, which is unique through its goal, structure, themes and style, but protean in its infinitely particular realizations” (390). However, it is precisely this protean quality of social memory that makes the late 1920s Vrancea villages into an “authentic social palimpsest,” to the despair of the social archeologist (1939: 232) who struggles to capture the elusive presence of a past always out of reach. Stahl’s invention and use of “social archeology” during the study of Nereju was meant to overcome such difficulties, by shifting the focus from oral history to material configurations, landscapes, and territorial structures that serve as concretizations of memory.¹³

Stahl's interpretations as well as those of the historians he criticized make work of any present researcher similar to that of a stratigrapher who needs to probe the nature and relations of multiple (textual) layers. Thus, any attempt to write a historical ethnography of Vrancea’s commons should necessarily be multi-sited, working with a body of previous texts, re-interpreting the archival documents constituted as historical evidence in those texts and carrying out fieldwork. In this endeavor, the work of a maverick theoretician like Stahl can be an invaluable document as well as a redoubtable handicap.

¹³ “When I talked about transmission [of customary law], I was thinking of material structures, the social and territorial structure of the village, being also influenced by Georg Simmel who wrote about social forms that were simply spatial projections, that were spatially projected and crystallized” (Rostas 2000: 256). In this respect, besides the inspiration from Simmel’s sociology of space, Stahl’s early work on social memory has much in common with Maurice Halbwachs’s famous conceptualization of collective memory and its intimate link to space. At the time he wrote the chapters on history and memory in Nereju (1928), Stahl could have known only Halbwachs’s 1925 book, *Les Cadres Sociaux de la Memoire*, in which the idea of collective memory is articulated in relation to localisation (Halbwachs 1925: 155-99).

In the introduction to *Provincializing Europe*, Dipesh Chakrabarty notes how “alive” the European intellectual tradition is, whereas autochthonous intellectual traditions (for instance, South Asian) are treated as “truly dead, as history” (2000: 6): “It is only within some very particular traditions of thinking that we treat fundamental thinkers who are long dead and gone not only as people belonging to their own times but also as though they were our own contemporaries” (Chakrabarty 2000: 5). Chakrabarty’s observation forces me to think my own relation to the work of Henri H. Stahl on Vrancea. Do I treat him as my contemporary and thus engage critically with his work? And if so, what are the implications for the way in which I conceptualize the historicity of his discourse and implicitly of the *place* that this discourse attempted to circumscribe?

In the *Nerej* monograph, Stahl’s interdisciplinary program comes into being as an affirmation of temporal consubstantiality between past and present, being, in fact, translated into an attempt to reconstruct the events of the past as if they were present. In his historical chapter about Vrancea, the boundary between past and present is often blurred, tenses overlap, feelings of admiration and indignation are blended — so much so that sometimes it is difficult to understand whether Stahl talks about the past Vrancea, the proud “peasant republic,” or that of the present, a region plagued by deforestation and poverty after “the colonial invasion” of logging companies. The image of the past is emphatically projected onto the present and the resulting temporal landscape of the book is not only a palimpsest wherein different times coexist, but a present traversed by hidden veins of historicity, which carry intense and dangerous memories.

If Michel de Certeau (1988: 2) is right that “modern Western history essentially begins with a separation between the *present* and the *past*” and that this limit establishes history as a

science (36), then Stahl's refusal to distinguish between the past and present of Vrancea marks him inescapably as a provincial. He is willing to engage in a "heterotemporality" (Chakrabarty 2000: 95) and even in an occult history, by accepting initiation into "the secret society of Vrancea."¹⁴ His nostalgia for the old Vrancea is the search for an absent past, a past that is created and exists only in the narrative, and "that continually threatens to reproduce itself as a felt lack" (Stewart 1993: 22-3). In this sense, the duplicity of the nostalgic memory parallels the blind spot of the historiographical operation via which "the place of the production of the text is transformed into a place produced by the text" (De Certeau 1988: 90).

Vrancea, the place produced by Stahl's text, opens up a hiatus in the present of my research, forcing me to come to terms with what Chakrabarty (2000: 88) calls the "radical plurality of the contemporary." Thus, field two helps me see that this *place* has multiple potentialities, which may not necessarily overlap. However, by grounding my research in field one rather than field two, I am able to explore also the political economy that underlies the historicity of a place.

Field III: Old and new commons

A phrase such as "the commons paradigm" (Bollier 2007) is bound to incite the curiosity of any scholar with an appreciation for the nonlinear quirks of knowledge production.¹⁵ This

¹⁴ In his memoirs (Stahl 1981), he refers in a couple of oblique lines to his initiation into a "secret society of Vrancea," a continuation of "the Great Vrancea Assembly" that used to regulate the affairs of the region between the 15th and mid-19th centuries. When interviewed by a colleague sociologist in the late 1980's, shortly before his death, Stahl refuses to answer any questions about his initiation in Vrancea's "secret society," much to the surprise of his interviewer. He invokes the silence oath he had taken in the late 1920's and hints that the organization might still exist and be, in fact, responsible for the short-lived anti-communist revolt in Vrancea in 1950 (Rostas 2000: 61-2).

¹⁵In a recent article in the Guardian (Salami 2017), the commons become, hyperbolically, "the most paradigm-shifting and alternative governance system for the 21st century."

dissertation takes it seriously, historicizing the commons by a form of decoupage that juxtaposes 19th century to early 21st century debates over their social, political and epistemological potential. These three dimensions are, in fact, being currently collapsed in the redefinition and revitalization of the commons as a global, yet distributed mode of agency.

Since the late 1960s, the commons have jumped genres – from tragedy (Hardin 1968), drama (Ostrom 1990), comedy (Rose 1994) to a full blown contemporary romance – as well as scales – from local to global and cosmopolitan (Nonini 2007, Disco and Kranakis 2013). In the process, they have escaped from a stubborn material limitation to circumscribed goods and resources (the province of new institutional economics) and took over a potentially unlimited array of objects, spaces and practices. Knowledge, information, biodiversity, cities, the atmosphere but also collaboration, creativity and sociality, to name but a few. The emergence of “the common” as a conceptual singularity (Hardt and Negri 2009) and of “commoning” as an active verb (Linebaugh 2008, Harvey 2012) marks this transformation of the commons into a revolutionary mode of (primarily anti-capitalist) political thought and action.

Inevitably, these shifts brought with them a sharp temporal divide between old and new commons. The main metaphorical template here – the second enclosure movement (Boyle 2003) – rests on an analogy with the first wave of enclosures that all but eliminated commons throughout Europe via partition, heavy taxation and legal codification. It is indeed this analogy between the dissolution of English landed commons (from 15th to 19th century) and unfettered contemporary neoliberal privatization that has received critical and historical attention (Harvey 2003, Linebaugh 2008, Hyde 2010, Dardot and Laval 2014). In this sense, the renaissance of the commons takes a decidedly defensive flavor against intractable forms of dispossession.

There is, however, room for alternative historical ontologies (Hacking 2002). One, in particular, could begin with the 19th century debates that conferred a deep historicity to the commons by pitting them against private property in a battle of historical precedence (Grossi 1981, Mantena 2010). In the mid-19th century, at the climax of the enclosure process, European jurists, historians, economists and sociologists were locked in a far-reaching controversy over the origins of property.¹⁶ At the same time, this was a debate over the status of Roman law (and implicitly natural law theory), the value of the comparative method as a proof-making process, the claims of written and unwritten evidence, the nature of relations that make up social entities as well as the manufacturing of historical periodization.¹⁷

Applied to the question of commons as an originary, yet present phenomenon, the 19th century debate — just like the 21st century one — was inevitably faced with the problem of anachronism. As Vico (2002) had emphasized, any inquiry into the problematic of origins and succession depends also upon the taxonomy of anachronism. While probing for historical depth, the comparison of the ancient Roman *gens* with the surviving German, Russian or Indian village communities required the fabrication of synchronicity. Such phenomena became part of a contemporaneity that seemed slightly out of joint, constantly shifting between analepsis and prolepsis. In this sense, the commons were in a state of perpetual mediation, either between the deep past and the present or between the present and the distant future. While the very mention of anachronism is usually anathema to historians, the temporal entanglements occasioned by the

¹⁶ Though the list is not exhaustive, among the 19th century European scholars debating communal ownership I can name here Frédéric le Play (1855), Georg Ludwig von Maurer (1856), August von Haxthausen (1856), Otto von Gierke (1950; 1990), Henry Sumner Maine (1986; 1871; 1874), Emile de Laveleye (1874; 1885), Denis Numa Fustel de Coulanges (1879; 1885; 1893), and Ferdinand Tönnies (2002 [1887]).

¹⁷ The 19th century commons debate overlapped with and provided material for the late Marx's vision of a commons-based socialism (Marx 1972; see also Basso 2015, Gailey 2003, Harootunian 2015; Shanin 1983, Tomba 2013). Its echoes are also discernible in the historical sociology of Max Weber (Momigliano 1994) and the beginnings of economic and historical anthropology in the work of Karl Polanyi and Moses Finley (Nafissi 2005).

commons promise to reveal just how productive such an incongruity could be for the project of a historical periodization relatively detached from the rigors of absolute chronological time (Davis 2008; Harootunian 2015; Kracauer 1969; Wilcox 1987).

The 19th century terrain of the commons was particularly fertile for sociological speculation with strong political and moral overtones, inviting inquiry into the nature and form of social bonds, the moral and legal personhood of associations, and, implicitly, their “real” or “fictive” character. Historical investigation provided a rich register for the understanding of social association: from the Roman notion of *corpus* to variously inflected concepts of *collegium*, *universitas*, *societas* and *communitas* (Black 1984). Thus, these were also debates over the patterned effects of social connectivity, extending in some cases (such as the work of German historian Otto von Gierke) to the articulation of a *Gemeinwesen* (lit. common being) that could be read as a characteristically Romantic (and, of course, nationalist) formulation, but also as an attempt to tease out the contours of an alternative social and political agency by reading the genealogy of the modern corporation against its historical grain. Steadfastly opposed to social contract theories (just like other supporters of the historical primacy of commons), Gierke developed a language of “living organisms” and “aggregate persons” who owed their existence to social rather than legal action. The volatile collectivities — so suspicious in the eyes of 19th century sociology and psychology (Le Bon 1896) — are recovered here as the very site of political possibility.

This optimistic reading reverberates all the way into 21st century reclaimings of the commons as the reservoir for new social movements. The long history of ideas of self-organization, emergence and complexity (Sheehan and Wahrman 2015) intersects here with that of commons, turning unstable and unpredictable collectivities — via newly available media

technologies — into multitudes, networks, smart crowds, and swarms that aggregate without intention or planning and act in the absence of hierarchy and control (Hardt and Negri 2004, 2009; Thacker 2004). The vicissitudes of self-organization are potentially translated into the virtues of self-governance. But just like the old commons (Caffentzis 2010), these putatively novel political formations seem vulnerable to profitable appropriation and “sourcing” by the very neoliberal structures they are meant to oppose.

Dissertation structure

The organization of the dissertation’s four chapters knowingly avoids a chronological pattern. In part, this is because the periodization of the commons is taken as a question for, rather than a background of, analysis. At the same time, the practices that compose the commons are anchored in different “streams of sequence” (Moore 1986); while the sequential streams of codification and quantification (for instance) intersect, they do not share the same beginnings and endings, nor are they observable at the same scale. The resulting laminated structure is meant to mirror the partially overlapping historical layers that contemporary commoners are confronted with in their attempt to assemble an intelligible and recognizable order.

Chapter one discusses the recurrent representation of Vrancea’s commons as the relic of an ever receding past, a stubborn anachronism that provokes interest, debate, discomfort and even condemnation. This untimely historical situation is invoked to ensure preservation against real or potential threats of dispossession (1801, 2008) but also to forestall legal codification and recognition (1910, 2000): while particularly stubborn, the anachronism of the commons is also eminently pliable, lending itself to mutually contradictory arguments. The chapter analyzes the

inter-connections between forms of historical and juridical continuity by focusing on the emergence and definition of “rights” as transferable, particularly via inheritance. The chapter counterposes the legal codification of the commons by the 1910 Forestry Code to a body of local customary law that is generated and articulated in response to codification. The question of inheritance has larger stakes insofar as its denial also establishes rights as indivisible and inalienable, preventing thus the fragmentation and commodification of the commons. These frictions between law and custom re-emerge after 2000 as tensions between property and politics in the course of the elections for commons leadership at Obstea Nereju. The chapter argues that the untimely resurgence of this conflict provides a vantage point into the historical persistence of commons.

Chapter two explores the local understanding of the forest commons as wild togetherness (*devalmasie*) — the exercise of equal, unbounded and unquantifiable entitlements to the forest in the absence of governance from within or outside the commons. Focusing on Nereju (from the late 19th century to the present), I argue that this vigorously asserted togetherness is not an atemporal moral ideal, but a pragmatic response to the emergence of forests (rather than mountains) as objects of ownership, to increasingly obvious tensions between indivisibility and divisibility and, ultimately, to deepening class inequalities. Analyzing regimes of transaction and their modes of documentation, I emphasize the role played by commoners who act as mediators between the commons and industrial lumber corporations. At stake here is the ambivalence of delegation: can individual commoners be trusted to act in the interests of the whole rather than advancing their own or their kinship networks’ agendas? What happens when the politics of the state defined and administered village intersect with those of the forest commons?

Chapter three inquires into the limits of these practices of togetherness and reformulates them as distributive politics. The analysis moves also from Nereju to the northern communities of Paulesti and Tulnici. The key issue is the accomplishment of proportionality — from the mountain divisions of 1755 onto the associative patterns of water sawmill operation in the 1890s and the interwar struggles to quantify “equal shares” in forest use. Distributive agreements cannot be reached in the absence of counting, calculating and measuring. However, these practices of quantification are not geared towards the production of fixed numbers or invariable metrologies. What takes shape instead is an ethical mathematics that treats numerical expressions as provisional and indefinitely rectifiable. To quantify is synonymous to balancing out political, economic and ecological relations.

In chapter four, the contemporary forest commons is re-assembled out of knowledge practices and evidentiary pursuits. How do commoners articulate, verify and make sense of the prospect of disappearing forests? Given the restricted circulation of official forestry assessments, such a claim is formulated on the basis of everyday forensics: clues are discovered, documented and organized inferentially into “proofs.” I argue that these are developing methods for making things known and for validating knowledge and secrecy; in other words, future-oriented means for orally and graphically establishing responsibility in and for the commons. As such, they cannot be divorced from co-existing evidentiary practices that frame responsibility for the commons in a curatorial vein: personal museums, document collections and local monographical canons. At the intersection of these forensic modes, the disappearance of the forest begs the question of an existing commons that is still recognizable as such to its members.

CHAPTER I

SEQUENCE

Our conscious appreciation of the fact that one event follows another is of a different kind from our awareness of either event separately. If two events are to be represented in succession, then – paradoxically – they must also be thought of simultaneously (Whitrow 1961: 75).

... the most significant feature of the personified collectives and corporate bodies was that they projected into past and future, that they preserved that identity despite changes, and that therefore they were legally immortal (Kantorowicz 1997 [1957]: 311).

One of the main questions of this dissertation concerns the problem of re-constituting the commons as a political-economic, but also social and cultural, regime: in what sense can a set of ownership relations that have been suspended for over fifty years be recreated, and especially so where juridical notions fall silent. In this chapter, the question takes the form of an inquiry into the problem of temporal extension: how does a particular regime of ownership persist in time? Can one imagine persistence without complementary dispersion in time? What does it mean to

re-constitute a temporally dispersed object? Keywords for this chapter are terms such as sequence, succession, anachronism, and simultaneity.

The chapter is strongly guided by the importance of historical sequentiality as a source of tension for the present. One can play an 18th century clavichord after the instrument's revival in 1900, but one cannot hear it after two intervening centuries of the pianoforte in the way it was heard in 1700 (Daston and Galison 2008). The same goes for commons practices and relationships, and particularly taking into account the intervening decades of socialism. Inevitably, the resurgence of the commons in contemporary Eastern Europe invites also inquiry into the ways in which the socialist collectivization of everyday life has subtly transformed previous communal and cooperative practices. In this sense, historical sequentiality not only affects the practical realization of social forms in the present, but also acts retrospectively on their very conceptualization. That is, contemporary understanding of 19th and early 20th century scholarship on these issues has to contend with a certain degree of indeterminacy (Hacking 2002).

The very passage of time, its serial order, irrevocably affects the past. The sequential order of a conversation is constitutive of the meaning of things said: a second thing said throws light on a first and so on (Garfinkel 1967, 2002; Rawls 2005), creating thus an ongoing order of forward- backward conversational interaction. Likewise, within the parameters of the “historical ontology” articulated by Ian Hacking (2002), new ways of naming and classifying can reach back into the past and change it retroactively. As Hacking (2002) puts it, understanding past actions under new descriptions — such as dishonorable desertion in WWI as an instance of post-traumatic stress disorder (PTSD) — introduces indeterminacy in the past. For Hacking this is inevitable inasmuch as “human kinds” — descriptions that define the gamut of possibilities for

human ways of acting and being — are characterized by “looping effects,” that is, forms of feedback that turn knowledge back onto the known. Being described as a certain kind of person affects someone by opening up or foreclosing choices and ways of acting. Along the temporal axis, one cannot claim that new descriptions actually change the past — the invention of PTSD now cannot affect the lives of World War I deserters — but they do transform the way we understand the past, and this transformation – even if it only introduces an element of uncertainty – is just as irrevocable as the summary deaths which those deserters were put to. In a similar, but perhaps more ambitious, vein, Bruno Latour (1999) contends that not only human kinds, but things themselves, such as the microbes discovered in 1864 by Louis Pasteur, have their own historicity. His half playful, half serious question, “did microbes exist before Pasteur” hints in part at what Hacking calls retroactive description. For Latour, though, the other part of the answer involves “backward causation,” that is actual work by Pasteur and his followers “to retrofit” the past and thus make it appear that microbes have existed all along. In this sense, the year of discovery 1864 changes with each succeeding year along an axis of sedimentary temporal succession — there is an “1864” of 1865, an “1864” of 1866 and so on — that traces the unfolding triumph of Pasteur’s theory of airborne germs over the failing theory of spontaneous generation. Latour’s (1999: 173) answer to his own question is thus ingenious: “‘After 1864 microbes were there all along.’ This solution involves treating extension in time as seriously as extension in space. To be everywhere in space and always in time, work has to be done, connections made, retrofitting accepted.”

It is precisely such work of retroactive description and, at some moments, even backward causation that characterizes the existence of the commons, both as an object of scientific inquiry and as a form of practice. This chapter discusses the continuous description of the commons as

an anachronism, a thing of the past, dead or on the verge of extinction at the very moment of encounter. The commons died many such deaths at various points in time, ranging from early 19th century to early 21st century, every time at the hands of different actors motivated by sometimes contradictory reasons. This perpetual relocation to the distant past accomplished agendas as different as those of 19th century peasants who worked to prove immemorial possession against the claims of encroaching noblemen, those of interwar scholars who were interested in rewriting the history of Romanian feudalism and those of contemporary state officials who tried to legislate it out of existence. Anachronism is most often understood as a historical fallacy, at best instrumental in the dating of questionable documents and at worst indicative of an inability to understand the past in its own terms. For my part, I take it as a device of temporal misplacement that signals and sometimes even solves problems raised during the process of reconstituting forest commons.

Particularly relevant here is the temporal stratification of the ownership practices constituting the object of restitution and their simultaneous coexistence in the present. As the Introduction suggested already, what is being re-created now is not a temporally stable set of relationships but one that has been already constructed on several levels and at different points in time. Thus, is the new common forest to be such as it was made recognizable to the state at the beginning of the 19th century, as it was in the 1920's after the codification project of the first national Forestry Code, as theorized by sociologists and historians during the interwar period or perhaps as it persisted in various practices during socialism? Which forest commons is to come into being? How are such practices, with their different temporal inflections, assembled in a newly ordered state of affairs? What kinds of knowledge are created and erased in the course of this process? Constructing a phenomenon out of successive layers renders it more real, but also

vulnerable at the points of juncture: the work of keeping constant the “circulating reference” (Latour 1999) of the commons throughout its temporal transformations is at the same time a history of mistranslations, omissions, and fabrications. A biography of the commons would have to account for this multiplicity of temporally stratified phenomena as well as the conditions of their coalescence into a working form of contemporary practice (Dardot and Laval 2014).

In my own attempt to narrate these entangled temporal strands in this chapter, I use a form of decoupage (Veyne 1984: 44) that takes “1910” as a pivot to help turn the mechanics of my story. I do so not only because I am motivated by the desire to create my own historical plot, but because “1910” is indeed a significant cut into previous history; after 1910, there is no more continuity, at least not of the kind that characterized the commons as an immemorial and hence atemporal practice. The latter vision of continuity was in itself the product of a similar turning point, 1801, when Vrancea’s commoners escaped dispossession with the claim that commons pre-dated state existence, anchoring, thus, their property claim in a deep history.¹⁸ 1910 stands for the meeting (or better yet, collision) between civil law and local custom. However, this is a creative collision, to the extent that it affords the emergence of something like “local custom” in the first place as well as of a historicity defined against civil law notions of succession.

1910 is the year of the first national Forestry Code and thus of the first state attempt at organizing communal forests from a juridical and administrative point of view. But 1910 itself came into being as the effect of other novel practices of forestry and commerce. Forest commons and the social forms that supported them began to deteriorate in the last decades of the nineteenth century when industrial logging first appeared in the region. With the help of local middlemen, foreign companies (German, British, Hungarian and Austrian) tried and, in many cases,

¹⁸ ANVN, F91 Roznovanu, CCXLV/26.

succeeded to buy from the villagers the right to use forests and thus to harvest large quantities of timber. In 1910 the Romanian state enforced a Forestry Code that attempted to prevent the complete deforestation of Vrancea (as well as of other regions) by giving legal recognition to forest commons (*Obste*) and trying to re-organize them according to modern property norms. This attempt at imposing legibility on what seemed an incoherent mode of ownership worked by quantifying the “shares” that each villager was supposed to have in the communally owned forest. Because in Vrancea the forest property of each individual was not localized or bounded in any way, the 1910 legislators and judges were forced to come up with an abstract notion of individual “right,” which in turn created a novel way of understanding membership in the commons and the form of its succession.

Therefore, I will discuss the problems of sequentiality and anachronism, by focusing on several issues, most importantly, on the form of 1910 archival records of forest commons and on the definition of communal membership as it is presented in such records. During the application of the Forestry Code, the problem of membership was already framed as a question of graphical representation, a question that in turn had effects upon the creation of rules for updating membership in the event of death, birth, marriage, and on the debates regarding the legitimacy of practices of inheritance and transmission. As such, the chapter covers rather extensive historical ground, but not in a chronological or exhaustive manner. That is, I follow those historical strands of events and practices which coalesce in the present.

Who is afraid of ghosts?

Everyone I talked to in Nereju urged me to go to the Festival of Vrancea’s Folklore in the neighboring village of Paltin. As I missed the morning bus transporting the dance group and the

Nereju singers, I ended up going with the family of the director of the Nereju Forestry Office (*Ocolul Silvic*). As we climbed to the mountain plateau where the festival was held, the director of the Forestry Office, his wife, his colleagues and their wives — all living in Nereju only by virtue of their official appointments — repeatedly claimed that they were not interested in this kind of local manifestation and that they only went there to eat *mici* (a type of grilled skinless sausages) and to drink beer. Indeed, as soon as we got there, they moved briskly through the crowd of people and hurried to secure a place in the already long line for *mici*. They insisted I should eat with them and I had to wait beside the *mici* stand, somewhat unwillingly, because I wanted to follow everything that was to happen on the stage and among the spectators. Finally, we got the food and the drinks and we moved to a secluded place, at the back of the stage, behind a makeshift dressing-cabin where performers from the villages changed their clothes and tuned their instruments. As we began eating, we heard on the loudspeakers the voice of a man opening the 33rd performance of the yearly festival.

He began by honoring the most famous legend in Vrancea — that of King Stephen the Great and Baba Vrancioaia — retracing the course of mythical events that make up a compelling story of origins. Defeated by the Turks, the king wandered through the dark forests of Vrancea and stumbled upon the poor dwelling of an old woman called Baba Vrancioaia. She offered him hospitality and a resting place. Only at dawn did she recognize him as the king and then ran to summon her seven sons, who gathered an army of young men from Vrancea's seven mountains and went to welcome the king. Overwhelmed, Stephen accepted their support and together they defeated the Turks. In exchange, he gave them a precious title deed (*uric*) written with golden letters on calfskin, attesting that they and “all their descendants” were granted eternal “mastery”

(*stapanire*) over the Vrancea mountains. And the speaker concluded: “We are here on the land of Stephen’s descendants.”

“Fuck her!” exclaimed one of the Forestry officials in a wrathful tone. Surprised, I turned to look at him. He then started laughing and repeated amidst the general amusement: “Fuck her! If it weren’t for that whore of Baba Vrancioaia, screwing around with that Stephen, we wouldn’t be having all these troubles now. They wouldn’t be all clamoring for their property!” What is one to make of this otherwise respectable, middle-aged state official heaping obscenities on the ghost of an old woman, who died four centuries ago, and who is, anyway, presented as a legendary figure in history primers? At the time, I almost brushed this incident aside, seeing it as a faintly amusing event that would be embarrassing to narrate to Nereju villagers, who take so much pride in this ancestry, which, for them, informs the powerful feeling of relatedness with villagers from all over Vrancea.

However, it was the Forestry official’s disconcerting and straightforward explosion of wrath that continued to puzzle me. In part, this might be explained as the reaction of an “outsider.” The boundaries of the Nereju *Obste* as proprietary entity are drawn through the exclusion of all those who are not natives of the village. Foresters and other state employees are “strangers” or “newcomers” who cannot become full members because they lack any genealogical connection to the place. As one schoolteacher confessed, “although I have lived in Nereju for more than thirty years and I like this place, I don’t feel I managed to become part of their community.”¹⁹ The founding narrative retold at the beginning of the festival brings again

¹⁹ The marginality of many such state employees is also reinforced by spatial segregation as most of them live in “the block,” the only socialist apartment building in Nereju, facing the main street of the village and the newly built commercial structures. “The block” is a somewhat preposterous building, small and gray and exclusively inhabited by “strangers” and “newcomers,” most of whom are schoolteachers who moved to the village in the late 1960s and the early 1970s. However, spatial dislocation is not strictly the case with many forestry officials, who have built

into focus the limits of belonging, even for those who might have a purely pragmatic understanding of it.



Figure 1. Paltin Festival, 2003²⁰

However, when directing his anger against Baba Vrancioaia, the Forestry official was far from denying the significance of the founding legend. In recognizing her as a powerful enemy, he allowed her “to be,” admitting that the local dispute over forest ownership was also fought on an extra-legal terrain where “the state” could hardly compete. By accepting the ancestral spirit as “existentially coeval” (Chakrabarty 2000: 16) with him, that is, treating her not as a social fabrication but as a contemporary to be reckoned with, this local agent of the state was arguably

some of the most impressive houses in Nereju after 1989. Such houses, built on the model of holiday villas, with several floors, tin roofs, marble staircases and high protecting fences, differ considerably from the local dwellings.

²⁰ Unless otherwise noted, all the photographs reproduced in this dissertation are by the author.

making a confession of vulnerability. It was the continuing reality of this figure, her ghostly resurgence in the midst of the sunny and festive afternoon, that was disturbing to some, overruling the insubstantial presence of several state officials while reminding the thousands of spectators from all over Vrancea of the ties that united them.

But what kind of ties are these precisely? The Forestry official's "joke," with its explicit sexual content, turns the claim of the festival presenter — "We are here on the land of Stephen's descendants" — into a literal statement, by providing a crude, yet vivid, interpretation of the encounter between King Stephen and Baba Vrancioaia as a reproductive event. When it comes to moral offence and defence, there is just enough ambiguity in the founding legend to allow for the formulation of such promiscuous readings. In 1927, at the time of Henri H. Stahl's fieldwork, villagers from Nereju had no qualms about invoking blood kinship with the King when they had to defend their morality. Francisc Rainer, a biological anthropologist working with Stahl's fieldwork team, was ridiculed as a simpleton by most of the village after he did several blood tests and discovered numerous cases of syphilis. He had failed to understand that "Vranceans cannot have such diseases because their blood is the same as Stephen's blood, thus the purest of all kinds of blood in the world" (Stahl 1959: 165). The accusation of syphilis, with its taint of promiscuity, was debunked by turning rhetorical into sexual license in the reading of the founding legend.

Such forms of productive tautology expose the ambivalence of a claim that must and yet must not be taken at face value; in other words, the very definition of what Henry Sumner Maine (1906) would call a "legal fiction." To dismiss out of hand the nature of the ties that bind Vranceans as a diffuse feeling of relatedness (as I did above) is to ignore the work that this founding narrative continues to do for the constitution of Vrancea as a "country" (*tara*) apart,

and even a regional community. It would also be a refusal to revisit, and engage with, one of anthropology's own founding narratives: the transformation of blood (kinship) into local contiguity (territory) as the basis of common political action. Like most other founding narratives, this one also leaves room for ambiguity or, at the very least, for the possibility that kinship and territory are not necessarily inscribed in a historical sequence. Sometimes they are two sides of the same coin, co-existing and mutually reinforcing kinds of entitlement. One of the better known illustrations of this interdependence is Malinowski's discussion of the doctrine of first emergence as the foundation of Trobriand land tenure.²¹ In this case, ownership rights are generated by blood flowing from and into the ground: the ancestor's appearance from a "hole of emergence", marks, at the same time, a specific territory as well as a specific clan as actual units of ownership. With some ethnographic license (particularly in what regards the Trobriand matrilineal descent and its contradictions), I would suggest that Vrancea's founding legend merges relatedness and territoriality in similar ways, bringing together two ancestors at a definite site of emergence. The legend places Stephen and Vrancioaia's encounter in the center of the region (Barsesti), where a reconstruction of Vrancioaia's house stands visible on the crest of a lonely hill. Whether they exchanged anything other than food, drink, military aid and property titles is ultimately immaterial to a narrative that anchors the perpetual claim to the commons in a concrete act of sharing.

²¹ "There is one thing that dominates the whole attitude of man to soil in the Trobriands. A man or woman have rights over a given territory in virtue of the fact that their ancestress in matrilineal filiation emerged from the soil at a definite sacred spot situated in that territory. The system of matrilineal descent, therefore, combined with what we might call the doctrine of first emergence, constitute the legal and mythological foundation of Trobriand land tenure." (...) The principle: one hole of emergence, one sub-clan, one territory--or a definite part of it--and one headman, runs through the whole social organisation of the Trobriands. To the Trobriander land, the territory, the soil he treads and the soil he works, the rocks, groves and fields where he plays and lives, are actually and not merely legally bound up with him. Land for him is the real mother earth who brought forth his lineage in the person of the first ancestress, who nourishes him and will receive him again into her womb. The first principle gives every man a right of residence, a right to a portion of land in it, a real asylum and a place from which he can never forcibly be moved" (Malinowski 1935: 336-7; 350).

Nowadays, most narratives as well as contexts in which Vrancea's founding legend is invoked convey the question of descent in a thoroughly social way. Baba Vrancioaia is not treated as a literal ancestor: while she is said to be "the great-grandmother" of all the Vranceans, nobody is actually interested in tracing particular genealogies from her alleged seven sons and their descendants. Stephen himself is widely acknowledged as "the founder of Vrancea Country", but this is a claim also grounded in the jural and evidentiary power of the written record: he gave Vranceans the *uric*, an invulnerable title deed which inscribes eternal mastery over mountains in gold over calfskin (this famous document, which none of my interlocutors in Vrancea has ever seen, is said to be kept in secret and passed down from father to son). In September 2003, when villagers from Nereju mounted a protest in front of the government building in Bucharest, they argued for the autonomy of the commons against the predatory actions of state foresters precisely by making an appeal to King Stephen: "these are our forests and we have them from Stephen the Great." In doing so, they were perfectly aware of playing their trump card since they grounded their claim in the continuing presence of a figure that is literally sacrosanct for Romanian national culture (the king was sanctified by the Orthodox Church) and has been endlessly praised in socialist and nationalist historiography. However, as I discuss next, narratives of historical depth are a double-edged sword: in the very articulation of demands grounded in presence, they inevitably have to contend with dismissals based on distance.

Dying commons

We have often spoken of *the death of Vrancea*, and we must now recognize that this death is present, in a much more painful way, in the very soul of Vrancea... This is the fascinating psychological drama of a community that was extremely alive only a century ago and that now dies in painful agony (Stahl 1939: 382).

Only when the past and the present were effectively separated, could modern historians begin their work, argues Michel de Certeau in his influential account of “the historiographical operation” (1988: 56-114). Their work aims at establishing temporal distance and difference, at burying the dead in order to redeem space for the living, refusing to allow death to continue as a mode of presence. In this sense, history is a science of “heterology” (de Certeau 1988: 3) that needs first to establish the past as that which is missing so that it can, then, conjure it up. However, this is a paradoxical endeavor, for such a “negative ontology of the past” (Ricoeur 1988: 150) is forced to reckon with the numerous and uncanny ways in which the absent past returns to haunt the present, just as in the ghost story (above) the long dead figure of an ancestor comes back to disturb the state officials’ peace of mind.

While Henri H. Stahl announced the death of Vrancea in 1939, for many, the official obituary was proclaimed by the Romanian state with the 1948 decree for the nationalization of forests. However, some five decades later, there begins the story of a ghostly claim to property, for the “dead” Vrancea comes back to a kind of afterlife, asking for “legal resuscitation” (Caruth 2002) and for the restitution of its forest commons. “What does it mean (...) for the dead to speak — and to speak before the law? And what does it mean, moreover, for the law to listen to this claim coming, as it were, from the dead?” — asks Cathy Caruth (2002) in an unsettling analysis of Balzac’s 1832 novel, *Colonel Chabert*, the tale of a soldier, thought dead, who appeals to the help of a lawyer in his attempt to reclaim his identity, property and wife. In 1999 Romania, the law, speaking through one of its many voices, Deputy Serban Mihailescu, responds in shocked disbelief:

“Unbelievable, but true! In the year of grace 2000, there will be established traditional communities (*obsti*) of commoners (*razesi* and *mosneni*), forest commons (*composesorate*) and other Dacian-Roman or Austrian-Hungarian vestiges so that we can restitute forests to them now, in the third millennium!”²²

Here, a representative of the Social Democratic Party uses irony to express his incredulity in face of calls from the Peasant and Liberal parties for the passage of a law establishing the reconstitution of traditional communities and the restoration of their rights to the forest commons. Although he had previously deployed elaborate arguments to resist the restitution of forests to their former private owners, the Deputy’s stance seems to suggest that it is pointless to even argue in the case of the commons. If one simply points out that this is basically a claim from the dead, then it is impossible not to recognize the ludicrous nature of the whole attempt – such “vestiges” have no place in “the third millennium”! What he mainly resents is the temporal affront posed by such a law that stands in utter contradiction to his taken-for-granted sense of historical progression. In contrast, a representative of the Liberal Party contended that the law must face its traumatic past, advocating an imaginary return in time as a model for empathy:

“We try to repair whatever can be still repaired from a moral, juridical and legal point of view, by restituting those properties that can still be restituted. (...) Unfortunately, this law cannot repair the suffering that these former proprietors, many of them already gone, have endured once they lost their right to property. This is one thing that cannot be rectified in any way. Besides discussing the pragmatic side of this debate, all those who come to this microphone should at least attempt a return in time – mentally, of course – in order to understand what it means to lose one’s property, but, at the same time, to lose also one’s life, one’s liberty, one’s children ...this is beyond any material loss.”²³

²² Transcript of the June 10, 1999 session of the Chamber of Deputies regarding general debates over the legislative proposal for the reconstitution of property rights over agricultural fields and forests. www.cdep.ro

²³ Deputy Gheorghe Cristea, Transcript of the June 10, 1999 session of the Chamber of Deputies..., www.cdep.ro

The 2000 law that emerged from these debates did indeed provide for the re-establishment of forest commons, but did not address in any way the question of loss or that of temporality.²⁴ Moreover, the Vrancea commoners, and others like them, were successful only because they could prove that their ownership claim had been previously recognized by the state — in their case via the 1910 Forestry Code — and not because of any genealogical, historical or emotional connection they could invoke with respect to their place. It took almost another decade until arguments based on historical distance were removed from the pejorative spotlight. The current Forestry Code (2008) made room for the commons in Romania’s “historical patrimony” (*tezaur*, literally, treasure)²⁵: it acknowledged the anachronism of the commons only to deprive it of any historical immediacy by relegating it to the static and conservationist register of heritage.²⁶

Interestingly enough, the recognition of the commons in 1910 had to contend with similar arguments against anachronism. The 1910 opposition to the Forestry Code anticipated the outrage of the 1999 opposition to the laws for the reconstitution of forest commons. Deputy Tache Ionescu, a liberal MP as well as a lawyer for early 20th century lumber companies, condemned the Code as an unconstitutional “revolution of the Romanian property regime” (DAD 1910: 1423) and an instance of historical regression:

“Everywhere, in all civilized societies, collective property is a leftover of the primitive state. I do not share the opinions of those who think individual property is an evil which should be suppressed. I share the opinions of those who obey our present Constitution and who understand the present society — those who think individual property is the best form of allocation. From the point of view of the current constitution of property,

²⁴ In fact, forest commons were allowed to claim juridical personhood only in 2005 with Law 247 (art. 26).

²⁵ Forestry Code 2008 (art. 95, alin. 1).

²⁶ Elizabeth Povinelli’s (2002: 153-85) investigation of native Australian land claims shows the perverse ways in which “the cunning of recognition” affects the extent to which such more elusive connections can or cannot be brought within the sphere of the law. Moreover, as she points out (172), the Australian Supreme Court identified the authenticity (and thus, validity) of native claims with temporal distance, stating that “native title obtains its value from its ability to signify fixity, stasis and resistance to a historical dialectic.”

indivisible property with all its complications and difficulties is surely a remnant of barbarism. (...) [The Code supports] the same wretched idea of going back to collectivity instead of going forward towards individuality” (DAD 1910: 1422).

Already in 1910, the commons appeared as an embarrassing relic and raised fears of a return to barbarism or primitivism. Such panic was well informed by the movement of 19th century legal codification throughout Europe towards the dissolution (by means of enclosure, partition or heavy taxation) of existing communal forms of landed property, in alignment with the prevalent liberal ideology of individual property as well as the precepts of the scientific (and hence, efficient) agronomy inaugurated by the French Physiocrats (Vivier 1998; Demélas and Vivier 2003; Moor and Warde 2002).²⁷ While European states were slowly but surely extinguishing the commons, Romania appeared to give it a new life in the guise of the *Obstea* and even tried to safeguard it from the influence of capitalism and modernity.

Even a century earlier, at the time of the critical legal debates involving Romanian commons during 1801-1816, specifically, the lawsuit brought by the peasants of Vrancea to contest the possibility of royal donation, the regime of commons was allowed its freedom only because it was conceptualized as the relic of an immemorial past (Constantinescu-Mircesti 1985). This transmutation into the past was a practical achievement of the peasants of Vrancea and of the kind of documentary evidence they could produce in order to support their claim of continuous possession. Just as Pasteur worked hard to show that microbes existed all along after 1864 when he discovered them, the participants to this lawsuit collaborated in proving that after 1816 the commons existed all along, or, at the very least, that they pre-dated the formation of

²⁷ For the Russian context, and particularly the effects of the Stolypin agrarian reforms on rural commons see Atkinson (1983), Bartlett (1990), Heinzen (2004), Pallot (1999), Williams (2006) and Worobec (1995). A few studies of Romanian 19th century property relations touch also on questions of the commons (Mitrany 1930; Roberts 1951; Chirot 1976).

political entities such as kingdoms and states. Inevitably, such extension in time became a given for the subsequent practitioners and interpreters of the commons, bringing together past, present and future in a series of nested inclusions.

A telling example of how inclusive temporality works is another juridical conflict, this time in 1995, over the boundaries of forest commons belonging to two neighboring villages. In chapter three I analyze this conflict as part of a local history of forms of measurement and calculation, but here I only wish to point out how the manipulation of anachronism extends not just the past but also the future. In 1995, that is, five years *before* communal forests were restituted to their communities and while they still existed under state ownership and administration, two villages went to court over the contested boundaries of *their* communal forests. In the course of the lawsuit, the lawyers of both villages presented themselves as acting in the name of the *Obstea* — an entity that had existed before 1950 but had still not come into being in 1995 — and fought over the division of forest properties that nominally did not even belong to the parties named in the lawsuit. They did so based on the documentary evidence produced by the villagers — suggestively enough, this evidence consisted of an accounting of debts between the two villages at the closing of the 1801 lawsuit that I mentioned above. Thus, one can look at this 1995 event as a double anachronism: on the one hand, the re-emergence of debts almost two centuries old as the ground of a present boundary settlement (see also chapter 3); on the other hand, the present invocation of an entity that had not yet come into being. In this sense, the 1995 lawsuit performs a double temporal extension, bringing into the present both the distant past and not yet realized future and doing so strategically at a moment when the question of restitution for forest commons had just been brought onto the national political agenda.

More to the point, these instances of anachronism as well as my previous discussion of recurrent moments — 1801, 1910, 2000 — when the commons are invariably pronounced dead or just about, share an important element. In each case, the confusion between past and present, extinction and existence occurs at the intersection of different modes of knowledge, more precisely when forest commons come under the metropolitan gaze of 19th century noblemen and princes, the modern civil code, interwar sociologists, or the contemporary state. Temporal incongruities arise out of the different referential systems present in these encounters (see also below). In a bold move, Timothy Jenkins (2010) argues that the persistence of practices of property and inheritance — in his case the Béarnais house “discovered” in the 19th century by Frédéric Le Play and rediscovered in the twentieth by Pierre Bourdieu — relies precisely on presenting to outsiders the appearance of being on the verge of extinction. Neither party in these encounters — the Béarnais local society and the sociologists — is left unchanged, but Jenkins (2010: 159) claims that “the results of these encounters between local and modern life appear to lead to prolongations of local life rather than its obliteration.” His attempt to tease out “the life of property” through time concludes that it is a form of existence based on “the mode of ‘being about to disappear’” (Jenkins 2010: 24; 63).

It is certainly significant that Jenkins’s analysis is focused on practices of inheritance and thus on the part that death (in this case, literal, biological death) plays in enabling the continuity of ownership practices. In what follows, I discuss how a local way of life is codified with the result that inheritance itself becomes the problem and “death” is produced as a relevant ownership phenomenon where it had not existed before. This is, in other words, the encounter between an ownership identity that lies in people’s belonging to the forest — and thus excludes death as irrelevant to continuity — and a set of norms, proposed by the 1910 Forestry Code, in

which ownership appears as a property of persons themselves, thus making continuity impossible in the absence of succession after death.

Succession, 1910

The 1910 Forestry Code attempted to regulate all forms of common ownership (*devalmasie*) over forests by instituting special commissions that would investigate and codify local customs, thereby offering them the protection of the law (Botez 1923). It was the first time the Romanian state tried to intervene directly in the workings of such communities, and the debates that preceded the adoption of the Code amply illustrate the legislators' ignorance and even bewilderment about "this ancient and extremely complicated juridical problem" (DAD 1910: 1422). Chapter V (art. 29-54) of the Code deals with establishment of commoners' rights and with the managements of their forest commons; in other words, it sets out the organization of the forest commons by means of a statute ("asezament") that constitutes *Obstea* into a juridical entity. During the debates over the Code, deputy Titu Frumusanu, one of the sponsors of the law, underlined the importance of this point:

"this is the first law that establishes the band of commoners (*ceata*) as a juridic entity, conferring upon it a so-called act of birth, a kind of legitimacy of its right to existence in the Romanian state (...). What was the act of birth of this band in the past? There was nothing. There was only caprice; there was only the arbitrariness of those in power in the rural communes ..." (DAD 1910: 1440).

In this context, *Obstea* designates not the community — say, a solidary totality of the commoners — but rather an administrative entity that runs by specific rules of assembly, voting and decision making. If until mid 19th century, *Obstea* was the most common term for the identification of a community, the expression of a common interest and, implicitly, the

articulation of a mutually agreed upon social order (Sachelarie *et al.* 1988: 333-335; Stahl 1959: 32-34), after the 1910 Forestry Code, it is reduced to a statutory form of association and rendered dependent on state recognition for its very existence.

The transformation of the *Obstea* from “a total form of everyday life organization” (Stahl 1959: 33) into a voluntary and implicitly contractual association had already begun in the second half of the 19th century; this transition is illustrated by the emergence of the so-called Leasing *Obstea* (*obstea de arendare*), one of the most popular forms of association and cooperation among peasants after the 1864 agrarian reforms. The Leasing *Obstea* (1864-1916) was a legal form of association, recognized by the state but deprived of juridical personhood and temporally limited by the provisions of the leasing contracts between peasants and the owners of large agricultural estates; even so, it allowed landless peasants to pool resources together and lease extensive areas for cultivation and commerce (Filipescu 1912; Cristea 1999). *Obstea* constituted by the 1910 Forestry Code carries over some of these limitations and marks sharply the moment of state recognition: before its legal creation by statute, the community of commoners is constantly designated as a band (*ceata*); it becomes *Obstea* only after fulfilling all the legal formalities required by the Code.²⁸

Faced with vocal liberal attacks (against the archaism of the commons), the Forestry Code’s supporters had no choice but to emphasize the role of the state and especially, its moral responsibilities. The recognition of the commons was framed as protection: the state had a duty to shelter the weak, the ignorant and the illiterate, that is the commoners who lived in *devalmasie*, and to institute itself as their guardian against the foreign or domestic “exploiters”

²⁸ According to Botez (1923: 14) *ceata* designated a group holding a good in common on the basis of “old documents” or “long standing possession” and whose shares are determined via diverse units of measurement. Panaitescu (1964: 82) suggests that the term had military connotations until the 18th century.

who had persuaded them to sell their forests at ridiculous prices and then cut them down for a profit:

“In the matter of the free peasants (*mosneni*), we are determined partisans of divided, individual property, yet we also want to solve the matter of the free peasants in a way that prevents the exploitation, humiliation and dispossession of the weak, which is what has been happening so far. (...) What is called for here is (...) State intervention; the State must always be there to defend the weak against the powerful so that iniquity and robbery are prevented” (DAD 1910: 1427).

The pervasive dispossession invoked here had been, in fact, one of the main reasons for drawing up the Code: the lawmakers repeatedly cite cases from all over the country where corporations bought “for nothing” and “exploited” the common forests of free peasants, leaving nothing but social and economic devastation in their wake. However, the lawmakers are even more worried by “the state of anarchy in the bands of free peasants” and by their “destructive” tendencies. Indeed, commoners needed, most of all, to be protected from themselves. Which is why the guardianship imagined by the Forestry Code stretches to treating them “as minors who must, at any cost, be made into wards of the state” (DAD 1910: 1436). This state tutelage takes the form of a series of direct and indirect modalities of control. In theory, the authorities in charge are the Ministry of Domains (for forestry control) and the Central Headquarters of Popular Banks (for financial control), but, in practice, it is rural judges who have almost unlimited power over the everyday workings of the newly recognized forest commons.

Initially, direct control is exercised by local commissions headed by the rural judge and charged with establishing, on the ground, the commoners’ ownership rights. The commission, and especially the rural judge, wields “the widest powers”:

“It will listen to all the commoners present, it will examine their titles, documents of property conflicts, boundary agreements, forest plans, it will visit the forests in question, it will undertake measurements with engineers if necessary, it will procure any

information necessary and carry investigations regarding local customs about rights and their possession, it will hear witnesses and examine any documents brought to its attention...” (Forestry Code 1910, art. 31)

The purpose of these exhaustive investigations was the creation of a “register of rights” that would identify the exact share each commoner has in the forest commons, serving thus as a definitive property title for the entire community. The register constitutes the core of the new *Obstea* statutes detailing the rules for the organization and administration of the forest commons. By these rules, the *Obstea* is placed under the guardianship of the rural judge who presides over each general meeting of the community, approves the periodic election of a council of administration, sanctions any modification of the statutes and investigates any petition or complaint by the commoners. The powers of the rural judge continue undiminished until 1948, when *Obstea* disappears as a legal entity by the nationalization of forests. While the nationally responsible authority changes between 1910-1948 (the Central for Cooperatives takes over from the Ministry of Domains), on the local level, the rural judge remains a constant source of supervision, control and mediation. He is the main intermediary between the *Obstea* and the state.

To summarize, the Code organized forest commons as *Obstea*, stipulated their form of administration, instituted rural judges as their foremost guardian authorities, prohibited individual sales of rights unless the buyers were members of the same community and prevented unfair transactions by forbidding the division of communal forests, unless it was performed in kind and approved unanimously by the community. The latter prohibition was, in fact, a permanent one, as the Code drafters explicitly acknowledged the impossibility of territorial division for highland forests as well as the improbability of unanimous agreement in communities of hundreds of people; it was, nonetheless, meant to perpetuate and protect local

customs of indivisibility however far removed they were from the current constitutional regime of private property.

The *Obstea* of 1910 was a legal creation that embodied a precarious compromise between the precepts of civil law (the 1864 Civil Code) and the various local customs gathered under the umbrella of the term *devalmasie*. Even though the Forestry Code charged local commissions with the codification of local customs, in practice, the statutes of the *Obstea* were drafted (and redrafted) by a variety of legal actors (including rural judges, county tribunals, courts of appeal and even the Supreme Court), many of which were reluctant to stray too far from civil law in favor of custom. Thus, statutes perpetuated several important misunderstandings about the form of forest commons.

Most resilient was the confusion of the commons (*devalmasie*) with undivided property as recognized by the Civil Code. In the latter sense, undivided property (*indiviziune*) was a strictly temporary state that resulted from unfinished acts of succession (multiple heirs found themselves as co-owners of a deceased person's estate); it was an accident that would be corrected as soon as the inheritors divided the property among themselves.²⁹ When applied retrospectively, this understanding of indivisibility reframed forest commons as the effect of a sequence of unfinished or aborted acts of succession. Following this logic, their origin rested with one or several ancestors whose descendants multiplied but never completely exited the state of indivisibility. It also meant that forest commons were organized genealogically from the very

²⁹ The 1864 Civil Code (art. 728) recognizes a single type of co-ownership – *indiviziune* – which describes the holding of property in common among co-heirs. But the Code also specifies that this is a temporary state to be terminated as soon as the co-heirs divide the property among themselves: “Nobody can be obligated to remain in a state of co-ownership. A co-heir can ask for the division of the inheritance at any time, even when there are conventions or prohibitions that prevent it.” This distaste for co-ownership is a hallmark of Roman law; in fact, article 728 of the Code is a direct translation of the Roman maxim *Nemo in communione potest invitus detineri* (No one can be kept in co-ownership against his will). As Maine (1906: 253) also observes, “the mature Roman law, and modern jurisprudence following in its wake, look upon co-ownership as an exceptional and momentary condition of the rights of property.”

beginning, but they had slowly decayed from this state of original private property into an indivisible commons (from the perspective of civil law, this was clearly a process of historical decline). This genealogical principle was, moreover, in perfect agreement with the civil law rules of succession for private property. The Forestry Code drafters were encouraged in this interpretation by several more known cases of forest commons in Central and Southern Romania. These were genealogically organized commons where each member of the community was entitled to an abstract share calculated by rules of succession. In these instances, the unequal rights of the commoners could be neatly mapped onto genealogical charts and divisibility appeared indeed as the underlying basis of property organization. It was only in the interwar period that historians and ethnographers (Stahl 1939; Caramelea 1944) criticized this view and argued instead that genealogical arrangements were later stages of an original state of total, egalitarian *devalmasie* — what Henri Stahl called “absolute joint ownership.”

When inscribed in the *Obstea* statutes, this vision of indivisibility resulted in what the Code drafters called “joint stock company” organization (Botez 1923). Each community member was entitled to an abstract share — the right — that could be variously calculated in local terms, according to territorial units of measure, money, kinship lineages, etc. This made some sense for the genealogically organized forest commons, where members could end up with one right, half, quarter or even one tenth of a right according to their position in the lineage. In Vrancea, though, these registers of rights prescribed by the Forestry Code created chaos and confusion. As articulated by Vranceans (Harnea 1930), *devalmasia* meant primarily that “the forest was free” for all the locals to use, “the rich and the poor, the old and the children” (*cum bogatul, cum saracul; cum batranul, cum copilul*). It was indeed upheld as a “wild togetherness” that denied any form of divisibility: anyone could go into the forest and cut “without measure, without

limit”.³⁰ The 1910 commission for the constitution of the *Obstea*, headed by the rural judge, did make an effort to translate local usage patterns into something resembling customary law. After questioning villagers throughout Vrancea, it condensed *devalmasia* into the following set of rules of inclusion, exclusion and transmission:

“*Obsteni* [commoners] are considered all the inhabitants, men and women, who are settled in the village and are born of parents who were themselves *obsteni*. Everyone’s right is equal, as concerns both pasturage and the taking of wood from the forest. This right belongs to all the children who come of age, even though their parents might be living, and disappears with death. The *obsteni* who leave the village with no intention of returning lose their right but regain it should they return, even if after many years” (Harnea 2007: 47).

Faced with such a radically professed egalitarianism, the local commission ended up compiling membership lists where each villager was inscribed with the mention “one right” next to their name. The register of rights was basically a list of all the villagers, recognized as natives (*de bastina*) by a community gathering. Those excluded were usually only the newcomers recently settled in the village or people who had moved to a different village upon marriage (since most marriages were within the region, the move to a different village meant also inclusion into a new *Obstea*). Several villages made amendments to the *Obstea* statutes offering newcomers from outside Vrancea, who are identified as *laturasi* (literally, the marginal), the right to use the forest upon payment of an annual tax. Similarly, people who married into the village were also acknowledged as members, but only if they also came from within Vrancea. In contrast, those who had moved to another Vrancean village lost their right quite irrevocably, and especially so since they were expected to be admitted into the *Obstea* of their new residence.

³⁰ See chapter 2 for the political and ethical implications of this togetherness in the forest and chapter 3 for a discussion of the increasingly pervasive measurement of rights.

Nonetheless, the inscription of membership did not go as smoothly as the Code drafters had intended. The registers of rights were not taken seriously by villagers until the late 1920s, in part because of the lengthy and expensive updating procedures they required. Each new member who came of age had to write and deliver a petition to the County Tribunal; this application for membership would then be reviewed and voted upon in the annual gathering of the *Obstea*. During the first decade, nobody actually bothered to write such petitions or even to hold the annual meetings stipulated by the Code. In many cases, the first constitutive gathering of the *Obstea* was held only in 1919, after the war, while the proper membership updating procedures were initiated as late as 1927.³¹ As long as everyone knew who belonged and who didn't, the membership documents had little consequence for the actual business of forest usage. In the meantime, *Obstea* on paper and *Obstea* in reality began to drift farther apart as these registers remained frozen in time, finally turning into lists of the dead. After his fieldwork in Nereju in 1927, Stahl (1939) observed that the membership register was in fact a diptych (*pomelnic*) where more than half of those inscribed were deceased (see also Harnea [1930] 2007).

³¹ While many archival records were lost in World War I, those that remain acknowledge explicitly that in many cases the actual application of the Forestry Code was put on hold for almost a decade. Even where the Code had made some inroads, both the actual institutions and their archives were swept away in the upheaval caused by the war and had to be "reconstituted." ANVN, F514 Năruja Courthouse, file 8/1921, p. 2-44.

Number	Name/Location	Column 3	Column 4	Column 5	Column 6
1	Căpâta Bărbăni	1	1	1	1
2	Căpâta Cărbăni	1	1	1	1
3	Căpâta Cărbăni	1	1	1	1
4	Căpâta Cărbăni	1	1	1	1
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6	Căpâta Cărbăni	1	1	1	1
7	Căpâta Cărbăni	1	1	1	1
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36	Căpâta Cărbăni	1	1	1	1
37	Căpâta Cărbăni	1	1	1	1
38	Căpâta Cărbăni	1	1	1	1
39	Căpâta Cărbăni	1	1	1	1

Figure 2. Register of “rights”, Obstea Nereju, 1926³²

However, the registers demanded by the Forestry Code were by no means the first or only documents to deal with the configuration of rights to the forest commons. The codification instituted by the Forestry Code came after two decades of industrial logging and an assiduous commerce in “rights” to the forest initiated by international logging corporations and their local delegates (see chapters 2 and 3). Such corporations had been ignoring local customs since 1880 — except those that declared rights of use to be unlimited — and had purchased dozens of rights from villagers who had left the *Obstea* of their residence. This regime of transactions had already established the alienability of forest rights to outsiders as a regional practice that conflicted with the newly recognized customs. Soon after World War I the County Tribunal was flooded with contestations of the 1910 membership lists. The contestants — some of them the same logging

³² ANVN, F514, Naruja Courthouse, File 35/1921, p. 17.

companies — were not at all bothered by the locals' laxity in updating the membership registers. On the contrary, they immediately recognized the benefits of this documentary regime and embarked upon remarkable feats of "necropolitics" (Mbembe 2003), readily transacting with the dead but properly listed members. As a visiting forestry specialist noted in 1936, industrial logging companies would make a wholesale purchase of 76 "rights" from 73 villagers, of whom 17 were dead and 10 had long left the village. Ridiculing the annual gatherings of the *Obstea* that approved such transactions, the same observer exclaimed: "You are not really impressed when the living vote with the dead, but the dead who vote with the dead — this was possible only in Vrancea!" (Georgescu 1936; see also Anon. 1943: 105-6). This industrious presence of the dead was possible only because of the agentive role acquired by membership lists.³³ The documents themselves became actors in their own right, opening up paths for transactions that would otherwise have been almost impossible. As in the case of identification papers such as birth certificates or passports (Torpey 2000), the documentary substance of membership lists was more pertinent than the corporeality of members, persisting even in the afterlife.³⁴

The reason for these contestations concerned rather the manner of updating membership lists, and particularly the question of how to perform the succession of rights to the forest commons. After the war, companies that had bought the majority of rights in a village had to suddenly deal with the descendants of the villagers they had originally transacted with: these young men, many of whom had returned from the battlefield restless and penniless, demanded

³³ In a study of forest commons in the county of Gorj at the beginning of the 20th century, Brezulescu (1905: 52-53) remarks upon "the omnipotence" and "immoral character" of such registers of rights, often drafted only on the occasion of a lease contract with lumber companies. The lists, "full of omissions and interested untruths," produce an unjust reconfiguration of the rights to the commons, benefiting the rich and powerful commoners ("chiaburii cetei") who accumulate shares which they then resell to lumber companies..

³⁴ This theme of the documentary presence of the dead is at the center of Nikolai Gogol's *Dead souls*, the story of a man who buys the names of dead serfs in order to help landowners avoid taxation at a time when the reality of persons was ascertained by the 'books' rather than by the bodies (Gogol 1996).

either payment or the right to take lumber from the same forests leased by their parents. Their demands were not couched only in a juridical register, but often took the form of direct confrontations with company employees and acts of sabotage, such as the derailing of forestry trains and the burning of company buildings.³⁵ The conflict came to be known as “the battle of the majors” (Harnea 1930; Stahl 1939), pitting the youth who came of legal age (“the majors”) after the formulation of the 1910 membership lists against logging companies, juridical authorities, and even their own parents.

The contestations of these young Vranceans whose parents were still living reached two different sections of the County Tribunal: one gave precedence to civil law norms of inheritance over local custom, the other considered local custom first, according to the Forestry Code. In the first view, rights to the forest commons, just like any other property, could be transmitted only after death and then divided equally to all the descendants of a member. In the second view, “the custom of the place” (*obiceiul locului*) denied any possibility of transmission or inheritance in the forest commons. Juridical and ethnographic accounts of the 1920’s cite repeatedly the same local saying that had suddenly become popular in the region: “The Vrancean is born and dies together with his own right” (*Vranceanul se naste si moare odata cu dreptul lui*), or, more rarely, “The right of the Vrancean is born and dies with him” (*Dreptul Vranceanului se naste si moare odata cu el*) (Harnea 1930; Sava 1929; Stahl 1939). This was basically a tangible right to use, whose materiality extinguished together with that of the person, being indissolubly attached to the body and its actual capacities of forest work. The tenets of this ostensibly “customary” law, articulated so rigidly in the context of opposition to civil norms of succession and especially to the attempts of industrial logging companies to commodify these local “rights” (Stahl 1959: 215-

³⁵ ANVN, F514 Naruja Courthouse, file 1921-26.

7), asserted a non-genealogical principle that is still taken for granted in the workings of today's forest commons: "rights" cannot be inherited and all those who are natives of the village (men, women, and children who come of age) have the same kind of entitlement to the use of the forest. The origin of this right lies not in an act of succession but in one of regional and local belonging, a form of social relatedness that cannot be simply circumscribed by family ties.³⁶ In 1927, one of Stahl's informants put the matter quite starkly: "there's no tie between children and parents, except the biological one."

The result of these two contradictory juridical interpretations was that those communities that appealed to the first section of the County Tribunal before 1930 had their statutes modified according to civil law while the others continued according to local custom. Not surprisingly the locals were bitter about this state of affairs that divided the region into a patchwork of conflicting membership rules and, more importantly, into equal and unequal configurations of rights to the forest commons. Simion Harnea (1930), a clerk at the Naruja Courthouse, deplored the example of a villager with five children: two of them were of legal age in 1910 and were listed together with their father, each with their own right, while the other three who came of age after the ruling of the County Tribunal were entitled only to a fifth of a right and only after their father's death.

This question of succession was hotly debated throughout the 1920s: in 1922, the Obstea of village Paltin, in conflict with the logging company SARIF, took the matter to the Supreme Court of Justice and obtained an annulment of the County Tribunal's decision and a further

³⁶ This principle is non-genealogical in a limited sense, to the extent that it denies the possibility of inheritance with respect to rights to the commons (but not to private property rights such as those concerning the house or the household land plots). Children who come of age do not have to wait for the death of their parents in order to become full members of the Obstea. However, in a more diffuse sense, genealogy permeates the whole mechanism of inclusion in the forest commons: ideally, one cannot become a member of the Obstea unless one is a Vrancean (that is, an inhabitant of Vrancea), someone born of Vrancean parents and within Vrancea's borders. In this sense, there exists a feeling of relatedness that unites the whole region, increasingly particularized to the level of each village. See also Stahl 1939; 1959.

confirmation of the legality of local custom (Harnea 2007). Spurred by this success, several other communities initiated procedures to amend their statutes until these local claims resulted in 1930 in an inheritance amendment, specially designed for Vrancea, to the Forestry Code. The 1930 amendment to the Forestry Code (art. 30, para. f) together with its customary justification was printed and distributed as a leaflet throughout the region. The last sentence of this leaflet is also a proclamation of regional exceptionalism: “This law was made only for Vrancea.”³⁷

In 1927, Aurel Sava, rural judge and amateur historiographer of Vrancea (Sava 1929; 1931), presided over an extraordinary gathering of the Obstea Naruja, called for the express purpose of amending membership updating procedures, that is, “inscribing the children who have come of age and erasing the dead.”³⁸ The villagers present at the meeting argued emphatically for the prevalence of “immemorial customs” that had already been recognized by former kings of Moldavia and even by the recent Forestry Code. Judge Sava, sympathetic to their claims, agreed to the proposed amendments and went even further, taking it upon himself to organize, analyze and turn the customs described by the villagers into five “general principles”. Beginning from the oft repeated saying — “everyone is born and dies with their right” — he proceeded to extrapolate and codify the customary vision of *devalmasie*:

1. A person becomes *obstean* [member of Obstea] through the simple fact of his birth, from within the band (*ceata*), regardless if his parents live or not. The birth generates rights, not in relation to the parents, but in relation to the community (*obstea*) to which the parents also belong. Naturally and organically, the offspring of a member of the Obstea is implicitly part of the Obstea.
2. The right of the *obstean* is a use right. This right does not end according to abstract juridical norms, through death or definitive departure from the village, but in a natural manner, that is, a material impossibility to continue using the forest. Thus conceived, the right dies together with the person, because it is a personal right tightly bound to

³⁷ ANVN, F230 Obști, file 6/1930, p. 18.

³⁸ ANVN, F514 Năruja Courthouse, file 101/1919, p. 652.

- the physical body of the band member (*cetas*). “Everyone is born and dies with their right.”
3. The *obstean*’s right being tightly linked to the material, physical possibility of usage, it follows that minors are fully or partly incapable from a juridical and actual point of view of exercising the rights which they acquired through birth. Settling upon the age of 21 as the date of full juridical capacities combines in a felicitous manner the principles of civil law and those of the custom of the place.
 4. Since all the members have the right to use the forest commons to the limit of their physical powers, they all have equal rights. “The rich as the poor, the children as the elder,” all together (*deavalma*) in the pasture and the forest, “without restriction and without measure.” In this context, there can be no actual distinction between the member with one right and the one with two rights.
 5. For this reason, *obsteni* have no interest in buying rights from other band members (*cetasi*) and thus, the sale of rights a few decades ago could not have been conceived or regulated by the custom of the land. Whatever the solution given today to this new problem, which is outside the scope of today’s general assembly, it is certain that the sale of rights by parents can have no effect on the rights of their children who, according to the above principles, are part of the organic community of the *Obstea* and by this simple fact are entitled to use the common wealth.³⁹

Judge Sava together with Henri H. Stahl compared men’s and women’s use rights in the commons to a form of citizenship, but the analogy is ultimately misleading: while they accomplish a similar concatenation between individual, life process and place, use rights are considerably more temporally bound than citizenship rights. From a juridical point of view, they are not only transitory — ending with death and evading succession — but also provisional: they are suspended in the absence of the user and temporarily or permanently revoked for users who trespass on the practices of *devalmasie* (such as enclosing portions of the common pasture, appropriating more than their “share” or failing to contribute to common fiscal duties). In effect, use rights consistently escape abstract definition and are most commonly referred to by an array of repetitive practices: the right “to enter the forest,” “to take out lumber,” “to graze cattle,” “to

³⁹ ANVN, F514 Năruja Courthouse, file 101/1919, p. 661. See also a similar ruling in 1929 by Judge Ganea for Obșteea Spinești, ANVN, F514 Năruja Courthouse, file 86/1930, p. 839.

build and operate water saws,” etc. As most of these practices involve concerted action, the extent and temporality of use rights are also relative to each other, being circumscribed or “measured” by forms of calculation that balance the number of people, their capabilities and needs, and the reproductive potential of the forest (see chapter 3).

Even if rights are performed in a social time, being practically indistinguishable from patterns of forestry and pastoral activities, they do not move between users. The customary norms articulated in response to the Forestry Code inscribe rights in a fragile, evanescent ontology: they are generated from within the community which is the ultimate right-bearer; upon the user’s death, they “disappear,” “returning” or “melting back” into “the common mass of *devalmasie*.” The refusal of succession is a way of preventing the devolution of rights — their breaking apart into fractions — and, at least implicitly, their transactability. Instead, rights are enrolled into a potentially infinite cycle of emergence and extinction that strives to maintain a gap between community and external references (law, state, “outsiders”). The ontology of rights takes the form of a process of involution, articulating a relation of the community to itself, a continuous looping back to self-reference. Yet, the very gap that makes possible this involution is a precarious one, demanding constant attention and complex techniques of distantiation. For instance, interwar civil law forbade children from acquiring their use rights until they attained majority and made no provisions for orphaned children (that is, none that would evade the question of succession). To allow orphans to obtain their use rights before majority, the *Obstea* constructed a legal fiction — “the house of the deceased” (*casa defunctului*) — formulated in the unmistakable terms of the civil law but defined as part of local custom and duly inscribed in the register of rights. It is one of the few cases where the dead are allowed to continue as jural agents

— again, not by succession, but by substitution — but as such, it contributes to the erosion of the equation between biological and jural death.

While “the house of the deceased” was a successful fiction, other similar techniques failed spectacularly. The regime of transactions in rights, articulated since the 1880s, proved to be very adept at transforming death into a juridical phenomenon: the sale of use rights detached them from the body of the user and ensured they would survive his or her death. Once succession was negated in the late 1920s, some communities made an attempt to also regulate these transactions by coordinating the temporality of sale rights with the lifespan of their initial users: even if alienated, the right should be extinguished by the death of the seller. But this limitation had no hope of success in the sphere of the contract, “that greediest of legal categories” (Maitland [1900] 1987: xxiv). Contractual agreements had by that time developed their own fictions, in response to the strictures of *devalmasie*: while the community assembly and the Forestry Code frowned upon sale to individuals and especially joint-stock companies, intrepid middlemen devised “the partnership contract” (*contract in participare*). By this legal instrument, local notables consolidated groups of users (and their rights), instituted themselves as their associates and legal representatives and then contracted in their name with timber companies. The partnership contract was simply commercial incorporation by another name: in some cases, the corporate personhood of the *Obstea* was slowly fragmented into smaller “partnerships” that originated in, and were accountable to, contractual bonds. Within these aggregates, the temporality of use rights could be extended indefinitely: the death of a single user made no difference to the assemblage of rights that had become an entirely new transactional object.

Judge Sava’s principles codified a series of ownership practices in order to make them amenable to the forms of inscription demanded by the Forestry Code. This definition of

membership and succession was not just a translation of “immemorial custom” but also an effect of the particular form of the register of rights, and, by extension, of the entitlements and obligations that followed from the very act of inscription. The register of rights was, in theory, the only document that identified the members of the community created by the Forestry Code – a community that could not achieve a legally valid meeting unless two thirds of its members were present, that was supposed to take decisions by voting procedures, that decided the payment of tax contributions or revenue dividends according to the number of listed members, in short, a community that was accountable to a list (see also Hull 2012a). “The battle of the majors” was, thus, not simply a conflict between civil law and custom, capitalism and the traditional economy, the individual and the community. It was rather an ensemble of actions brought on by the realization that counting and accounting procedures had an intrinsic effect on the configuration of forest commons (see chapter 3).

In this context, the denial of succession — more precisely, the idea that “rights disappear through death into the common mass of *devalmasie*”⁴⁰ was a way of controlling the effects of accounting. Rights would not disperse or fragment into tenths and fifths according to the arbitrary dynamic of family demographics; instead, the community remained the single originator and repository of rights, creating itself anew with each generation rather than succeeding the previous one. Needless to say, the documentary form of the list with its sequence of numbered names and its procedures for inscription and erasure made this transformative process visible, accountable, and, ultimately, open to manipulation. What used to be an amorphous togetherness based on mutual recognition developed in time, and depending on the time that it took to ascertain belonging, became an instantly accessible list of names and an

⁴⁰ ANVN, F514 Năruja Courthouse, file 101/1919, p. 660.

instantly computable number. The list itself could exert a similar degree of control over the definition of succession, and implicitly, of community.

Succession, 2000

The tensions brought by these accounting procedures returned with a vengeance after the 2000 reconstitution of Vrancea's communal forests. As the villagers of Nereju soon discovered, legal recognition is not tantamount to the exercise of property rights. For a decade after its reconstitution, the newly created *Obstea* was largely dependent upon the local branch of the State Forestry Office (*Ocolul Silvic*), which was in charge of the rational administration and guarding of the forests as well as of overseeing all the steps of the timber-cutting process (the amount and type of timber, the area, the time, etc.). In fact, the state, through its local forestry agents, hijacked the new communal organization: besides the president (a native of the village of Nereju), all the other four members of the first administrative council were state forestry agents. State control was deemed necessary by the *Obstea* leadership (and by the law) because, otherwise, people would "indiscriminately" cut down the trees, supposedly destroying the whole forest.⁴¹

The strangeness of this situation is brought into focus by the fact that, according to the *Obste* statute, only natives of the village are allowed to exercise full rights of control and voting.⁴² Establishing what makes one a "native" is as complex a matter as it was in the 1920s.⁴³

⁴¹ Nereju (which is composed of five different hamlets) covers a surface of 18,500 ha land, of which 1,587 ha are agricultural land and 16,913 ha forest. The property of *Obstea* Nereju covers 4,325 ha forest, the rest of the forest being state property. Both types of forest fell under the supervision of the State Forestry Office until 2010, when a private forestry office (*Ocolul Silvic Zabala Nereju*) was established for the administration of forest commons.

⁴² People foreign to the village, the newcomers, as they are called, are members only by virtue of an annual subscription in exchange for which they have the right to receive a certain quantity of heating wood.

Autochthony in this case does not necessarily rely on a rigid genealogical memory or a denial of historical movement (Loraux 1996: 82; Geschiere 2009:12), but constitutes rather an insistence on a certain kind of commitment to the place, which can only be judged internally and according to the particulars of each context. In this sense, the widow of a local priest commented about two state foresters who come from local families: “they’re from here, damn them, but now they’re of the state (*de-acum sînt de-ai statului*).”⁴⁴

However, as many people complain, not even the full members of the *Obste* receive their timber quotas and many of them have to pay dearly for the “privilege” of getting timber cutting permits from the state foresters. At the same time, foresters give discretionary permits to local and county-based businessmen for cutting large amounts of timber in exchange for bribes or other facilities. The father-in-law of the *Obstea* president owns the largest sawmill in the village, equipped with modern power saws and several large trucks that make daily transports of timber. The lawyer of the *Obste* is another important player in the local lumbering industry. Former party activist and organizer of pyramid schemes in the early 1990s, godfather of the County Prefect’s niece, this businessman apparently profits from the large exports of timber from the Vrancea forests. Villagers estimate that timber worth more than half a million USD was illegally exported in 2000-2002 through shady procurement deals.

In this context, the law’s capacity to bring about resurrection is deeply undermined, in part by the skillful performances of a ventriloquist state. “This is not our *Obste*. It’s *theirs!*”

⁴³ In 1927, when Henri Stahl did a census of the village, most of the respondents claimed that their families were “truly ancient” whereas the others were “newcomers” from Moldavia and Wallachia (1939, vol. I). At the same time, most of the 18th and 19th century documents (Sava 1929; 1931) show that hamlets established by newcomers were allowed to make their own temporary forest clearings but their representatives were not accepted in the Great Council of Vrancea, which administered the communal ownership of the whole region.

⁴⁴ In 1927, Stanciu Stoian, a student accompanying Stahl’s fieldwork team, notes “ordinary strangers are very welcome in Nereju. (...). However, the whole situation changes if you come to Nereju in an official capacity. Then, you become suspect to the highest degree...” (Stoian [1938] 2002: 31-2).

exclaims a peasant from a distant hamlet of Nereju, referring mainly to the ubiquitous foresters and their simultaneous impersonations as businessmen and *Obste* councilors. “It is *they* who have the power, the connections, and the money! They cut the forest and they threaten to kill us if we speak against them.”⁴⁵ Another villager who has actually sued the local Forestry Office expressed the same dilemma with bitter concision: “The forest is our milk cow: we hold it by the legs and they milk it!”

These conflicts spurred by the role of the State Forestry Office took an electoral form at first and divided the village into two factions. They engaged in quarrels and street fights that made the headlines of county newspapers and determined the Prefect of Vrancea to send in special police troops. During the first two years of its existence, the leadership of *Obstea* Nereju was hotly contested by almost two thirds of the villagers. Trying to fight back by legal means, they organized new elections in February 2002. The elections, called by the then village mayor and his brother, director of the village Cultural House, benefited from widespread participation (more than a thousand members) and supported a candidate with no ties to the State Forestry Office as well as several changes in the *Obstea* statute, such as the creation of private forestry agents. The acting leadership did not recognize these results (nor did the County Tribunal) and decided, in turn, to respond by organizing a separate round of elections.⁴⁶ As less than 200 people answered their call, the organizers appealed also to the nether world, enlisting the

⁴⁵ Another recurrent complaint against state foresters is that they treat the elders of the village with disrespect, swearing at the old women who come to ask for their wood quotas and abusing them in various ways (“you don’t have any need for wood, you should better buy a rope and hang yourself!”)

⁴⁶ The two parties (that of the former village mayor and that of the *Obstea* president) tried to settle the dispute in court, but the trial was postponed several times, mainly because of procedural inconsistencies. In addition, trying to stop what they see as the plundering of “their” forest, the former mayor and his supporters called in a control from the National Anticorruption Office. Before the arrival of the control team, the local state foresters threatened (and in several cases beat up) villagers who wanted to guide the controllers to those forest areas that had been abusively deforested. The control did not yield any conclusive results and the mayor called a general meeting of the *Obstea* to decide upon a form of protest. In September 2003 almost a hundred villagers from Nereju arrived in the Romanian capital city and protested in front of the central government building.

ignorant help of dead villagers. Upon realizing this maneuver, an old villager expressed his astonishment: “I went and looked at their lists; they were posted on the fence. And there were 70 dead people there. Believe me, I checked and they were dead, they weren’t alive. Still, they signed and they voted, yes, they did...”

This arguably classic example of electoral fraud serves not just to illustrate yet another conjuring trick on the part of “those who have the power,” but, more importantly, to reveal the many guises in which membership documents disrupt and reconfigure everyday relations of ownership. The presence of the dead on the electoral lists was not really accidental, as the former village mayor pointed out to me. The *Obstea* president has refused to update the membership lists, so that now there are dozens of dead proprietors who can be easily mobilized, while, at the same time, preventing the living from exercising their ownership rights.

While the dead members could be brought to vote by counterfeiting their signatures on ballots, they could hardly use their voice to change the balance of power in the general meetings of the *obste*. This could, however, be achieved by denying the youth the right to vote and the right to be elected to the administrative positions of the *Obstea*. The same succession debate that had raged throughout interwar Vrancea was revived in contemporary Nereju, just three years after the restitution of forest commons. The initial statute of the *Obstea*, drafted by the County Council and identical for the entire region, distinguishes three categories of members: founding, associate and members.⁴⁷ The first includes the people inscribed in the last membership lists of the interwar *Obstea* or, if they are dead, their direct descendants, establishing thus the present community as a successor of the past one. The last refers to non-natives, newcomers to the village who are only entitled to a fire wood quota by virtue of an annual subscription and have no

⁴⁷ Statute *Obstea* Nereju, private collection of V.C (Nereju, Vrancea).

electoral rights. The associate members are the young: men and women whose parents — founding members themselves — are still living. The statute makes no difference between the rights of founding and associate members, preserving thus the customary denial of succession with regard to the communal forest. However, in the course of the electoral conflicts discussed above, the administrative council decided by itself to amend the statute, an illegal maneuver since only a general meeting of the entire community was entitled to such action. The new rule, presented as accomplished fact in the general meeting, specifies that associate members have the right to vote and the right to be elected only after the death of their parents (their rights to timber quotas remain unchanged). Since the main contender for the position of President of the *Obstea* was just such an associate member, the new rule effectively cut him off the electoral rolls and together with him all his young supporters. With a single strike, 2,565 associate members were taken out of the electoral equation and deprived of any say in the general meetings of the *Obstea*. The rest of the 1,250 founding members and their successors constitute a much more manageable quantity, given that many of them are elderly and can be more easily manipulated or even intimidated in exchange for their support. The statute document itself remains unaltered, but the new unofficial rule can be temporarily invoked to silence vocal youths in the general meetings or to browbeat them into submission to the decisions of the administrative council. From a political point of view, the newly manufactured rule of succession is eminently useful for the manipulation of electoral numbers. In this sense, the re-emergence of inherited rights could be taken as the sign of an intrinsic problem of counting within the organization of forest commons (see also chapter 3).

Nonetheless, from a historical point of view, it begs the question of sequentiality anew. Few people in contemporary Nereju are aware that this same inheritance debate was successfully

settled in the interwar period. There are no explicit memories of “the battle of majors” as in other Vrancean villages, in part because the Nereju of the 1920s was so adamant in refusing the application of the Forestry Code that the question of updating membership lists did not even come up (see chapter 2). The villagers of Nereju insist that the forest has always been free for all, but this memory of an ideal *devalmasie* lacks the concise and unassailable clarity of the bootstrap codifications performed in those villages that had to actually navigate the interwar maze of forestry rules and documents. The allegedly immemorial saying “Everyone is born and dies with their right” is simply absent; in its place there is a sense of wrongness and anger about the idea of inheritance, but no “customary” maxim to express it. In turn, the very invocation of a rule of inheritance was possible only because of the distinction already established in the statute between founding and associate members. Whatever officials of the County Council were responsible for drafting this uniform statute for Vrancea’s forest commons, they clearly operated with an underlying notion of genealogically transmissible rights: members of the interwar lists became founding members (also called “authors”), while their descendants are members only in virtue of genealogical association. The origin of rights resides not in the community, but in the person of a certain number of people; rights do not die with their users, but postexist them indefinitely. If the customs codified on the occasion of the Forestry Code had been fully upheld, there would have been no need for this distinction: the founding entity would have been the community as a whole, establishing the 2000 *Obstea* as a *historical*, rather than genealogical, successor of the 1910 *Obstea*.

The local 2000 restitution commission in Nereju received the statute document with the in-built distinction, but read it and applied it initially as though there were none: all members have the same and equal rights. Nevertheless, as soon as political conflicts developed, the

membership loophole became instantly visible and attempts to revive inheritance were underway. The fact that Nereju is the only village in Vrancea so far to contend with this problem only serves to draw attention to the potentiality of inheritance as it is already inscribed in the statutes of all the other communities. In this sense, the present *Obstea* is a true historical successor to the past one, embodying anew the latent potential of its contradictions. What it succeeds is not the ideally free community of “custom” and not even the legally valid 1910 community, but the sequence of actually existing communities shaped by successive acts of codification, documentary inscription, and political and economic conflicts.

The 2000 law for the reconstitution of forest commons explicitly acknowledges historical succession as its purpose, but treats it as an exclusively legal achievement. Within the situated practices of reconstitution, though, succession unfolds as a process of assemblage, alternatively actualizing various historical versions of the forest commons. This is not simply a form of historical recapitulation or inevitable re-occurrence giving rise to awkward instances of déjà vu or inconvenient temporal incongruities. The (re)emergence of different latent potentialities depends both on their resilience — the extent to which they remain recognizable in the form of memories, archival documents, types of graphical representation (such as the membership list) — as well as on the contingent concatenations of present events which constitute their contexts of actualization (such as, for instance, the electoral conflicts of 2003). If there is a regime of latency at work here, it is the substantive achievement of variously situated actors, and not an inherent feature of formally designed processes of recapitulation. Contemporary reconstitution consists of local actors working through a register of potentialities that depend on social occasioning, individual purposes and projects, and social recognition, in order to be variously actualized (Cole 2001: 106; Lambek 1996).

The temporality of this process might variously appear as a form of succession, duplication or anachronism, but such labels ultimately obscure the complexity of any sequentially organized event or situation. Erving Goffman (1986: 9) argues that any inquiry into the temporality of a situation has to contend with multiplicity: “in most ‘situations’ many different things are happening simultaneously — things that are likely to have begun at different moments and may terminate dissynchronously. To ask the question ‘what is *it* that’s going on here?’ biases matters in the direction of unitary exposition and simplicity.”

Emerging commons

We should not be too frightened of the word ‘archaic.’ (Karl Marx, in Shanin 1983:107)

“Death is present ... in the very soul of Vrancea” wrote Henri H. Stahl in 1939. It is easy to understand this statement as yet another lament about the disappearance of tradition — in this context, a long and rich tradition of free commons that inevitably succumbs under the attack of commodification, capitalism, the modern state, law, and other such enemies. But for him, the anachronism of the commons offers a way of writing history backwards and in a Marxist vein, rethinking major topics such as the characteristics of feudalism in Romania, the existence and features of “second serfdom,” the impact of capitalism, as well as the relationship between law and custom (Stahl 1939; 1958; 1980; see also Guga 2015).

However, anachronism also precludes any possibility of a future history for the commons. Stahl encounters them on the verge of extinction or already dead. For him, the death of the commons is synonymous with their appropriation by the state and, implicitly, by capitalism. Doing fieldwork in the wake of the 1910 Forestry Code, Stahl discovers an “authentic

social palimpsest” populated by hybrids of law and custom, commons and capitalism that trigger the “despair of the social archeologist“: “Today one needs to work hard in order to be able to recognize in a ‘Obstea Council’ what it is that derives from the Forestry Code and what from the judge who wrote the Statute of the Obstea and, finally, what constitutes the custom of the place” (Stahl 1939: 232). While his backward looking quest for the archaic commons produces a wealth of historical insights, his search for the contemporary commons is repaid with messy, composite forms that can only be the last stage of a long process of dissolution.

Had Stahl been closer to the late Marx, he might have held a more sanguine view of the amalgam of archaic and contemporary forms in the interwar commons. Orthodox Marxism was, indeed, inclined to reduce still existing commons to mere remnants or residues of precapitalist forms and to dismiss them to inevitable extinction by the invasion of capitalism. However, Marx’s tentative writings after 1860 — *The Ethnological Notebooks* (1874) and particularly the draft letters to Vera Zasulich on the Russian commons (Shanin 1981, 1983) – suggest an abiding interest in the question of coexistence: the commons survive within or alongside capitalism, even as they are appropriated, reconfigured or outright reinvented by capitalism (see also Basso 2015, Harootunian 2015). The relentless process of formal subsumption ensures, in fact, that “capitalism lives off archaic forms” (Harootunian 2015: 64); after being consumed, the commons are not completely stripped of their historical underpinnings, but enough to make it almost impossible to view them by any other lens than the capitalist one. While they persist as archaic splinters in the contemporary tissue of capitalism, the form of this coexistence turns them into inherent historical composites. The commons (archaic and contemporary at once) should, then, be approached stratigraphically, as “a series of layers from various ages, the one superimposed

on the other” (Marx, in Shanin 1983: 103). The late Marx envisages a future for the commons, within and even beyond capitalism, precisely because of their capacity for anachronism.

The source of Stahl’s ethnographic despair, the palimpsest created by the 1910 Forestry Code, opens in this view a new chapter in the life of the commons. It is not death, but a point of emergence via reconfiguration by, and coexistence with, capitalist forms. This process of historical layering is, in fact, explicitly acknowledged by the Code. When it came to the organization of the *Obstea*, the Code took inspiration from two sources: local custom and a famous economic form of modern capitalism, imported together with the influx of West-European capital in mid 19th century. This is the corporation, or, in the parlance of the times, the shareholders’ anonymous society (*societatea anonima pe actiuni*). The exposition of the Code, redefining rights to the forest commons as corporate shares, mentions this link explicitly: „this act (the founding document) resembles, up to a point, the statutes of a corporation...” (Botez 1923: 13). The improbable combination of custom and law, community and corporation is, in fact, what made the *Obstea* legally recognizable to the early 20th century Romanian state. Perhaps, as Stahl (1959: 213) himself suggests, the *Obstea* could receive state sanction and protection only when “the old commons were camouflaged under the form of the corporation”. The result might as well have been designated as a *joint-stock community*, a semantic possibility suggested ironically by Tönnies (2001: 18).

If the “old commons” emerge anew as joint-stock communities, it does not necessarily mean that the process of historical layering is one-sided. Both elements — commons and corporation — of this composite are products of sedimented historical action. Capitalism may thrive by presenting itself as an ahistorical, indeed natural, order, but that is, ultimately, its own way of camouflaging continuing dispossession (Harvey 2003; Perelman 2000). Does the

corporate form have an intrinsic identity with capitalism (Weber 2003 [1889]; Ireland 1999; Maitland 2003; Vargas-Cetina 2011; Turner 2016)? Alternatively, is corporate capitalism untouched by the politics of other historical forms, commons included? In a recent proposal for the rethinking of the welfare state and of social payments as a “politics of the rightful share”, James Ferguson (2015) argues precisely the opposite, emphasizing the centrality of distributive struggles and, thus, of the commons within the corporation.⁴⁸ I take up his discussion of rightful shares in my analysis of the distributive politics within interwar forest commons (chapter 3).

The transformation of commons into joint-stock communities is, arguably, the product of a broader political economy of anachronism.⁴⁹ Capitalism lives off the archaic, while the archaic reproduces itself by merging with (or, better yet, becoming submerged within) capitalist historical forms. This insight into pervasive temporal layering is central to reflections on historical process by interwar leftist thinkers in the Marxist tradition — a concern with untimeliness and uneven development that Harootunian (2015) traces from Marx to Rosa Luxemburg, Trotsky, Mariategui, Gramsci, Lukacs and Bloch (see also Basso 2015, Melas 2014, Tomba 2013). In particular, Ernst Bloch’s (1991) formulation of this fraught coexistence

⁴⁸ “... the rightful share is also a very familiar part of modern capitalist societies, and corporate capitalism is in fact built not on “private property”(as is often ideologically insisted) but on property held in common by a membership group (a corporation), property which is carefully divided into shares. Indeed, given the prominence of the cultural and legal form of “the share” in modern corporate capitalism, the question our societies face is not really whether we will cooperate and share as members of groups or instead compete as individuals; it is who will have shares, who will be members of what corporate groups, and how will shares and dividends be divided” (Ferguson 2014: 178).

⁴⁹ In his reading of Marx’s late reflections on the Russian commons, Harootunian (2015: 64) suggests a hopeful and, perhaps even revolutionary, outcome of the persistence of archaic commons in the contemporary: “But Marx may also have understated the political consequences of recognizing and mobilizing these spectral reminders of temporal unevenness, untimeliness, and arrhythmia in producing discordance, consequences such as disturbing the homogenous linearity projected by the nation-state busy promoting the claims of another kind of contemporaneity. For these “ready-mades,” taken over and utilized in a different way, released from the role they once played in modes of production that generated them, were not completely emptied of their historicity but still indexed the intimation of a time external to and dissimilar from capitalism, a world where use-value and the nondifferentiation of subject and object still supposedly prevailed, bringing with it possibilities for different forms of political community.” The recent renaissance of the commons as a political alternative to capitalism (Hardt and Negri 2009; Harvey 2012; Linebaugh 2008) seems to justify this potential for optimism.

of temporal layers as “the simultaneity of the nonsimultaneous” (*Gleichzeitigkeit der Ungleichzeitigen*) went on to a productive career in the philosophy of history, participating in the generation of a wider critique of sequential historical thinking and, indeed, of the entire project of historical periodization.

Appropriating Bloch’s formulation, Reinhart Koselleck defines contemporary history as the meeting point of present presents, past presents and future presents in a vivid illustration of what he considers to be the plural nature of all historical time or “the temporal multilayeredness of historical experience” (2002: 141). In a similar vein, Siegfried Kracauer (1969: 150; but see also Kubler 1962) contests the idea that the period can be “a meaningful spatiotemporal unit” and sees it instead as a kind of “meeting place for chance encounters – something like the waiting room of a railway station.”⁵⁰ The inconsistent nature of the period arises from its double constitution: it requires a sequential order out of which it emerges and a simultaneous assemblage of elements that might or not have the same chronological age.

The encounter between the two notions of ownership at stake in the two different versions of succession analyzed in this chapter amply illustrates the fallacy of reading as a sequence what is, in fact, a simultaneity.

⁵⁰ Siegfried Kracauer (1969: 147) develops his argument in this sense: “Any period, whether ‘found’ or established in retrospect, consists of incoherent events or groups of events – a well-known phenomenon which accounts, among other things for the occurrence of events relatively unaffected by the *Zeitgeist*: thus the overstuffed interiors of the second half of the 19th century belonged to the same epoch as the thoughts born in them and yet were not their contemporaries. The typical period, that phase of the historical process, is a mixture of inconsistent elements.”

CHAPTER II

TOGETHERNESS

All belongs to all (Kropotkin [1892] 1995: 19).

Do you know . . . what the trees say when the axe comes into the forest? ...
When the axe comes into the forest, the trees say: 'Look! The handle is one of us!'
(Berger 1987: 69)

When pressed to identify those responsible for “eating up” the forest, contemporary Nerejeni [inhabitants of Nereju] immediately point to state foresters, city businessmen and politicians, and several powerful commoners who have sided with “the outsiders.” Thus, the village is said to be divided into two “clans:” the clan of the rich businessmen (“patrons”) and the state foresters who profit from the forest commons, and the clan of “the rest,” the ordinary people who are the “real proprietors” of the forest but who are barred from setting foot in it, not even to gather firewood. This strict division is useful to the extent that it provides a clear map of accountability wherein blame is readily assigned onto “the outside” (see also chapter 4). However, in casual conversations, villagers don’t fail to acknowledge complicity, noting that there are “about 100

local people” who work for the sawmill operators – the immediate implication is that they don’t really have a choice, since paid work is in short supply. Similarly, they might poke fun at the so-called “mare men” (*ieparii*), poor villagers who go to cut trees during the night, with their carts and mares so thin that “one can count their bones” and with their small chainsaws, strapped to the back like “machine guns”.



Figure 3. Commoners on their way to the forest, Nereju 2006

The negotiation of such boundaries between the clans of “exploiters” and “proprietors,” between those who “eat” too much and those who “eat” too little, takes place on the contested territory of the forest. Most regimes of ownership, be it private or common, establish some kind of relations

of inclusion and exclusion (Strathern 1999; Hann 1998; Verdery and Humphrey 2004). However, in Nereju, just as in the rest of Vrancea, it is only the forest commons that renders opaque and problematic the operation of these relationships. The Nerejeni are familiar with a private property regime over housing lots, gardens and small hay fields — the conflicts that arise within this domain are perceived as unavoidable and, thus, unsurprising. They are not a matter of heated discussion and debate, nor can they engage the attention of the community at large. By their nature, the boundaries of private plots are seen as flexible and unstable: they can change through acts of sale or inheritance, being also continuously vulnerable to the claims of kin, neighbors, and more powerful others.

In contrast, the forest commons is imagined in a strongly normative register, whose tenets are summarized in a single, but predominant, expression: “the forest must remain free.” The idea of freedom is certainly appealing from a rhetorical point of view, but not necessarily illuminating. Its apparent simplicity obscures key questions: is this a positive or negative freedom? Who is included and who is excluded? On what criteria does one judge the extent of (a forest’s) freedom? To make matters more complex, while the most common Romanian word for “freedom” is the Latin-derived *libertate*, when speaking of the forest villagers tend to use the more archaic and Slavic-based *sloboda*. The connotations of *sloboda* in Romanian make it more easily translatable as “looseness.” To be *sloboda* indicates lack of restraint, confinement and fixity; often it suggests downright promiscuity, indecency and indiscreetness — in short, the inexistence of any restraining bonds. Thus, the normativity of the “must” in “the forest must remain free” is apparently contradicted by the openness and looseness of that which is required. It is interesting how closely this in-built ambiguity is mirrored by *devalmasie*, the vernacular term that villagers use for the forest commons. The semantic family of *devalmasie* includes

words such as *valma* (mishmash, hodgepodge, disorder), *învalmasi* (to muddle, to jumble, to clutter), *învalmaseala* (turmoil, tumult), *învalmasit* (to be all mixed up, turbid, opaque). The best way to translate this term would require one to imagine a form of wild, ungovernable togetherness: a disorderly group of people, sharing “all together” the same resource, at the same time and in the absence of any clear cut rules. In short, the kind of anarchy that usually fuels “tragedy of the commons” arguments (Hardin 1968).

This chapter historicizes, in a non-linear manner, the forms of togetherness that underlie the idea of the free forest, and implicitly the local norms of the forest commons. One of my starting assumptions is that “the free forest” cannot be taken for granted — it has a local genealogy marked by ruptures and discontinuities. The transformation of “mountains” into “forest” and then into the “free forest” is certainly not a linear one and not simply the result of a simplifying vision imposed by modern forms of state administration (apud Scott 1998). Such a process cannot be divorced from the categories that define local space, understood both as a cultural and material configuration (Bender 1993; Hirsch and O’Hanlon 1995). What is the content of this notion of the “forest” that remains anonymous, singular and is almost always invoked nowadays in a negative register, as a specter of devastation? What is the relationship of “mountains” to “forests” as objects of ownership? When and how does the “free forest” emerge as an object of contested ownership and what does this process suggest about the entrenchment of local inequalities and their management via the articulation of “custom”? These questions are informed by an idea of the forest as social presence: the ways in which forest sharing stands as one of the most powerful political and cultural metaphors of local solidarity, underlining the importance of belonging for what is usually construed as mere “property” (Ingold 2000; Bardenstein 2000; de Boeck 1998; Rival 1998).

Within the framework of contested processes of codification, commodification or restitution, the past and contemporary forest assumed the contours of both a real and virtual space wherein the boundaries of the local community can be re-negotiated. It is thus an intrinsically moral realm (Fernandez 1998) that stimulates the articulation of claims to autonomy and the imagination of the local community as separate from an “outside” synonymous with the state, but also with the potential for internal divisiveness (Peluso and Vandergeest 2001). In this context, the “entanglements” of nature and culture (Harrison, Pine and Thrift 2004) invite continuous interpretation: the contiguity of the forest becomes a historically shifting metaphor for the local community, conveying a certain moral order to local social relationships (Giles-Vernick 1999; de Boeck 1999; Jeffery 1998).

Anonymous forests

In 1926, at the height of disputes over the historical form of the commons (in the wake of state codification), Simion Harnea, clerk at the Naruja Courthouse and passionate researcher of customary law and folklore, began to publish *Comoara Vrancei* (Vrancea’s Treasure). This was a series of booklets that presented, each, a founding legend, historical figure or body of customs related to Vrancea’s past. Thirty years later, Harnea extended his work and published a comprehensive dictionary of the “places and legends of Vrancea,” containing over 400 entries, organized alphabetically. Each entry has a biographical form, tracing the origins of place and village names as well as the stories that coalesce around them. Each “place” (river, creek, hill, or mountain) serves as a gathering point for various narrative strands: geography, history,

etymology, legend or custom.⁵¹ Harnea's "dictionary" transforms the country of Vrancea into a landscape that can be literally read, but whose legibility does not seem to obey any particular hierarchy of signs.

Among the 400 entries on the names of hills, mountains, flanks, peaks, rocks, ravines, valleys, meadows, roads, paths, rivers, sources, brooks, villages and hamlets, there is none that refers to the forest as such. The forest is merely implied — several notes speak of hills covered with "birch forests" or mountains "dressed in old forests" — and it always remains anonymous. Furthermore, if one reads Harnea's other collections of legends and stories of origin, one is struck by the visible and overwhelming presence of "mountains." The founding narrative of Vrancea Country, widely circulated also beyond Harnea's collection, is the story of "seven mountains" that the king Stephen the Great gives for "eternal mastery" to seven courageous young men, as a sign of gratitude for their and their mother's help in fighting against the Turks (see also chapter 1). The seven youths go on to establish seven villages and thus the Country of Vrancea is formed, establishing, according to the logic of the legend, villages as an outgrowth, both temporal and spatial, of the mountains. Several other legends focus on instances of metamorphosis, stressing the consubstantiality between humans and mountains; others dramatize complex geographical and geological transformations, narrating them from the point of view of "mountains" or "hills." In these stories, it is mountains that are the leading characters: they "speak", "suffer", "quiver", "rejoice," "regret" and "remember". However, this ontological ascendancy of mountains over forests is not the intrinsic feature of a landscape culturally or semiotically constituted (Kohn 2014), but rather a complex historical effect, indexing social,

⁵¹ No hierarchy organizes these discursive fragments – it is equally important and equally true that a particular hill has been cleared by a particular villager in 1789 (archival reference) and that the same hill was the abode of female spirits (*ielele*) whose gaze could petrify ordinary mortals (reference to local informant).

political, and economic changes, as well as the lingering memory of a time when the distinction between mountains (with their pastures) and forests (with their wood and wild fruits) was not strictly necessary.

Until mid-19th century, the local economy in Vrancea was predominantly pastoral (agriculture was and remains minimally developed), while wood was mainly used in the household economy and less so as a commercial item. Villagers' main source of subsistence came from animal husbandry, especially the raising of sheep and cattle. This type of economy led to a particular vision of the surrounding landscape wherein mountains with their pastures were the most significant entity, providing also the main criterion for the organization of social relations (see chapter 3).

Taking into account the predominantly pastoral character of the local economy, it is easy to see why the mountains achieved such significance and why they were treated as the “natural” object of property relations. They were the locus of the valuable high alpine pastures (“the forehead”) as well as of the lower fields for autumn and spring grazing (“the leaf”).⁵² However, the forest was not distinguished from the mountain as an explicit category of ownership in its own right. Brief references in archival records or in the oral-history interviews carried out by Stahl suggest that the forest was most often imagined as an inexhaustible resource — “the forest is endless”, “the more you cut it, the more she grows” — that often threatened to engulf human space: “if we’re not careful, the forest will eat us all up”. In Stahl’s opinion, “the clearing of the forest was almost a cultural imperative” (1959: 175) to the extent that it created new grazing

⁵² The category of “village” was in fact indicated by the expression “body of ancestral land” (*trup de mosie*); each such “body” had a “forehead” and a “leaf.” Translating these vernacular categories, the patrimony of each village could be defined as an aggregate of alpine pastures, pine and beech forests, meadows, hay fields and, of course, housing lots.

land, enriching thus the pastoral patrimony. In villagers' memory, Vrancea appears as a landscape thoroughly "dressed" in forests that used to be "deep", "whole", "dark", "deaf", "terrible" and "silent." When seen as inexhaustible, much like the air or the light, the forest does not seem to incite claims of ownership or to require the individualization of toponyms. The act of naming (and implicitly bounding), often announces a claim of ownership (Abramson 2000; Attali 1988; Myers 1986); however, for the forest to be named, it would have had to be possessed as forest, which did not make much pastoral sense.

Clearings ("light", "eye of light") in the forest, however, were carefully bounded, marked, named and recorded. They formed islands of limited and temporary individual ownership within the forest territory. In fact, the language first used to articulate individual or family claims to clearings is that of *stapanire locureasca* (emplaced mastery), a much more nuanced vocabulary than that of ownership. As an 1836 document illustrates, hard work⁵³ is the main argument used in such claims: "I burned my eyes and my hands" clearing the forest and those who deny this will be "cursed by the Holy Fathers of Nicea".⁵⁴ Another 1801 document offers a more general description:

"(...) thus we were told by several old men that the forests were not measured nor divided into strips or any other plot. Rather, anyone mastered any surface on which he could with his own means, cut the trees and make clearings and hay and plough fields and sites for beehives and fruit trees or grafting wild trees; all this area was his, none of his neighbors could take it from him" (Stahl 1946: 165-6).

Such clearings were "private" only in respect to other individual claimants, but not so in relation to the *Obstea*: the transactions registered in such documents make clear the fact that these forms

⁵³ Clearing required time and serious effort - stripping the bark from the trees, waiting for a year while they dried, burning them, digging up the roots and, eventually, digging the earth with a hoe and plough.

⁵⁴ The particular place of this clearing is still identified by the name of the original claimant in the 1836 document, Pomană's Clearing (Harnea 1972: 125).

of emplaced mastery were temporary and could be revoked by the regional assembly of Obstea delegates (the “Great Council of Vrancea”) if the land in question was needed for other purposes (most often, however, the forest took over the land cleared through burning or the drying of trees). Thus, it can be said that the object of property here is *work* and not the land itself that was cleared. In Stahl’s opinion, the situation of individual holdings was always vulnerable to contestation and its status was, in practice, reversible.⁵⁵

Despite the double fragmentation of the regional commons into village commons through the process of mountain distribution (see chapter 3) and through relatively individualized claims on forest clearings, the forest remains an open category from the point of view of ownership. As the “free forest” (*padurea sloboda*), it becomes the last emblem of regional commons. The malleability of exclusionary rules is nicely illustrated by an 1818 mountain distribution act, which affirms that, in spite of the allocation of mountains to particular villages, commoners can cut wood “as much as they want and they can” from whichever part of Vrancea, as long as they don’t damage the hay fields of other villages.

However, once regional markets develop in the relatively close towns of Odobesti and Focsani, the forest becomes more than just a source of firewood and construction material for local houses. Lumber enters into a complex cycle of exchange with the lowland villages and towns, from which Vrancea’s villagers obtain cereals, money or tools. In the last decades of the 19th century, as the pastoral economy declines, lumber emerges as the predominant commercial

⁵⁵ The vulnerability of individual holdings of pasture or arable land had to be compensated for with various forms of boundary magic: “If, exceptionally, a man wants his enclosure to take on a private character, as a sign of ownership, he reinforces it by a whole series of rituals. Ritualistic magic is necessary to legitimize private ownership since traditional opinion has it that private land is malevolent and only charms can rid such land of evil spirits” (Stahl 1980: 62). Such forms of boundary magic are only rarely practiced in today’s Nereju: elderly and single women especially might call on the priest to sanctify the boundary (*să slujească la hotar*), threatening thus any trespasser with a powerful curse. Alternatively, individual boundaries of gardens, orchards or arable fields can be protected by *potci* (wooden sticks arranged in various shapes): in this case, the trespassers suffering from “boundary greed” (*lăcomia la hotar*) can be struck by paralysis or blindness.

item. Water sawmills multiply along Vrancea's rivers: in the late 1890's there are forty water saws only on Zabala, the river crossing Nereju village (Canuianu and Candrea 1897; Gafencu 1942). Even more importantly, though, the reform in juridical norms of alienability, brought by the 1864 Civil Code, facilitated the appearance of industrial logging: from 1890, but even more so between 1905-1920, Hungarian, Austrian and British corporations buy villagers' "rights" in the communal forest, quickly turning the North of the region into a quasi-deserted landscape, traversed by funiculars and forestry trains (Gafencu 1943; Iliescu 2002). The forest finally becomes a valuable resource for Vrancea's villagers who complain in 1927 about its potential disappearance: "If our ancestors had eaten the forest the way we do it now, not even the roots would have been left. (...) What will we do when these mountains remain nude? Even land has an end. But the forest? The forest grows slowly" (cited in Stahl 1939, vol. III: 140).

Bad commoners, bad records, 1948

The 1910 Forestry Code aimed to transform the practice of the commons into an accountable organization and it did so primarily by means of records: statutes, membership lists, annual budgets, voting rules, transcripts of community meetings, etc. Ideally, everything the community decided had to be recorded and submitted first for the approval of the local judge and then to that of national tutelary bodies (initially the Bureau of Cooperation, followed after 1930 by the Ministry of Agriculture and Forests). This recording enterprise began in earnest only after World War I and even then it fell short of the expectations of reviewers dispatched from Bucharest. These visiting officials complained repeatedly of the willfulness, ignorance, and even illiteracy of the villagers elected to administrative positions of the *Obstea*: locals often sidestepped official procedures of announcement for the annual community meetings, sometimes they didn't even

hold meetings for two or three years in a row, they had no idea how to make up budgets, they didn't properly record revenues and expenses and had no notion of archival practices.⁵⁶ Instead of drafting correct budgets, *Obstea* administrators met in the tavern to publicly discuss financial difficulties with their fellow villagers — to the exasperation of national authorities who considered that such matters could only be settled within the lawful framework of the annual meeting and under the watchful eye of the local judge.⁵⁷ Instead of recordable monetary transactions for the payment of forest guards, they bartered hunting rights and made a mess of the pristine contract forms they received from Bucharest.⁵⁸ Instead of abiding by the forestry management plans, they turned a blind eye to irregular logging practices and, in some cases, even “lost” the management plans altogether.⁵⁹ A specialist sent by the Bureau of Cooperation in 1924 to draw up forest management plans summarized the administrative situation of forest commons: “These are illiterate people named to administer an important common fund – this is only the illusion of administration.”⁶⁰

Forest management plans drawn up by forestry professionals in the interwar period abound in critical remarks on the grazing, logging, hunting and fishing habits of Vranceans as well as on the futility of state intervention in local patterns of forest use: “The tendencies of Vrancea’s *obsteni* to recalcitrance and bad forest management are well known...”⁶¹ However, most often, it’s not the ignorance or incompetence of the locals that comes under attack, but their willfulness and disdain for state authorities:

⁵⁶ ANVN, F514 Năruja Courthouse, file 84/1927 Obștea Tulnici, p. 836-840.

⁵⁷ ANVN, F230 Obști, file 6/1930 Obștea Voloșcani – Muntele Verdele, p. 13.

⁵⁸ ANVN, F230 Obști, file 12/1933 Obștea Voloșcani – Muntele Verdele, p. 17.

⁵⁹ See regional forestry report in 1943, ANVN, F230 Obști, file 15/1943, p. 89-93.

⁶⁰ ANVN, F230 Obști, file 1924-2 Obștea Voloșcani – Muntele Verdele, p. 4.

⁶¹ ANVN, F230 Obști, file 19/1946, p. 47.

“As in all freehold (*mosnenesti*) forests under the regime of commons, grazing is unrestricted. (...) The same century old mentality is alive today: what right has the state to meddle with Vrancea’s patrimony (*mosia*)? Forest fires are exclusively started by the free peasants of Vrancea with the goal of enlarging pastures. It is a characteristic of the region that when Vrancea’s forests are burning, nobody runs to put them out; on the contrary.”⁶²

It is rather typical of interwar state forestry reports to insist, in the same breath, on the locals’ disregard for the environment (unrestricted grazing, unchecked forest fires, etc.) and their excessive pride: “Usually, the Vrancean fells the tree at a height of at least one meter, he cannot bear to bow, not even when he swings the axe.”⁶³ Both are equally suspicious, but the implication often is that it’s precisely a historically inflated sense of independence that leads the commoners down the path of anarchy and environmental devastation.

Despite such accusations of illiteracy and sheer obstinacy, the records of the post-1910 forest commons make up a considerable archival body nowadays.⁶⁴ Almost all the 37 communities instituted by the Forestry Code in Vrancea have left some kind of archival trace, and in those cases where the entire archive of the *Obstea* was preserved, one can follow rich debates in the transcripts of community meetings, changing patterns of forest revenue distribution and different definitions of forest rights (see chapter 3). Nevertheless, though I have found adequate archival records of the management of the Nereju forest commons, their epistemic status is rather indeterminate. All the villagers I talked to today insist that no formal organization was in place at the time — no administrative council was ever elected, communal meetings were not organized, no paperwork was necessary for the cutting, transport and sale of timber to the neighboring town markets, etc. In short, the Forestry Code might as well have

⁶² ANVN F514 Năruja Courthouse, file 37/1935 Obștea Tulnici, p. 56.

⁶³ ANVN, F230 Obști, file 2/1924 Obștea Voloșcani – Muntele Verdele, p. 4.

⁶⁴ ANVN, F230 Obști, F514 Năruja Courthouse, F522 Tulnici Courthouse.

never been written as far as the past Nereju is concerned. Even the word “*obstea*” as a designation for the community gathered around the forest commons is taken as a novelty brought by the 2000 restitution laws. The past forest was simply “free,” existing in the same immemorial state of “wild togetherness” (*devalmasie*).

These memories, so adamant about the absence of the formal community created by the 1910 Forestry Code, are confirmed by the account of the interwar ethnographer Henri Stahl. As he observed during his fieldwork in 1927 and 1938, Nereju, in contrast to other villages in Vrancea, categorically refused to put the new norms into practice, following instead the old customary principles of the free forest (Stahl 1939). For Stahl, this practical refusal signified the resilience of customary law in the face of modern state intervention and, thus, the unimpaired, yet tragic, continuity of archaism. However, as I discuss below, the memory of current Nerejeni suggests a slightly different interpretation for this refusal. The forest had to remain free because of threats from without (the state; industrial logging companies), but also from within. The egalitarian and consensual community portrayed by Stahl is now remembered as a fragile body, continuously vulnerable to internal divisions and conflicts. Despite Stahl’s ethnographic certitude and the denials of present villagers, archival files do contain records of interwar meetings convened by the *Obstea* Nereju, of decisions agreed upon by vote, of financial reports drafted and many other practices stipulated by the Forestry Code. In fact, the County Archives host two large folders amounting to almost a thousand pages that document the activities of this *Obstea* that is said to have never existed.⁶⁵

The discrepancy in these accounts clearly raises a problem: if the formally organized *Obstea* never existed, then what are these archival documents records of? My approach here is

⁶⁵ ANVN, F514 Năruja Courthouse, file 35/1921; file 124/1921.

not to adjudicate between memory and archive, that is, to simply decide whether things inscribed in archival files really happened, but rather to understand their particular form of existence. The documentary community is indisputably part of reality, if only in the sense that the records of the Nereju *Obstea* are not forgeries but the actual products of past actors. The question regards its exact relationship to reality, the manner in which this documented community belongs *together* with the remembered community, free of rules and structure. The same question could be alternatively put: how was the truth about the non-existence of the *Obste* produced in real time as well as retrospectively? However phrased, the question is not one that emerges simply out of the contrast between document and memory. It is already there as an anomaly produced by the documents themselves as a series of sequential accounts wherefrom some things are missing while others are in surplus.⁶⁶

One of the misunderstandings perpetrated by the Forestry Code was that each forest required its own administrative structure — its own *Obstea* — even though the members of the *Obstea* were the same for each of the mountain forests belonging to a community. Thus, for Nereju there should have been four separate organizations, each with its own statute and administrative council. In fact, only two were ever created (for the mountains Monteoru and Lapos), while the other two forests simply slipped through the recording net of the Code. The records left by these two *Obsti* are problematic when viewed as a sequence and even more so in comparison to the rest of community records from Vrancea. The anomaly does not arise from gaps in the archive, but from the records' particular relation between form and content. Other

⁶⁶ I follow here historian Armando Petrucci's injunction to attend to the form of documentary evidence as indicative of the complexities of its own production: "rather than being evidence of a preceding or contemporary juridical-historical event, which is to some extent external to it, the document is first and foremost evidence of a process internal to its own making" (Petrucci 1995: 239). The same applies to collections of documents, regardless of whether they are collated into files by private collectors, bureaucracies or archives (Burns 2010; Hull 2003, 2012b; Latour 2009).

communities managed to adapt to the organizational structure imposed by the Code and often used it to great advantage. Their archives contain comprehensive records of financial accounting, legal battles with individuals who “enclosed” common pastures, petitions and contestations, as well as detailed correspondence with rural judges, forestry agents, banks or logging companies. The annual general meeting, attended by dozens or even hundreds of members, became, in time, the ordinary setting for the making of decisions with communal import (and especially those sponsored with *Obstea* revenues): the construction of village schools or churches, the institution of taxes for pasturage on the commons, logging or carpentry, the extent and terms of forest exploitation or the organization of memorial events.

In contrast, the Nereju records mimic well the form of the average *Obstea*, but the content seems to be missing. Both communal organizations — Lapos and Monteoru — adopted the Forestry Code statutes in the late 1920s (1925 and 1927). Until 1950 when they were dissolved, that is, for a period of 24 years, they convened only 12 annual meetings (with a gap of 7 years between 1934 and 1942). When such meetings actually occurred, they were attended on average by 2 to 12 members, even though more than 500 members were inscribed on the membership list. The only meetings to draw larger participation (42 and 76 members) happened in 1932 after the 1930 special inheritance amendment for Vrancea was added to the Forestry Code: on this occasion, the membership lists were updated and children who had come of age in past decades were finally inscribed with equal rights. Otherwise, the usual pattern was one of constant deferral: the judge would convene the annual meeting, nobody (or only the administrative council) would show up, and the meeting would be postponed several times until the judge was forced to ignore the rules of quorum and hold the meeting even with 5 members. Until 1930, such meetings took place at the Rural Courthouse in Naruja, at a distance of more

than twenty kilometers of bad road; after 1930, the judge would travel to Nereju especially to preside over the meetings. Even though the meetings now took place in the village, the situation remained the same. Often, the administrative council of the *Obstea* forgot to provide means of transportation (two horses) for the judge and the accompanying court clerk despite these officials' constant exasperation and threats with fines and other forms of legal retaliation. Other times, they neglected to perform the procedures for the official announcement of the meeting (posting notices in the village, sending reminders to the Forestry Office and to the Ministry, etc).

Badly attended as they were, the meetings that did occur seem to have done so for no particular purpose. Each time, a new administrative council would be elected and the annual financial report would be submitted for communal approval. The council managed to render itself so invisible for the rest of the year that not even the village notary knew who made it up: in 1932, the baffled notary wrote to the judge in the neighboring village of Năruja to ask for information because he “didn't know who the administrators were” and had no idea where to deliver the summons addressed to *Obstea* Nereju.⁶⁷ As for the annual income statement, it was invariably the same: *Obstea* had “no revenues” and “no expenses.” Even the graphical form of the report shows it to be an exact duplicate of the previous ones: in one instance, the 1928 report was so clearly copied after the 1927 one that the last digit of the year was only belatedly corrected from a 7 into an 8 (see figure 4).

⁶⁷ ANVN, F514 Năruja Courthouse, file 1921-35, p. 111.

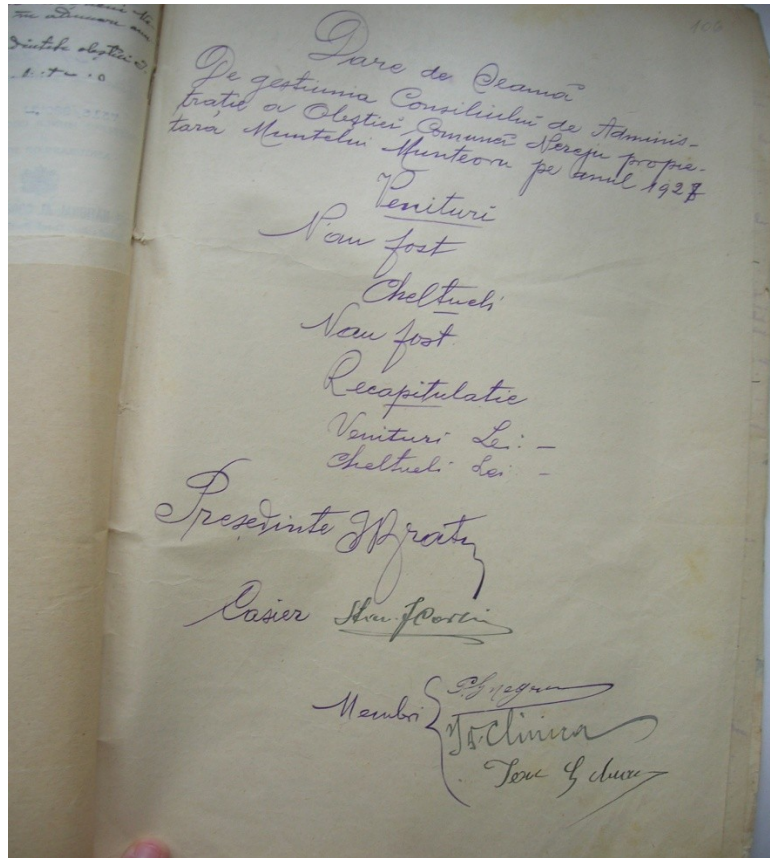


Figure 4. Income statement, Obstea Nereju, 1928

Because *Obstea* had no revenues, it could not hire forest guards and apply the forest management plan, or so the members present at each meeting argued, insisting, at the same time, that the villagers themselves were perfectly able to guard the forest. Whenever the presiding judge demanded whether there were any other issues to be discussed or decided, the answer was almost always no. After 1930, the judge insisted on the observance of updating procedures and so each year a table with “majors” was prepared for inscription in the membership list; as for the corresponding table of dead members to be erased, it was never available. In short, the meeting transcripts from 1925 to 1948 are remarkably free of any information about what exactly *Obstea*

Nereju was up to: there were no finances to speak of, no decisions to be made and no problems or conflicts.

It is all the more surprising that in 1948, the four members of the administrative council write to the judge and resign en masse. More precisely, they inform the judge they “consider themselves as resigned.” “The reason for this request is that the forest is absolutely destroyed and continues to be destroyed and the administrators cannot take any measures because of the inhabitants, who are very uncooperative (*neinteleghatori*).”⁶⁸ After twenty-four years of documented calm and silence, one finds out, all of a sudden, that the villagers are so “willful” and “uncooperative” that they make the work of the council impossible; furthermore, one also learns that the common forest, far from being well in hand, is on the brink of disappearance. It is certainly strange that no mention of these problems is ever made before 1948, almost to the point that this resignation appears as the eruption of truth after decades of manufactured deception. But perhaps previous records are not false, but simply badly made, full of omissions and incorrect information, or even produced within a different regime of accountability.

The production of “bad records” for “good organizational reasons” is the very point of Harold Garfinkel’s investigation into the record-keeping procedures of a psychiatric clinic. Garfinkel (1967: 186-207) noticed that the clinic’s folders often missed critical information about the patients, such as age, occupation, the name of the staff member in charge of their intake and so on. The puzzle that motivated his analysis was why such incomplete, bad records were nevertheless assiduously kept. Part of the answer refers to what Garfinkel calls “normal, natural troubles,” that is, the avoidance strategies of clinic staff that had to expend time and effort in filling in questionnaires in addition to their other, more important, duties. But the more

⁶⁸ ANVN, F514 Năruja Courthouse, file 1921-35, p. 408-410.

interesting line of his analysis dwells on the “contractual issues” within the clinical encounter, pointing out that folders were routinely constructed with other than merely actuarial purposes in mind. Clinic personnel assembled these folders within a medico-legal framework that rested on the expectation of being called upon at some future stage to account for the patient’s treatment. Such a contractual reading had to ensure that folders would demonstrate that patients had received the “right” treatment at the “right” time, explaining also the absence of basic items of data and the presence of additional notes and corrections. While clinic folders might have been designed for an actuarial purpose, they were routinely used for a distinct, contractual end. In this context, the nature of the documents had more to do with the ways they were actually used, with their integration into a pattern of organizational activities, rather than just with their contents.

As regards the files of *Obstea* Nereju, the contractual issues are much less clear. The only local authority to which *Obste* administrators were accountable was the local judge, and he was usually linked to them by strong ties of friendship, political alliance and even kinship. Such ties prevented these records from traveling up to higher levels of accountability, such as the Bureau of Cooperation or the Ministry of Forests. From this point of view, it could be argued that it was the emergence of a new regime of accountability — this would be the new communist state which at first took a deep interest in the organization of forest commons only to terminate it a couple of years later — that explains the administrators’ resignation in 1948 and their retrospective evacuation of responsibility.

Nevertheless, the reasons that motivated local actors (both the administrators and the members of the *Obstea*) to collaborate in creating a convincing appearance of following the norms of the Forestry Code without always doing so had as much to do with the interwar

political-economic structure of the village, dominated as it was by the members of a single notable family, the Macovei.

The *boyar* class

Nowadays, most Nerejeni see the forest as having been caught up in the net of the “local mafia” — an elusive term that is, nevertheless, rich in associations. More explicitly, the term mafia indicates the existence of a kinship network that links state foresters, lumber businessmen, local notables and county politicians.⁶⁹ Almost everyone can recite on the spot the kinship ties — a former employee of the village council even drew a kinship chart for me — among the current mayor, the president of the obste, the state foresters, the patrons, the director of the County Forestry Office and, at the apex, the president of the County Council. Take the mayor: his father is the largest lumber businessman in the village; two of his brothers-in-law as well as one cousin are state foresters and obste councilors at the same time; the president of the obste is his brother-in-law; his godfather is the director of the County Forestry Office. Inscribed on paper, such chains of relatedness form a complicated maze that seems impossible to take apart. Thus, it is not surprising that in some contexts, mafia is used interchangeably with the state:

“The present situation can be summarized in a single sentence: “the state steals our forest!” This is *our* forest! Our parents suffered for it, they shed their blood, they guarded it... Now, there are too many foresters! And they eat it [the forest] alive! Without this state forestry office here, things would be much better. We cannot pull out these roots. This state mafia has taken root.” (M.G., cooper, 55)

⁶⁹ Such ambiguous situations, where the borders between the political and the economic are blurred, are by no means uncommon in contexts of rapid re-definition of ownership norms over natural resources (forests in particular). For similar cases of slippery regimes of forest ownership leading to unsustainable concession policies and logging practices, see Burnham (2000), McCarthy (2000) and more generally Zerner (2003) and Benjaminsen and Lund (2003). The re-negotiation of ownership regimes over forests in postsocialist Eastern Europe has been relatively little investigated (but see Cellarius 2004 and de Waal 2004 for studies of Bulgaria and Albania, Blavascunas 2013 on Poland, Sikor and Dorondel 2017 on Albania and Romania).

The mafia, as a perversion of kinship and as a form of relatedness to the state, illustrates the kind of bonds that should not be attached to the forest. In contrast to the present forest, entangled in a web spun by external, negative forces, commoners, and in particular, the elders, invoke an ideal state of affairs that is often approximated by reference to the pre-socialist past. One of the most puzzling claims in this respect is that “in truth, the forest is not property [*proprietate*]. Our *delnite* [private plots of arable land] are property, old property that passes through many rows of people. But you cannot call the forest property, because the forest is ... forest.” When pressed with questions about the impossibility of the forest as property, Nerejeni turn to the principle of inheritance. As they claim, the forest cannot be inherited or “passed down through rows of people.” Once a child is born, he or she “can go into the forest” (or “has a right to the forest”), independent of the will of the parents. When a man dies, his right is “cut,” but it cannot be given to somebody else. Such rights of use inhere in the life of the individual as long as he or she is a member of the community: when somebody leaves the village, they lose all claims to the forest (should they return, their claims are re-instated). In this context, even kinship relations are ignored, so that the individual, just like the forest, is treated as free from all attachments, except that of communal belonging. The forest is thus thoroughly embedded in community life, or, to put it differently, the community is a product of the forest, the terrain where all individuals should ideally meet as “pure” members of the community, free of the divisive effects of age, kinship, wealth, and power.

The normative ideal also states that “the forest is free for everyone; this is something that should be eaten equally” and the recurrent usage of “eating” as a way of relating to the forest suggests its central role as a provider of nurture. The absence of hierarchy and differentiation is similarly emphasized:

“Before communism, the forest was free, there was no leadership, there was no “management house” [a requirement of the 1910 Forestry Code], it wasn’t as it’s now, when they measure it by the meter. All the villages had a management house, only Nerej didn’t. Our forest was cut *de-a valma*: you could go and cut wherever you wanted. You could cut with a hundred pairs of oxen, if you had them, or with ten pairs, or two, or three, or none.” (I.C., former merchant, 75)

“Here in Nerej, there was no leadership [over the forest]. Everyone went into the forest, felled a tree, put it into the cart and left. But there were no chainsaws, only some people had water saws and so, the forest didn’t suffer, the forest almost didn’t suffer at all.” (S.B., seamstress, 70)

After hearing many such formulaic assertions, I began wondering why should people insist so much on the value of “the free forest” and, more importantly, on the specificity of Nereju in this regard (as in “all the villages had forest statutes, only Nereju didn’t”). By the mid-1920s, the majority of villages in Vrancea had been legally re-organized according to the Forestry Code, yet, as Stahl noted too, Nereju adamantly refused to put into practice the new norms, following instead the supposedly old customary principle of the free forest (Stahl 1939). For Stahl, this refusal signified the resilience of customary law in the face of the modern state’s intervention and, thus, the unimpaired continuity of archaism. However, the memory of current Nerejeni suggests a slightly different interpretation. The forest had to remain free because of threats from without (the state; corporations), but also from within. The egalitarian and consensual community portrayed by Stahl is now remembered as a fragile body, continuously vulnerable to divisions and conflicts. The putatively customary “free forest” is, in fact, an emergence rather than a continuity, and a response to incipient class divisions:

“Here, because of the boyar Costica Macovei, the people fought hard and took the forest out, they fought with the boyars and took the forest out of their hands, and they left it free, with no leadership, with nothing. ‘Let everybody live!,’ they said. These people who recovered the forest from the Hungarians, Austrians, boyars, these people wanted the forest to be free.” (L.B., midwife, 72)

“Before 1916, I didn’t know, but my father told me, the boyars sold the forest to the Hungarians. There was a railway up in the mountains, the Hungarians were cutting the forest. When the war started, they threw everything away and they left. Since then, the

forest wasn't sold to anybody. [Who sold it then?] There were the boyars, these Macovei, you couldn't speak to them, whatever they did was sacred, they had lawyers, they had horses and in one night they could reach their lawyers. Who was to resist them? They were the ones who ate the whole community, the whole forest." (N.R., former cooper, 83)

The first thing to note here is that the term *boyar* is not used to indicate nobility, but to suggest a large discrepancy in wealth and power, or, to put it differently, emergent class formation within the commons. While people remember that some villagers were better off than others, only one family is identified today as belonging to the boyar category – that of Macovei. It appears that two Macovei brothers, Stefan and Ion (nicknamed Nica) moved to Nerej in the 1850s from another village in Vrancea. Ion Macovei was mayor of Nerej from 1868 to 1872 and again from 1874 to 1879 (Stoian 2002 [1938]). His son, Pavel, was the owner of the only inn in the village as well as of the most prosperous tavern, serving also as mayor for several terms (1886-1892; 1894-1905; 1908). Costica Macovei, the son of Stefan, took his place as mayor (1911-1916; 1918-1922; 1926-27; 1931-32; 1938). Pavel's son, Ionica, was another successful candidate to the mayor position (1922-26; 1934-38). Thus, it is clear that the Macovei family dominated local politics from the 1860s to the early 1940s (Stoian 2002 [1938]). Costica Macovei, in particular, became the largest landowner in the village by abusively enclosing seventy hectares from the communal pasture (Malski 2002 [1927]); he also appears to have had the largest livestock herd and several water saws.⁷⁰ The villagers from Nerej retrospectively articulate the power of the Macovei family in absolute terms: “not even the whole village could oppose them. The boyars were in power, they judged you, they could put you to prison, you couldn't even breathe in front

⁷⁰ Costica Macovei was expropriated in 1950 and moved out of the village. He is said to have died begging on the street in a nearby town.

of them!”⁷¹ Unsurprisingly, contemporary foresters and lumber businessmen are identified as “the new boyar class.”

In the next section, I will try to map out the crucial moment before WWI that villagers identify as the peak of conflict between the community, on the one hand, and boyars, Hungarians and/or Austrians, on the other hand. Who are these actors and how did they come together on the space of the forest? What exactly defines the conflict which made “the free forest” appear as the only possible alternative? Such questions are best answered by tracing the biography of a mountain owned by the Nereju Obstea and the exchanges that it originated at the turn of the century.

(In)divisibility, 1889-1913

This is a story of how a mountain in turn of the century Vrancea is bought, sold, divided into “rights,” folded back into the commons, leased, converted into cubic meters of timber, claimed and re-claimed, and finally fractured into dozens of pieces – all of these actions being performed through the manipulation of documents and juridical devices. This is a case that nicely demonstrates Alain Pottage’s claim (1994) that the creation of modern ownership norms requires first the transformation of “land into paper” through the use of such knowledge instruments as cartography, surveying and the sale contract. But, more importantly, it challenges the idea that the function of modern administrative techniques is to increase the transparency of social arrangements (Scott 1998); instead, it shows how illegibility and uncertainty are created through the use of these very techniques (Hull 2012a; Saumarez Smith 1996). The encounter between

⁷¹ I. Ch., former sanitary agent, 70.

localized senses of ownership and judicial instruments premised on alienable property results in misunderstanding, confusion, and finally, the embrace of incommensurability.

On 19 December 1889, 20 villagers from the village of Bodești sell their mountain *Piatra Secuiului* (The Szekler's Rock), to 21 villagers from Nereju for the price of 3,600 Lei.⁷² The Putna Regional Tribunal certifies the sale in the presence of all the sellers and buyers. The document specifies that the object of sale is the entire mountain (later evaluated at 860 ha.), and the 20 inhabitants of Bodești also add that it is “our just and ancestral property, owned in ancient *razășie*.”⁷³ On a superficial reading, this act seems indisputably clear: it represents a sale contract between the two groups of individuals identified by their names and signatures. However, the act becomes difficult to understand if one takes into account the mention of the term “*razășie*,” indicating free (communal) property, as well as previous documents that identify this particular mountain as the property of *all* the villagers of Bodești (and not just the 20 identified sellers).⁷⁴ Studying most 18th and early 19th century sales and boundary settlements among various villages in Vrancea, one notices the widespread custom of using delegates or representatives (*vechili* or *mandatari*) who were authorized to close deals on behalf of the community. Nevertheless, no previous mandate or authorization had been drawn up in the case of this sale and the altered locus of customary law after the 1864 Civil Code makes this transaction particularly ambiguous. Is it a contract between individuals or between two corporate entities?

Prior to 1864, customary law still played an important role in the Moldavian judicial system. Autochthonous codes such as the Calimache Code (1817) had attempted to adapt Western norms (in this case the Austrian civil code of 1811) to the Moldavian conditions.

⁷² Document found in the private collection of V.B. (Nereju), August 2004.

⁷³ *Răzășie* comes from the Hungarian *rasasz* (co-owner) (Poni 1921).

⁷⁴ See Constantinescu-Mircești and Stahl (1929: 34) and Sava (1929: 95; 112)

However, the Calimach Code was published in Greek and translated into Romanian only in the mid-19th century — as a result, Moldavian judges continued to rely on the same diverse mixture of customary law, Byzantine canon law and princely legislation (Hanga 1988: 100-58; Hitchins 1996: 27-32; Georgescu 1991: 94-5).⁷⁵ While written codes had slowly started to prevail over unwritten customary law since the mid-18th century, the decisive blow came with the 1864 Civil Code, which, inspired by the French Civil Code of 1804, “took the individual as the foundation of law, assuring him personal freedoms, guaranteeing equality of all citizens before the law and safeguarding private property” (Hitchins 1996: 312). The 1864 Code did not recognize or guarantee customary commons as a separate category of ownership; on the contrary, it assumed that cases of “undivided ownership” could only be temporary and should swiftly give way to private property, through some form of division (according to “parts”, “rights” or units of land measure).

That the ambiguity of this contract is not simply a retrospective projection can also be seen from the intricate juridical maneuvers that followed the sale of Piatra Secuiului. Ten years later, on 23 March 1899, 8 villagers from Bodesti together with 10 others from Nistoresti, Paulesti and Paltin sold “our portions of property which we have in common with the other villagers of Bodesti in the mountain called Piatra Secuiului, just as they sold their portions to other buyers by the act certified in 1889” to Nica I. Macovei from Nereju.⁷⁶ Throughout April and May 1899, Nica Macovei continues to buy such “portions” of property from 21 other

⁷⁵ “Customary law had never been confirmed by the ruler or a high tribunal; it had never been codified or studied by scholars or taught in academies of higher learning; and there was no private or official edition. Yet, it remained a crucial support of the social and economic structure of the [Romanian] principalities until at least the first decades of the nineteenth century. (...) Since many institutions were not covered by the [Byzantine] *pravile* and since there was no comprehensive codification of Moldavian and Wallachian law, the only recourse for jurists was to invoke the traditional norms of their respective regions” (Hitchins 1996: 28).

⁷⁶ ANVN, F20 Tribunal Putna Acte Autentice, file 1899-11, p. 1-2v.

villagers from Bodești and the neighboring villages. The total sum he pays amounts to 2,700 Lei.⁷⁷

Nica I. Macovei was one of the most intrepid businessmen in turn of the century Vrancea. At the time he begins transacting in mountain rights in 1899, he is a literate 28 years old; the mayor of Nereju (who was also his uncle) lists his profession as that of “proprietor” (in contrast to ordinary villagers who are usually identified as “farmers” or “agricultural workers” in the sale contracts).⁷⁸ It is interesting to note that Nica’s father, Ion Macovei, was also one of the 21 buyers of Piatra Secuiului, as listed in the original 1889 contract. Presumably, Nica would have known all the details of the original transaction from his father. Given his powerful kin connections, Nica was uniquely positioned to obtain insider information as well as to cajole or even coerce villagers into selling their rights at very low prices (usually for Lei 50-100 per right). His extended family enveloped the entire region in an intricate web of alliances: his uncle, Pavel Macovei, was the mayor of Nereju at the time of the original contract as well as later (1886-1892; 1894-1905; 1908); his older brother Teodor was the priest of Nereju; another older brother Radu married the daughter of a rich priest from Voloscani, where he established himself and began a similar series of transactions with the rights of villagers from Obstea Voloscani; his sister, Clemansa, married a prominent landowner and political figure, Vasile Chilian from Vidra (who went on to organize the local resistance against the German occupation in World War I); a younger brother, Ion, left the village and went on to represent Vrancea as a deputy in Bucharest; three of his aunts married priests and notables from the villages of Nistoresti, Negrilesti and Valea Sarii; two of his first cousins, Costica and Ionica Macovei, dominated local politics in Nereju throughout the interwar period, etc. (Cotea 2003, Neagu 2005, Mateescu 2006). Not

⁷⁷ ANVN, F20 Tribunal Putna Acte Autentice, file 1899-14, p. 1-8; file 1899-17, p. 1-3v.

⁷⁸ ANVN, F20 Tribunal Putna Acte Autentice, file 1899-14, p. 3.

surprisingly, the mountain Piatra Secuiului was not the only business interest of Nica Macovei. At the same time (1899-1905), he bought in successive transactions several dozens of rights over the mountain Frumoasele, commons of the Obstea Vasui, and the mountains Vetrila and Musa, commons of the Obstea Poiana (all of the mountains being situated, just like Piatra Secuiului, on the territory of village Nereju) as well as over the mountain Veghiul lui Bucur, belonging to Obstea Herastrau.⁷⁹

How are Nica Macovei's 1899 transactions over Piatra Secuiului related to the original one in 1889? As it appears from the subsequent judicial tribulations of this case (see also Stahl 1939, vol. I: 371-376; Stahl 1959: 221-225), Nica Macovei refused to recognize that the 20 Bodesteni in the original act were the delegates of the whole village, arguing that, from the point of view of the 1864 Civil Code, these individuals, who had not been authorized by a previous, legally certified mandate, could have sold only their personal "rights." He seeks out other villagers from Bodesti as well as their descendants and proposes to pay them for "some rights that they weren't even aware of having" (Stahl 1959: 222). The same reasoning is applied in the case of the 21 original buyers from Nereju: they bought the mountain not as delegates of the entire community, but as individual buyers.⁸⁰ Thus, on 20 April 1902, Nica Macovei buys for 400 lei the two rights owned by two of the original buyers from Nereju. The same year Macovei is faced with two potential competitors, a priest and a lawyer, who are both buying rights from the Bodesti commoners.⁸¹ In their case, though, these transactions become easily transparent:

⁷⁹ ANVN, F20 Tribunal Putna Acte Autentice, file 1899-17, p. 1-9.

⁸⁰ Nică Macovei performs this legal subterfuge even though the state had already recognized the mountain Piatra Secuiului as the undivided property of the Obște Nereju, that is, as an asset of the entire community, owned in common. In 1897, King Charles I approved by royal decree a new plan of forestry management for Obște Nereju, including their properties in the mountains Lapoșu de Jos, Monteorul, Furul and Piatra Secuiului. *Monitorul Oficial*, no. 44/1897, p. 1569. Act found in the private collection of N.R. (Nereju, 2005).

⁸¹ The priest, Ion Dantiș from Nistorești, was married to Ileana, the daughter of Pavel Macovei (mayor of Nereju) and one of Nică's first cousins. The other buyer, the lawyer Sava I. Vasiliu from Focșani, was clearly an

both of them re-sell at a higher price the rights thus acquired to Moritz Horn, representative of the *Romanian Joint-Stock Company for Forestry Industry* (SARIF) owned by the Baron Bernhard Grödl, an entrepreneur from neighboring Transylvania, then part of the Habsburg Empire.⁸²

Aware of the vulnerability of their original 1889 act, the villagers of Nereju attempt to make corrections so as to prevent Nica Macovei from becoming the sole proprietor of the mountain. To do so, they employ the sale contract — the same device that Macovei used to fracture undivided ownership into individual rights — to return the increasingly divided mountain to a state of customary commons, *devalmasie*. In September 1903, the original buyers from Nereju resell their rights to the whole community so that “from now on, our buyers will possess this mountain in undivided ownership with us, because we consider this mountain to be *devalmas*, which means that none of us has the right to sell individually.”⁸³ This prohibition of individual sales of rights is clearly a problem for Macovei’s business operation. Two years later, he is forced to reach a compromise with the entire Obstea Nereju: on April 5, 1905, Macovei sells to the community all the “rights” he had previously accumulated, so that “the community of the Nereju village remains the sole proprietor of the mountain.” His only caveat is that, in

acquaintance and perhaps a friend of Nică I. Macovei. More than once, Vasiliu stands as a witness for Macovei in the course of his transactions over Piatra Secuiului and is charged with overseeing the legal details. It may be that Macovei informed his lawyer of this lucrative business opportunity or even that Vasiliu acted to some extent as a middleman for Macovei. ANVN, F20 Tribunal Putna Acte Autentice, file 1905-23, p. 1-2.

⁸² SARIF was the largest joint-stock company of forestry operating in Vrancea from the 1890s to the beginning of World War I. At the time, Moritz Horn was famous in the region as a representative (*mandatar*) of the corporation: beginning in 1902, he was charged by Bernhard Grödl (director of SARIF) and Mihail Pherekyde (vice-president of the administrative council as well as a prominent Romanian MP) to buy forests from Vrancea in the name of the company. According to Stahl (1939b: 22), Horn was generally reviled as an unscrupulous profiteer and greedy buyer (*acaparator*), coming to embody all by himself the evils of capitalism and industrial forestry (mothers from the villages of Vrancea used his name to scare their children into obedience!). The fact that he was claimed to be Jewish didn’t help at all in the largely anti-Semitic culture of Vrancea’s villages.

⁸³ Archive of the Putna Tribunal, file 583/1910, act 1716/6 September 1903 (cited in Stahl 1959: 221-225).

exchange for 12,000 lei, the community agrees to a 15-year lease on the mountain forest, which Macovei could exploit as he saw fit. Armed with this lease contract, Macovei begins negotiations with Moritz Horn, the representative of SARIF.

An interesting slippage takes place in the context of this compromise between the Nereju community and the intrepid Nica Macovei. While the villagers saw the object of the lease as a “mountain” (the caveats they listed in the contract — to keep grazing rights and the right to establish sheepfolds in the mountain — are illustrative in this sense), Macovei together with his associate, the middleman Horn, thought they were buying “the forest” or “the timber.” The distinction between forest and mountain, discussed in the beginning of this chapter, lingers on in this context, and its potential for misunderstanding seems to remain unacknowledged by the two parties in the transaction.

In June 1905, Nica Macovei sells “all the fir and spruce timber found in the forests Frumoasele and Pietra Secuiului” to the SARIF representative Moritz Horn.⁸⁴ The sale of timber is done by cubic meter (2 Lei per meter) and the buyer is obliged to begin measurement of the timber by August 1905. The two parties are supposed to collaborate in the performance of a complicated measuring operation: first, they will measure trees of various width and length (specifying also the height of the cut from the ground as well as the minimum width from the treetop) and then use them as etalons for estimating the entire quantity of timber. It is unclear how this measurement operation was to be achieved and, in fact, Moritz Horn does not even show up in August for the beginning of the measurement. Nica Macovei sues him and SARIF, implicitly, for damages, but the two of them soon reach a more convenient compromise. In January 1906, they terminate the previous sale contract by cubic meter and devise a new one

⁸⁴ ANVN, F20 Tribunal Putna Acte Autentice, file 1905-23, p. 1-9.

whereby the object of sale is “the entire forest” with no need for measurement, at a price of 150,000 Lei.⁸⁵ Two years later, in February 1908, Moritz Horn relinquishes all the rights of exploitation over the forests Frumoasele and Piatra Secuiului to SARIF, the corporation that had delegated him to Vrancea in the first place.

For the following years, the Nereju villagers continue to use the forest in common, ignoring these intricate transactions, with their chains of buyers and sellers. Even more, they seem to learn the lesson that capitalist insiders and outsiders had taught them about divisibility – so well, in fact, that no logging corporation manages to contract with Obstea Nereju for the next four decades. It is only in the wake of the 1910 Forestry Code that such transactions become relevant again. Taking into account the claims of SARIF, the judge charged with establishing the statute of the Obstea Nereju rules that all owners of the Piatra Secuiului Mountain had to prove their rights by means of written documents. He rejects the argument of the Nerejeni, who showed that the 20 initial buyers had been delegated by the whole community and presented a register with the names of all the villagers who had contributed money towards the sale price. The judge refuses to accept the register as evidence because it was not “stamped and certified”; similarly, he does not take into account the arguments of oral testimony. On the sole basis of “documents,” he compiles a list of 561 entries, including quotas of rights, individual villagers from Bodesti and Nereju, as well as the corporate SARIF.

The end result is an intricate division of rights, which transforms the mountain into a complex graphic artifact. In June 1913, the judge rules that the mountain must be divided into 78 shares, basically representing rights of ownership: SARIF owns 19/78, while 166 inhabitants of Nereju have each 1/166 out of 13/78 shares (hence, 166/13/78), and the rest of 367 villagers from

⁸⁵ ANVN, F20 Tribunal Putna Acte Autentice, file 1906-6, p. 1-3.

Nereju now have 367/37/78 shares. On the whole, the entire community of Nereju (533 villagers) owns 533/50/78.⁸⁶

There was no attempt to actually map out this abstract share calculus onto the territory of the forest or to contend with the difficulties of putting the division into practice – it was as if the process of inscription on paper had a self-evident quality, performing by itself a re-ordering of reality.⁸⁷ It appears thus that the codification attempted by the 1910 Forestry Code could not proceed without the prior transformation of “land into paper” (Pottage 1994) by means of complex accounting procedures, which sharply diverged from local understandings of the forest as a shared space.

Nevertheless, the beginning of World War I prevented SARIF from carrying out logging operations in Piatra Secuiului and the intricate calculus of the Forestry Code was put aside once the villagers refused to establish themselves as a legal association of co-owners. Theirs was not a refusal of the law as such, but rather an attempt at blocking its local implementation. Precisely because of their experience in the case of the Piatra Secuiului, villagers realized the changes brought by the 1864 Civil Code even before the 1910 Forestry Code tried to enact those changes onto the terrain of forest commons. The most important implication of these changes, from their point of view, was the creation of divisibility, in both the forest — the object of the property claim — and the community — the moral subject making the claim (Macfarlane 1998). It was dangerous to envisage the possibility of forest divisibility (in “rights” or “shares”), because that

⁸⁶ Archive of the Putna Tribunal, file 1518/1913, act 35/June 7, 1913 (cited in Stahl 1959: 221-225).

⁸⁷ I am inspired here by Alain Pottage (2001: 134-35), who offers an interesting discussion of the transformation of legal speech in Roman law, and in particular the capacity of legal speech “to institute or create the world to which it referred.” He points to the relation between words and things as one of the “constitutive paradoxes” of legal rhetoric: “Legal procedure effectively constituted what it discovered; it projected onto the object an artificial structure that was recognized as its real structure.”

implied a similar operation within the community. While the position of individuals such as Nica Macovei, and later on his younger cousin, Costica, illustrates beyond doubt the existence of internal divisions, these fractures could not be carried over onto the terrain of the forest. The forest had to remain free for all to use, “with no limits and no boundaries.”

Arguably, this denial might be interpreted as yet another case of “misrecognition” (Bourdieu 1989), but I think that it was also a defensive strategy with pragmatic implications. Enacting the rules of the Forestry Code in the 1920s implied a translation of the forest onto the official political sphere – it meant the election of presidents, councilors and accountants and, thus, the establishment of a formal structure of forest administration. Given that the Macovei family dominated local political life throughout the interwar period, the acceptance of the Forestry Code meant, at the same time, the acceptance of “boyar leadership” over the forest. In Nereju, the cultural boundary between forest and village was sharply drawn: not because the forest signifies the “other,” wild nature versus ordered culture, but, paradoxically, because the forest represents most clearly the ideal image of the community. It is one thing to become established in the village, even buy land and build a house, and another to acquire rights in the forest: the forest is the boundary that outsiders cannot trespass. Thus, it meant one thing for boyar Costica Macovei to accumulate grazing land and wealth in the village — such encroachments were tolerated up to a point, even though periodic flares of anti-enclosure resulted in demolished and burned fences (Stahl 1939; Stahl 2002) — and quite another to have him exercise the same powers within the forest. Similarly, the postsocialist present is defined in terms of crisis precisely because “others” — state foresters, lumber businessmen, politicians — are trying to divide the forest (and implicitly, the community) along the lines of power, money and practical kinship connections.

Wild togetherness in the free forest

We cannot break apart the forest; we cannot separate from it. She holds us.⁸⁸

In an evocative analysis of the painting *Woodcutter in the Forest* by Turkish artist Seker Ahmet, the art critic John Berger (1991) makes an interesting distinction between seeing and experiencing a forest. He notes that the appeal of Ahmet's painting has to do with the inconsistency of its visual perspective: although placed at the forefront, the woodcutter seems to be continually receding, while the far edge of the forest appears closer to the viewer. For Berger, this "double vision" embodies Ahmet's attempt not to paint the forest as a scene, but rather as a "thing taking place in itself, as a presence" (1991: 91), mirroring thus the experience of the woodcutter: "you make your way through the forest and, simultaneously, you see yourself, as from the outside, swallowed by the forest" (1991: 88). Without distorting the academic conventions of perspective, Ahmet would have been unable to capture this image of the forest experience.

I have tried in this chapter to follow Seker Ahmet's example and to ask: what does it mean to see the forest *from within* the local norms that define its existence, not as a landscape on which the processes of culture can unfold, but as the very embodiment of those processes. Ownership of the forest, then, is not simply "a special set of rights defining relationships to an ecologically necessary 'living space.'" Instead, it is one more form of objectifying social relationships of shared identity" (Myers 1988: 52). Robert P. Harrison (1992), in his history of

⁸⁸ L.B., midwife, 72.

the forest in the Western cultural imagination, illustrates a different mode of seeing. Harrison begins from the assumption that “Western civilization literally cleared its space in the midst of forests. A sylvan fringe of darkness defined the limits of its cultivation, the margins of its cities, the boundaries of its institutional domain, but also the extravagance of its imagination” (1992: ix). With respect to the medieval social order, the forests were *foris*, “outside”, in the realm of the outlaws and the outcasts (61), while for the Romans the forests defined the natural boundaries of the *res publica* (*Sylvanus* was the god of sacred boundaries). Harrison’s perspective is another, noticeably more poetic, way to re-affirm the separation between nature and culture. I think that my study can challenge this separation in a surprising manner, to the extent that this boundary relationship is reversed: for Vrancea’s villagers, the forest defines the space of the inside, of intimacy and cultural specificity, while its limits indicate the outside, most notably today, the space of state intervention.

However, the notion of “boundary” should be understood not as a line or point of separation, but as a space in itself. In the local idiom, “the boundary” is used as a synonym for the “body of ancestral land” (*mosia*), indicating a space that is organically consistent and not merely an edge or a frontier: a native of Vrancea is a “man of the boundary” (*omu de hotar*). This boundary (*hotarul*) has a normative character that sets it apart from the boundaries of individual properties (*hat*), which are vulnerable and potentially divisive.

However, within this communal boundary, rules and differences are suspended so that people could use the forest “all together,” “without limit or restraint from anyone.” This wild togetherness, captured so well by the local term *devalmasie* seems, thus, to subvert its own normative character (and it does so, in practice, by making way to a quantifiable, calculable togetherness, see chapter 3) . I argue, though, that it is precisely this ambiguity or tension that

gives the notion of the “free forest” its continuing appeal, turning it into a metaphor for both autonomy *and* solidarity. Paradoxically, the free forest must remain unbound – free from social ties – so that it can better act as a bonding agent for the community. Its implicit morality resides in the idea (or maybe utopia) that there should be and that, in fact, there are, spaces where individuals can meet equally and achieve some form of wholeness. It is instructive to note here that the medieval term “individual” originally meant “indivisible” (Williams 1976: 133), suggesting the absence of a radical dichotomy between nature and society: the interrelation of man with nature was “so intensive and thorough that he could not look at it from outside; he was inside it” (Gurevitch 1992, cited in Palsson 1996: 65).

Although the commoners of Nereju construct the notion of the “free forest” as a cultural imperative, disguising thus its temporality, it is the effect of particular historical conjunctures, being as much about continuities as it is about discontinuities. I traced thus, in broad strokes, the slow transformation of ownership categories — mountains and forests — as well as their uncomfortable coexistence (as in the case of Piatra Secuiului). Focusing on a significant property transfer between the adoption of the 1864 Civil Code and the implementation of the 1910 Forestry Code has made it possible to understand how the intervention of modern juridical norms *together* with the changing social structure of the village acted so as to strengthen the appeal of an all togetherness commons.

Like other forms of property, the free forest has “the capacity to embody the relationships among people in outward form” (Myers 1988: 71). However, this realization is not a given. Interpreting the strength of the “free forest” ideal as the resilience and uninterrupted continuity of an “archaic” custom, as Henri Stahl did, obscures the historicity of this process of embodiment, and, in particular, the ways in which custom can become newly meaningful or distortive in

different historical contexts (Berry 2014, Moore 1986). The commons appear thus as an ongoing process, a cultural accomplishment that requires continuous negotiation. It is, in fact, the process by means of which the dispersed agency of people, who are aware at all times of the (internal or external) potential for division, can be brought together and become something to which a single material index can be attached — the “free forest.” Lambreta, an elderly midwife from Nerej, expressed this understanding more succinctly and poetically: “the forest holds us” — meaning, at the same time, that the forest keeps people in place, nurtures them and binds them together.

CHAPTER III

DISTRIBUTION

How can what is claimed to be commonly owned wealth be actually shared in common — in fact and not just as an ideological proclamation? (Ferguson 2015: 172)

This chapter discusses the forms of measurement and calculation that underlie the practical operation of forest commons and that reveal the changing historical relation between divisibility and indivisibility at various levels of analysis. It isn't enough to imagine the commons as fair; one has to account for the principles and mechanisms of the just division of a whole to which all commoners have a claim. Given the practical complexities of such “distributive labor” (Ferguson 2015), the relationship between quantification and social order — the ratios that a forest commons establishes between the One and the Many — has been central to the past two centuries and a half in Vrancea. The forms of proportionality established by means of ethical mathematics and the metrology of use rights are practices that perform objectifications, that is, they articulate and expose emerging objects of property: from mountains to forests to sawmills to “rights” or shares. The focus here is on such conversions and implicitly, on the forms of misunderstanding they give rise to; in other words, on those points where the system in place (whatever that may be at the time) is strained to its limits. In the broadest terms, the chapter deals with the production of forest commons as a local order intelligible to their members. My claim is

that the forms of measurement and calculation are indispensable for the achievement of intelligibility and ultimately even have a role to play in the persistence of the commons as a set of relations of ownership and distribution.

Proportional mountains, 1750-1995

This section traces a process of devolution, the transformation of Vrancea's mountains from an indivisible regional commons into the separate commons of specific villages. The regime of the commons doesn't vanish, yet it is progressively circumscribed: as in many other historical cases, enclosure doesn't necessarily begin with literal fences but with the encroaching pressures of fiscality, capitalist commodification and, eventually, legal restrictions (Demelas and Vivier 2003, Li 2014, Neeson 1993, Pravilova 2014, Thompson 1991, Viazzo 1989). At the core of communal devolution are distributive processes exacerbated by state fiscality: taxation in cash turns money — as a unit of measure on a numerical scale — into the main distributive yardstick as well as the most flexible device for the calculation of proportional, and implicitly just, divisions.

I begin my investigation with the contemporary ripples of a series of transactions spanning almost two centuries and a half (1755-1995). The initial question refers to the re-emergence of historical debts in the context of contemporary property restitution, more precisely a boundary conflict involving the forest commons of three neighboring villages (Nereju, Spulber, and Paltin). While trying to settle their disagreements in court in 1995, the three villages invoked a series of longstanding debts that constituted the evidence of their ownership claims, while specifying, at the same time, each village's share in the forest commons. To understand the persistence of this conflict, one has to disentangle a complex transactional history that began in the mid 18th century as a regional operation of division and then went on to define the very

formation of villages as collective actors in the mid 19th and early 20th century. The 1995 trial was only the latest installment in an epic battle that carried these three villages through numerous court battles after 1860 as well as literal fights waged on mountain pastures with clubs and axes.⁸⁹

While the very longevity of debt in such cases deserves in-depth investigation, my aim here is to inquire rather into its analytical genealogy. By this I mean the practical cognitive processes that establish forms of commensuration and supply the conditions of possibility for transactional regimes. More precisely, I look at how specific calculation devices, such as the performance of mathematical proportionality in the context of communal property division, affect the formulation of ownership relations (Verran 2000; 2012) and participate in the constitution of “transactional memory” (Guyer 2004: 20). To do so, I begin a historical incursion into the division and allocation operations that motivated, and ultimately settled, the contemporary boundary conflicts mentioned above.

The forms and procedures of division in the commons were from the first intricately tied to the institution of state taxation. Beginning in the 17th century, the Moldavian state tax (*birul*) was administered in money and allocated according to the relative size of a village and its number of tax payers. However, in the case of Vrancea the tax was not levied by villages, but by the entire region, which was collectively liable for payment. “The basic fiscal unit was not the village, but the entire Vrancea, considered as a single fiscal unit” (Stahl 1958: 147). It was the job of the Vranceans to decide how to allocate the flat amount of the regional tax to each village

⁸⁹ Basically everyone in Nereju, the old and the young, seems to know and tell with much gusto the same story from the late 1920s when the Nerejeni caught a group of villagers from Spulber within the contested forest territory, tied them up and kept them locked “like cattle” in the market enclosure for livestock until they agreed to give up their claim.

— a fiscal prerogative that reflected other similar administrative and judiciary privileges of Vrancea as a quasi-autonomous “border region.”⁹⁰ This prerogative could alternatively be taken as the efficient response of a state faced with a developed “local market” (Polanyi 1957 [1944]) that already required numerical knowledge of assets and prices. Within the region’s pastoral economy, there had already emerged a series of methods of commensuration and distribution that presupposed a certain level of numeracy and even mathematical virtuosity. Rather than numeracy and quantitative habits being exclusively instilled in a top-down process by state functionaries, it was the state instead that took advantage of, and reflected in its form of taxation, the local distributive *savoir-faire* with regard to the management and allocation of common resources (Ardant 1975: 176-92; Tilly 1992: 87-91; Emigh 2002).

The allocation of the regional tax was performed through a process called “aruncatoarea birului” (tax division). As a technique, *aruncatoarea* (throw, cast) was used in various other circumstances that required the temporary or permanent division and distribution of indivisible objects. For instance, when the previously indivisible property of a deceased parent became subject to inheritance, it was “thrown” to four sons and daughters (Sava 1929); likewise, the communal hayfields of a village were temporarily “thrown” in division for the time of the spring pasture only to revert back to indivisibility after haymaking; finally, the cheese produced in the communal mountain sheepfolds was “thrown” to all the villagers who had sent their sheep to pasture under the supervision of a master shepherd (Diaconu 1930).

⁹⁰ In contrast to other administrative units in the Moldavian Principality, Vrancea still had its own *vornic* (administrator/steward appointed by the prince) in the early 19th century. The position of Vrancea’s *vornic* cumulated civil attributes (administrative, juridical, fiscal) with military ones, bypassing thus the increasingly complex and specialized chain of state governance (Negruți-Munteanu 1965: 376-7, Sava 1934). Even as a market, 18th and early 19th century Vrancea had instituted a regime of transactions in which it presented itself as a collective actor (for instance, by appointing a single trader in charge of all commerce with the lowlands).

This form of proportional division required the ability to count, to keep records of such counts and to make a series of mathematical operations. In the case of tax distribution, it also implied relatively complex forms of commensuration, allowing the calculation of each village tax share according to pastoral revenues, which depended in turn upon the forms and degrees of mountain usage (*aruncatoarea birului pe munti*). Thus, each village had to pay a share of the tax that was proportional to its mountain revenue. Once the first recorded division of Vrancea's mountain commons was performed in 1755, this principle was turned on its head, reversing the already established equivalence relation of money to mountains: the mountains were distributed according to the tax shares (*aruncatoarea muntilor pe bir*). By this procedure, the right of a village unit to participate in the mountain commons became dependent on the share of their contribution to the expenses of the regional community. This moment marked a significant change in the regional regime of ownership: *devalmasia* as the communal and free usage of an indivisible regional territory unmarked by boundaries — what Henri Stahl (1939) calls “absolute joint ownership” — turned into a proportional system based on the monetary criterion of the village tax. Each village became the communal proprietor of particular mountains, even though boundary conflicts or future divisions could only be arbitrated and/or performed by the regional body of the Great Council of Vrancea.⁹¹ In this sense, the scope of the commons was progressively restricted: from the regional level to the village level, and, in some cases, even at the level of hamlets.

⁹¹ According to Henri Stahl (1939; 1956-63), all internal and external conflicts (especially boundary conflicts with neighboring monasteries, noblemen's estates) were regulated by the Great Council of Vrancea, a temporary meeting of delegates – notables and priests – from all the village communities in the region. Until 1840, this Great Council functioned as a sort of representative organ of all the village communities, regulating all the important internal administrative affairs. The Council decided the rhythm of pastoral life (the time when sheep herds had to ascend to or descend from the mountains), the forest parcels that were to be kept as “reserves” for natural reforestation, and, more importantly, the calculation and collection of the state tax that was allocated as a global sum for the entire region (see also Harnea 1930).

As the initial division in 1755 established a pattern for the subsequent ones, it is worthwhile discussing its technique in detail. Following complaints from some of the villages that claimed, in an egalitarian vein, that previous tax distributions had become unfair in relation to usage arrangements (“only some of the Vranceans master some of the mountains, while some villages master nothing” and “all the mountains belong to all the Vranceans from all the villages of Vrancea”), the Moldavian Prince Matei Ghica dispatched two boyars to assist in the division of Vrancea’s mountains. The boyars reported as follows:

“we gathered all the people from all the villages and made a list of how many mountains there are. The mountains, being hard places, we couldn’t measure them in any way, and so we reckoned the revenue of the mountains per year, for each of them the sum of the sale and the size of each and so, verifying the sale and revenue of each mountain, we reckoned and found Lei 240 the revenue of all these mountains. We then searched the tax of the villages, how much they pay per quarter and we found 645 Lei. And we divided the mountains with their price and we reckoned 45 Bani per 1 Leu and so we gave each village its share, to each according to their money, so that each village may know its mountain and where it has mastery (...)” (Sava 1931: 17, document no. 26).

The division operation is remarkable in its degree of abstractness, presupposing already the role of money as medium *and* unit of measure as well as a series of correspondences established between mountain money and tax money. The first step was the inventory of the mountains, which, nonetheless, could not be actually measured. While the art of surveying was highly developed at the time for the flat surfaces of the lowlands, there were no easily accessible methods to take height into account in the calculation of surfaces (Ivaniuc 2003). Sixty years later when the Moldavian Prince actually ordered “a general measurement and division in Vrancea, of both the village and mountain boundaries,” the Vranceans refused it as too costly and time consuming and chose instead to follow their own method of proportional division. By this method, mountains were valued according to the yearly price paid by the Transylvanian or Moldavian shepherds who regularly leased pastures in Vrancea (Veress 1927). For the mountains not previously leased, a similar value was estimated depending on their size.

Clearly, these estimations were approximate and highly indexical; they could not stand scrutiny as standard forms of measurement or even accounting. Their point was rather that they were achieved and approved collaboratively in the meeting of all village delegates and could not be altered unless a new communal reckoning took place. In this respect, it was actually crucial that such valuations could not be standardized: “the price of the mountains” was always relative to a register of pastoral practices (such as the leasing of grazing rights), weather conditions that affected the timing and quality of pasture, and most of all, the local border politics with the Austro-Hungarian neighbors.⁹² More to the point, the price made sense only within the division operation and only as the element of a regional articulation of proportions. Ultimately, this price was a numerical effect of the very methods of distribution that it facilitated and its importance was intrinsically tied to the possibility of numerical expression. It was a number manufactured on the spot for an ad hoc relevancy. While it certainly wasn’t the case that any number would do, this particular number would do only in *this* context and for the purposes of *this* division. As such, the price of the mountains was a “situationally organized phenomenon” (Garfinkel 1962; Sudnow 1967; Lynch 1991), temporarily composed and modified by an assemblage of villagers’ actions mediated by and expressed in the numerical work of division.

Returning to the operation itself, the mountain price was then divided by the global amount of village taxes, in a reversal of the previous tax distribution processes. As a longstanding and widely popular method for solving proportions (Swetz 1987: 224-232), the rule of three was eminently suitable for this type of calculus. Indeed, a Moldavian mathematics

⁹² Vrancea was a terrain of recurrent border conflicts in the 18th century (the border between the Moldavian Principality and the Habsburg Empire shifted several times in the second half of the century), a fact that continuously changed the number of mountains available for redistribution in the regional commons together with other deleterious effects on pastoral economy and transhumance (Ionascu 1957, Veress 1927). Among others, these border shifts played havoc with claims of mountain ownership, resulting in persistent conflicts between the communities facing each other across the border; in the case of Obstea Tulnici (Vrancea) versus Ojdula and Bretcu (Covasna, formerly part of the Habsburg Empire), the acrimonious fight over the mountain Macradeul was settled only in the early 2000s, after centuries of physical and legal battles. ANVN, F548 Obstea Tulnici, file 1/1928.

textbook from 1821 describes it as “the golden rule, because it is mightily useful in the life of the *obstea*” (Ionescu [1930] 2008: 70). Briefly, the rule says that if you know three numbers a , b , and c , and want to find d such that $a/b = c/d$ (that is, the relations between the two pairs are proportionally equivalent), then $d = cb/a$. Hence, if 240 Lei mountain is allocated for 645 Lei tax, how many Lei mountain will be allocated for 1 Leu tax? In this case, $240/645 = 0.45/1$.⁹³ One could then apply the rule of three for each village or simply multiply the sum of each village tax by the ratio (0.45) so that each share of the mountain ends up directly proportional to each share of the tax.

The 1755 division document records the form and steps of an already completed operation; it is a retrospective account of the division process and, as such, erases the actual work that went into obtaining these numbers and thereby compelling them to come into proportional agreement. In this sense, it would be a mistake to treat the story of mountain division as a mere disguise for mathematical relations. While the form of division is shaped by its mathematical expression, mathematical relations too are shaped by the requirements of division.⁹⁴ This becomes immediately apparent with the adjustments that follow the main calculation. As soon as the constant ratio of the proportional relation was obtained, the villagers proceeded to tweak it in those cases that made manifest the need for a just (that is, geometrically proportional) distribution. In effect, what took place was a new division motivated this time by the features of

⁹³ The calculation makes little sense when based on a decimal system (the result is 0.37 rather than 0.45). Nonetheless, it is correct. The Romanian currency *Leu* was at the time divided into 40 *parale* which were further divided into 120 *bani*. Converting this duodecimal currency system into the decimal, one obtains the following proportions: $240/645 = 1.2/0.446$ (the last, reasonably rounded to 0.45).

⁹⁴ From the perspective of practical cognition, this mutual shaping is only to be expected. Just like any other kind of formal reasoning in naturally occurring settings, mathematics becomes context specific. A classic illustration in this sense is Jean Lave’s (1988: 97-199) study of the practical uses of math in grocery shopping. The process of mathematical calculation responds to the particular setting of the supermarket, so that shoppers “organize quantitative relations to fit the issues and concerns of buying food” (Lave 1988: 99). Helen Verran (2001) offers similar insights with respect to the teaching of arithmetic in Yoruba classrooms, while Ferreira (1997) illustrates Lave’s point about the social shaping (and even stretching) of arithmetics in the context of gift and market exchanges in Xingu Indian Park (central Brazil).

the mountains as concrete entities (with enough high and low meadows, water access, etc.) and the needs of specific villages:

“They all accepted this division and decision, only some villages complained that they didn’t have place for forage (*loc de hrana*) like other villages, but less and narrower, and other villages confessed too, and we also saw that some villages have narrower places. And for this reason we made a new reckoning together with all the Vranceans and we took mountains from some villages that had more place in Vrancea and we gave to those villages that had less place, as follows: to the village Valea Cozii we gave a mountain of Lei 11 above and beyond their share, to the village Poiana we gave a mountain of Lei 12 and to the village Barsesti, we gave a mountain of 2 Lei and 4 parale and so they all agreed and we divided their mountains in this manner (...)” (Sava 1931: 17, document no. 26).

This new reckoning rectified the division obtained by mathematical calculation, without overturning any of the proportional relations. Five villages received mountains that exceeded their shares, creating thus a series of debits and credits which were then redistributed to the villages whose share came up short in the accounting.⁹⁵ This new division, encapsulated in the original one, managed in effect to modify the tax shares of ten villages out of the total fifteen that were involved: the five villages which obtained a mountain share larger than their tax share would henceforth pay larger taxes too, while the other five would pay less. The first proportional calculus based on pre-existent tax shares (calculated according to mountain usage) had confirmed rather than repaired the imbalance reclaimed by some of the villages. Consequently, it was corrected in the ten cases according to more egalitarian criteria, ensuring that all villages would have enough and adequate mountain space for their population requirements.

In this context, comparative measurement terms such as “more,” “less,” or “narrower” indexed both the growth of some villages in contrast to others and the composition of the mountains they were using. This became clearer in subsequent divisions like the one in 1777 that

⁹⁵ For instance, the village Poiana got four mountains worth 40 Lei, while its share had been calculated at 36 Lei minus 5 Parale. The debit — 4 Lei and 5 Parale — was distributed as credit to three other villages: Valea Sarii got 3 Lei, Voloscani got 1 Leu and Sacatura got 3 Parale.

distinguished between ‘munte’ (mountain with high alpine meadows) and ‘frunza’ (mountain with lower pastures and river access) and ensured that each village got at least one of each. Thus, mountains were apprehended both quantitatively and qualitatively. Likewise, a new division in 1817 acknowledged explicitly the changing evolution of Vrancea’s villages even while keeping firmly to the proportional monetary criterion: “some villages have grown and multiplied into two or three hamlets while others have shrunk; and so we couldn’t give them mountains according to past conditions but according to present ones and most of all according to the expenses of each village” (Constantinescu-Mircesti and Stahl 1929: 116, document no. 69).

The process of division was sensitive to all these varying circumstances, ensuring that the end result was a just distribution and not necessarily a mathematically correct one. Mathematics (the calculus of proportions, the rule of three) was not treated as an immutable reality, but more as a flexible, context-specific device. True, this mathematics had itself emerged within a variety of common distributive settings and local knowledge practices, rather than being learned in school as a set of normative and incorrigible propositions. As Melvin Pollner (1974) argues in his study of mundane reasoning and puzzle-solving, the (in)corrigibility of practices such as mathematics or oracle divination is a matter of “artful accomplishment” through the production of accounts that continually reconcile the discrepancies between formal propositions and observed events. To a great extent, the culturally acknowledged value of mathematics derives precisely from the strong supposition of its incorrigibility and universality, obscuring the continual social accomplishment that goes into making it so. Pollner (1974, citing Gaskings) makes this clear:

“An incorrigible proposition is one which you would never admit to be false *whatever* happens: it therefore does not tell you *what* happens (...). The truth of an incorrigible proposition is compatible with any and every conceivable state of affairs. For example: whatever is your experience on counting, it is still true that $7+5=12$. If such a proposition

tells you nothing about the world, what then is the point of it – what does it do? I think that in a sense it is true to say that it prescribes what you are to *say* – it tells you *how to describe* certain happenings. Thus the proposition “ $7+5=12$ ” does not tell you that on counting $7+5$ you will not get 11. (This, as we have seen, is sometimes false, for you sometimes do get 11.) But it does *lay it down*, so to speak, that if on counting $7+5$ you do get 11, you are to describe what has happened in some such way as this: *Either* “I have made a mistake in my counting” *or* “Someone has played a practical joke (...)” (Gaskings 1965: 142-3, cited in Pollner 1974:44).

The Vranceans, though, lay no such claims of incorrigibility for their mathematical methods.

There were no “wrong” results that had to be explained away; instead there were sequences of calculations that progressively repaired previous results until all the participants were satisfied that they had reached a just distribution. This activity of repair was a crucial feature of division processes that had to contend with changing historical circumstances and the conflicting claims of some villages. In addition, the mathematical form of these processes — a series of nested proportional relations — allowed for iteration and transformation.

That the participants to division had a complex understanding of proportionality is vividly portrayed in the next fully recorded mountain distribution of 1817. The technique of division was the same (that is, *aruncatoarea*), but for the first time it was explicitly acknowledged and even explained as a proportional calculation. The critical term here was *analoghia*, from the Greek *analogia*, that is, mathematical proportion: “the mountain money was divided proportionally to the expense money (*s-au analoghisit banii muntilor pe banii cheltuielii*)” (Constantinescu-Mircesti and Stahl 1929: 116, document no. 69) or “we distributed the money of each village according to their expenses, that is, proportional (*analog*) to the expense” (Constantinescu-Mircesti and Stahl 1929: 117-8, document no. 70). The same year, after a complaint by one village dissatisfied with the share it had obtained, a new document of agreement explained the whole process anew and in detail, and concluded by establishing the

identity between proportionality and justice: “we divided (*analoghisit*) the mountains justly (*drept*)” (Constantinescu-Mircesti and Stahl 1929: 122-3, document no. 72).

Analogy was indeed a felicitous term for the description of the division process. On the one hand, it conveyed the specificity of the cognitive operation by means of which mountains and villages were brought into an identity of relation. In a narrow sense, this represented an inferential argument from one particular to another, both of which were translated to a common monetary denominator. But, as I argued above, the analogy of “mountain money” to “tax money” (and later, juridical expenses money) was a form of commensuration that combined quantitative and qualitative attributes. Moreover, the numerical attributes were not taken as essential givens of the objects they described. Numbers were manufactured ad hoc and successively corrected until they came to reflect a state of affairs that had motivated their production in the first place. What made the analogy possible wasn’t necessarily the universality and objectivity of money as a harbinger of commensuration (Esplend and Stevens 1998), but rather the versatility of numbers and techniques of calculation (Guyer 2010). “Mountain money” and “tax money” were first of all *numbers* that could be added, subtracted, multiplied and divided – in short, they could be manipulated to effect the analogical transfer of information from one particular to another as well as the concrete transfer of territory.

On the other hand, analogy defined the form and the purpose of division: that of proportionality, and implicitly, justice. The relation between Vrancea as a unitary, indivisible whole and its village parts took shape through the very calculation of proportion. The definition of such part-whole relations was inherent in the operation of communal ownership, be it at a regional or later at a village level. The just division of ownership among parts was, as Aristotle would put it, an effect of proportionality. I’m referring here to Aristotle’s highly influential

understanding of justice in mathematical terms: “The just, then, is a species of the proportionate (proportion being not a property only of the kind of number which consists of abstract units, but of number in general)” (McKeon 1940: 1131). Distributive justice, in particular, was concerned with the achievement of equilibrium and the establishment of equivalences by means of geometric proportionality: in the distribution of common goods, greater service received proportionally greater reward. Aristotle insisted on a geometrical rather than arithmetical equivalence, because distributive justice was always unequal.⁹⁶

While I do not claim that Vranceans of the 18th and early 19th century were familiar with Aristotelian ethics, their division practices did indeed start out as attempts to achieve justice by manipulating the relations between subjects and objects according to mathematical principles of proportion. The mountain division acts realized distributive justice by means of geometrical proportion: larger villages with larger tax shares received more mountains. Likewise for the part-whole relation: each such correspondence between village part and mountain part was equivalent to the correspondence between Vrancea’s villages as a whole and Vrancea’s mountains as a whole. This analogy or identity of relation — the regional human whole was to its natural whole as each village was to its mountain — was so thoroughly accomplished in the division practices that not even the political or juridical realignments of Vrancea’s modern history could shake it apart.

⁹⁶ Joel Kaye (1998: 37-78) gives a lucid exposition of the role of Aristotelian ethics in the context of emergent medieval market exchange. In particular, he argues that Aristotle’s highly mathematical conceptualization of justice provided medieval economists with a useful geometric model of exchange that could be adapted to the processual rather than static understanding of the relation between economy and nature. Aristotle’s emphasis on the proportional, that is, geometric equivalence made sense of constantly expanding and contracting market values. As a side note, Kaye (1998: 41) clarifies Aristotle’s use of this term: “Aristotle calls the form of proportionality governing distributive justice “geometric” because that is the term mathematicians give to ratios in which the whole is to the whole as either part is to the corresponding part.” In contrast, “arithmetical equivalence would entail all receiving a numerically equal reward.”

The very notion of analogy became central in 1817 after what was probably Vrancea's most intense and notorious ownership conflict. The new division was occasioned by the sheer threat of dispossession: in 1801, the Phanariot prince of Moldavia, Constantin Ipsilanti, had given "the estate of Vrancea" as a donation to boyar Iordache Rosetti Roznovanu, assuming that Vrancea was "royal land" (*pamint domnesc*) and thus free of any previous proprietary attachments (Constantinescu-Mircesti and Dragomirescu 1965). By this donation, the free peasants of Vrancea became serfs of the boyar Roznovanu and lost whatever measure of juridical or fiscal autonomy they had. The Great Council of Vrancea convened immediately and delegated three representatives to the royal court to contest this donation, which they saw as an "usurpation" of their ancestral rights. The trial, which is poetically invoked in numerous legends as "the great fire," lasted for more than a decade and required the mobilization of a great deal of resources (evidentiary, but also monetary) on the part of Vrancea's commoners.⁹⁷ The Council levied its own taxes, instituted communal sheepfolds that produced cheese for sale and borrowed money extensively in order to meet the expenses of the court case as well as those of its delegation to the Moldavian capital, which at one time amounted to "eight hundred men with their horses" (Constantinescu-Mircesti and Stahl 1929: 89, document no. 54). An accounting document drawn up after the trial totaled these expenses to the exorbitant sum of Lei 78,713 — approximately four times the yearly revenue of the entire region (Constantinescu-Mircesti and Stahl 1929: 91, document no. 55). Finally, in 1814, the new prince, Scarlat Callimachi, recognized the claim of the villagers and re-affirmed their ancestral rights of ownership over the region, reinforcing at the same time their status as "free peasants" (*razesi*) within the predominantly enserfed peasant population of Moldavia.

⁹⁷ ANR, A.N. F91 Roznovanu, file CCXLV/24 (1817).

The 1817 division of the mountains took thus as a criterion the monetary share that each village had contributed to the “expenses of Vrancea” in the lawsuit against boyar Roznovanu, and the mountains were “thrown” again:

“We, all the villages in Vrancea, put our names and fingers on this document so that it may be known that we gathered by ourselves (*noi in de noi*) at a place in the middle of Vrancea at the village Valea-Sarii. And there we made council together with the priests and we divided the mountains of Vrancea. From the ancient times, our ancestors had taken their sheep to pasture in the mountains that were divided according to the tax money. But now all the villages have reckoned that we must divide the mountains according to the expenses that we made when we reclaimed the patrimony (*mosia*) of Vrancea (...). So, we distributed the money of each village according to their expenses, that is, proportional (*analog*) to the expense” (Constantinescu-Mircesti and Stahl 1929: 117-8, document no. 70).⁹⁸

Revisited in 1840 for the final time, this regional calculation of juridical expenses constitutes the basis for contemporary ownership arrangements among Vrancea’s villages. Likewise, the debt relations articulated at the time are at the core of the competing claims I discussed at the beginning of this section. However, the partial records of these transactions have, in time, been translated into new categories. In the case of the three villages at war over the same stretch of communal forest, the proportional relations previously formulated according to monetary criteria are now understood also as the result of a genealogical calculation: the oldest village (Nereju) is entitled to “two ancestors” whereas the other younger villages have “one ancestor” each. Interestingly enough, the “ancestor” as a unit of measure corresponds exactly to the shares

⁹⁸ A month later, a receipt was drawn up for each village, outlining in detail the manner of the division: “The most respected of village officials and priests from all the villages of Vrancea gathered to reckon and to decide the division of the mountains, that is, how to distribute the 14 boundaries of Vrancea. First, they distributed (*aruncatoarea*) the money they expended with the trials until they regained mastery of the patrimony taken by the treasurer Iordache Roset [alternative transcription of Iordache Rosetti Roznovanu’s name] and according to the condition of each mountain and village, they decided how to distribute the money. Then, according to the amounts of money allocated to each village after its condition, they put a price on the mountains, each after its condition and size. And the mountain money was divided proportionally to the expense money (*s-au analoghisit banii muntilor pe banii cheltuielii*). Each village received mountains proportionate to the amount of money they gave for the expenses. (...) The villages had mountains from before, divided under their mastery according to the condition of each village. But since then, some villages have grown and multiplied into two or three hamlets while others have shrunk; and so we couldn’t give them mountains according to past conditions but according to present ones and most of all according to the expenses of each village” (Constantinescu-Mircesti and Stahl 1929: 116, document no. 69).

allocated in the mid-19th century: in effect, an ancestor represents a quarter of the territory (so that the village with the largest contribution to juridical expenses in 1817 is entitled to two quarters). Despite the substitution of monetary shares by alleged genealogical ones, the numerical relations of proportionality display a remarkable degree of resilience. Reading Helen Verran's work on Yoruba arithmetic (2001), Jane Guyer (2004:95) notes the following about the persistence of numerical expressions: "Numbering as embedded in any transaction is a 'punctuation point,' a temporary 'clot' generated by and dissolving back into 'a set of routine and repetitious practices' that are never erased". I take this representation of numbers as agents of reversible coagulation as a particularly suggestive way of understanding the mnemonic and yet versatile role of mathematics in the articulation of distributive politics in the commons.

Counting sawmills, 1890

The commerce in rights in Paulesti, just as in Nereju (see chapter 2), depended on the actions of influential local notables such as the brothers Botezatu or Nica Macovei, who mediated between the villagers and the logging companies. Contemporary accounts reviled these middlemen as "traitors" (*cozi de topor*, literally "axe handles") or unscrupulous profiteers who took advantage of the locals' ignorance and persuaded them to dispose of their forests at ridiculously low prices. Recasting ambivalence as opportunity, I choose to regard them as agents of codification, standardization and commodification, rather than as individuals solely motivated by the desire for profit. Just like fixers in other historical contexts, they combined flexibility with "restless energy", "parochial self-interest" with a capacity to navigate and frequently work across different fields of power (Jeffrey, Philliou, Rogers and Shryock 2011), all the while crafting connections with villagers, administrative officials, magistrates, lumber merchants and the agents

of international logging corporations. These middlemen represented a set of practices of conversion that relied on an increasingly complex register of legal, commercial, and technical devices. In an ethnomethodological sense, the unit of investigation here is not the middleman as individual trader or tavern owner, but the assemblage of conversions which constitute the “members” of these communities of action (Garfinkel 1967).

In 1890, Obstea Paulesti represented by four delegates (authorized by mandate) sued the three brothers Necula, Vasile and Tudorache Botezatu from the village Paulesti in order “to reclaim the mountain Novesele and to claim the damages caused by them to the interests of the Obstea Paulesti by their establishment of sawmills and arbitrary cutting of this Mountain.”⁹⁹ The delegates asked that the mountain be put under juridical sequester, the sawmills stopped and any exploitation forbidden until the matter would be decided in court — all in the name of the common mastery (*stapinirea devalmasa*) of the Obstea.

The Tribunal, ignoring the significance of the communal claim and the role of the Obstea as a juridical (and, implicitly, moral) person, is at a loss: how are they to understand this proprietary claim stated in terms of sawmills? Is it an actual infringement of property rights or merely a feud between two groups of villagers? On the back of the petition signed by the four delegates of the Obstea, a clerk of the court scribbled some questions in confusion, crossing out words and rephrasing them repeatedly:

“to be ascertained whether the accused are the only owners of the mountain Novesele, whether only they have sawmills on that mountain for the exploitation of forests or maybe the petitioners have sawmills too, how many sawmills do the accused have and how many the petitioners and when were they built; how much can one exploit with a sawmill per year and how much forest has the accused Botezatu cut so far.”¹⁰⁰

⁹⁹ ANVN, F20 Tribunal Putna, file 1891-8, p. 1.

¹⁰⁰ ANVN, F20 Tribunal Putna, file 1891-8, p. 3.

The register of matters to be investigated is a quantitative one, stated in terms of the number and output of sawmills and suggesting that the court understood the claim as evidence of a conflict between competing entrepreneurs. In fact, little is attempted in the way of investigation, especially since two years later, the parties reconciled by agreement and gave up any claims one against the other.¹⁰¹

Were it not for the copious narratives that the mere mention of the Botezatu family provokes even nowadays in Paulesti, the documents relating to this case might easily go unnoticed. Passed down from grandparents, such stories turn the Botezatus into a fearsome clan of exploiters, natural born traders, dishonest dealers and, generally speaking, smart-alecks. Underlying each and every one of these stories is the forceful and pejorative identification of the Botezatus as Jews (*jidani*) who moved to Paulesti sometime around 1850 and converted to Christianity (hence the name Botezatu, that is, christened). They came into the area as itinerant traders, selling cloth, beads and other ornaments and decided to settle because “they couldn’t face the competition of other Jewish traders in Focsani” or, put more resentfully, because “they had finally found a village of fools.”¹⁰² With the advantage of literacy and commercial experience, they soon took over key positions in the village: mayor’s assistant, notary, mayor and later, president of the *Obstea*.¹⁰³ More importantly, they also managed to get rich off the forest.

In the retrospective telling of today’s villagers, the conflicting claims of 1890 take the shape of an outright war waged by the village against a kin group who not only carried the taint of religious otherness, but were, more importantly, newcomers whose ties outside Vrancea raised

¹⁰¹ ANVN, F20 Tribunal Putna, file 1891-8, p. 11.

¹⁰² Interviews C.C., N.E., I.B., Paulesti, 2007.

¹⁰³ ANVN, F514 Naruja Courthouse, Obstea Paulesti file 1923-56, p. 612, 646; file 1924-1, p. 32. See also Neagu 2007.

suspicion. That such shifty outsiders proved to be also proficient at cultivating dependency in the village turned them into objects of equal deference and loathing. Local indebtedness was key to the Botezatus inroads into the forest commons. Writing in 1869 about the state of property and agriculture in Putna County (which included Vrancea at the time), the agricultural reformer Ion Ionescu dela Brad (1869: 360) made the following notes about the village of Tulnici, situated right next to Paulesti: “There was here a Jew called Haimu Hersicu who made his way into the wilds of these mountains and now owns two sawmills together with the forest necessary for their operation. It is said he came to own them after they were pawned.” This ownership trajectory — sawmills pledged as security for the payment of loans — seems very probable for Paulesti too, where indebtedness was a persistent problem.¹⁰⁴

The three Botezatu brothers managed to take over the water-powered sawmills on Novesele and then chased away the rest of the villagers at the end of a whip. Their claim extended over not only the technical devices themselves, but also the nearby forest territories which supplied them with timber, constituting thus a dangerous encroachment onto the Obstea’s common mastery over forests. Reacting just as violently as they did against similar attempts at enclosure (such as on the village common grazing land), the villagers fought back by suing the Botezatus in court, but also literally by setting a sawmill on fire. One of my interlocutors from Paulesti emphasized the role of his grandfather, who had at that time come back to the village after working as an administrator on the estate of a boyar in the lowlands.¹⁰⁵ He had money, schooling and experience and together with three other local notables organized the offensive

¹⁰⁴ The same writer (1869: 361) lamented the circumstances of Paulesti where “the inhabitants are so indebted that they are sunk in debts.” He also noted a constant pattern of temporary migration of Vranceans towards the lowlands where they hired themselves out as agricultural workers during spring and summer in exchange for payment in cereals (given that the local impossibility of cultivating corn and wheat was one of the main reasons for indebtedness).

¹⁰⁵ C.C. interview, Paulesti, 2007.

against the Botezatu interlopers. The war took on biblical proportions: his grandfather's tavern and hay stack were burnt down, his pair of oxen was killed with sulfuric acid poured down their throats and his pregnant wife was poisoned. In turn, the Botezatus were temporarily, but violently, driven away from the village. The reconciliation came about in an equally biblical manner: one of the Botezatu girls married the son of the most powerful family in the village. Given the newly established kin relations, the newcomers were allowed to keep only one sawmill, while the rest presumably reverted to a previous pattern of usage.

From its very beginning the conflict revolved around the establishment and “arbitrary” operation of sawmills, justifying in part the Court's insistence on a quantitative approach, focused on their number and output. However, water-powered sawmills can hardly be understood outside the assemblage of technological devices, forest environments, transportation and commercial networks, observable events and social relationships that make up a distinctive field of action in which members together achieve a mutually intelligible order (Garfinkel 1967; Ingold 2000). To a great extent, the intelligibility of sawmill-based forestry practices relied on finely-tuned practices of association and rotation that complicated the apparently simple operations of enumeration and measurement. In this sense, sawmills are better viewed as a taskscape (Ingold 2000: 195-200) that emerged out of an array of interlocking forestry practices and interactions and built up its own sociality and rhythm. The social category of commoner (*devalmas*) was topically bound to actions within this taskscape or phenomenal field and had little sense as a form of juridical entitlement.

Water-powered sawmills were often built and operated in association by groups of kin, neighbors or friends. The capture of river water (building a stone barrage and a wooden channel) and the construction of the mill structure with the necessary pieces (water wheel, saw web,

chains, etc.) was an expensive and difficult effort. Few people could afford by themselves the capital and labor required for such an investment, especially in the late 19th century. The practice of association was also a response to the scarcity of ideal sawmill locations, from the point of view of both the river debit and the distance from the forest (as well as the state of forest paths for logs). From its very inception as a formal structure in 1921, Obstea Paulesti specified in its statute that no sawmill could be operated by fewer than five people in association.¹⁰⁶ In part, this threshold was meant to put a limit on the number of sawmills and thus on the exploitation of the forest. But it also reflected longstanding practices of association that ensured a measure of fairness in the operation of sawmills as well as allowing for more widespread access to the forest as a source of marketable lumber. In practice, wealthier individuals could and did build their own sawmills, which they largely rented out to the rest of the villagers. Most commonly, sawmills had two to five associates and only rarely more than five.¹⁰⁷ Regardless of the association structure, the ownership of sawmills was theoretically limited to the devices themselves and never extended to the land on which they were built — this land remained the common property of the Obstea and could be revoked at any time.

Sawmills operated according to a rotation schedule that was meant to reflect each associate's share of capital and labor invested and that allowed them time to work a marketable quantity of lumber (boards, planks or beams). Given the transportation network at the time, a marketable quantity was equivalent to an ox-driven cart of lumber (roughly one cubic meter)

¹⁰⁶ ANVN, F157 Obstea Paulesti, file 1924-1.

¹⁰⁷ In 1865, Paulesti had 18 sawmills on the Putna river, 20 in 1890, 21 in 1901 and 14 in 1948 (Lahovari 1901, vol. IV: 663; Neagu 2007). In 1937, Nereju had 48 sawmills on the Zabala river: 31 with a single owner, 13 with 2 associates, 3 with 3 associates and only one with 4. 21 other sawmills built before or shortly after WWI were already abandoned in 1937 (Stahl 1939, vol. III: 149). In 1897, there were 150 sawmills in the entire Vrancea region. Nereju sawmills: 10 in 1890s, 5 in 1897 (Lahovari 1901, vol. IV: 496; Canuianu and Candrea 1897).

which would be taken to the nearest town in a week-long round trip.¹⁰⁸ In the meantime, another associate would use the saw mill for two days (the rough output for water-powered sawmills was slightly less than one cubic meter per day). In some cases, one of the associates who didn't own a cart or a good pair of oxen would continuously operate the sawmill, while another would undertake the market trips for both of them. Moreover, the extraction and transport of logs to the sawmill was itself a collaborative practice that required villagers to synchronize their work and travel schedules. It wasn't necessary for the associate owners to work their own lumber: in their share of time, they could rent the sawmill to other villagers and receive a third of all the lumber (in order to obtain the marketable quantity of one cubic meter, a villager would have to bring a meter and a half to the sawmill).¹⁰⁹ For sawmills operated by large associations (5-7 people), profit was rarely an issue, while subsistence was the real goal.

The rotation schedule was taken extremely seriously: it was important that each associate be able to produce enough lumber to convert into corn and other necessities at the market. When the smooth pace of the rotation was overturned, the effects could be as drastic as murder. In the late 1920's, a brother-in-law of one of the Botezatu brothers was murdered by his sawmill associate for precisely such an infraction. Allied to the powerful Botezatu family, the victim felt entitled to a larger share of sawmill time (and hence, to a profit) and proceeded to deny access to his associate for week-long periods. The associate, who had five children to feed, tried to argue and remonstrate, but to no avail. In the end, he grabbed one of the movable pieces of the saw

¹⁰⁸ For Nereju, where the forest is immediately adjacent to the village (just as in Paulesti), Stahl (1939 vol. III: 143-148) calculated in 1937 that it took three days to select, fell and cut into logs the trees in the forest and another two-three days to transport the logs to the sawmill. If a villager started work in the forest on Monday, he had a cart of lumber by Saturday. The following Monday he would leave for the market to return at the end of the week with two sacks of corn (the usual payment for one cubic meter of lumber). Thus, it took two weeks of labor and travel to convert lumber into money and then into corn, the staple cereal.

¹⁰⁹ In 1937, Nereju sawmill operators also asked for a 50 Lei payment per cubic meter, above the third they received in lumber (Stahl 1939, vol. III: 168).

(*mutatorul*) and hit him hard over the head. The murder was quickly discovered by the people working the other sawmills in the same river valley. Given the circumstances and the deceased's clear and unfair infringement of the rotation schedule, the witnesses agreed to report the murder as an accident and the police were never involved.¹¹⁰

The retrospective account of this murder elides in its simplicity the countless adjustments and negotiations that allowed sawmill associations to work in practice. It is not the murder itself that requires explanation, but rather the successful everyday operation of sawmills and “the mutual tuning-in relationships” (Schutz 1951:78) of people who had to collaboratively create and inhabit the same taskscape. Did the number of sawmills matter in this context? Was the magnitude of their output a relevant category, inspiring the accusation of “arbitrary cutting”? Suggestively enough, it is precisely the number that is missing in the 1890 petition of the Obstea Paulesti against the Botezatu brothers, just as similar enumerations are never included in the later documentary records of the Obstea. There was no prohibition on counting sawmills, nor was there any arithmetical difficulty, in artificial contrast to state-produced statistics or the contemporary critiques of forest devastation that took a great interest in the number of sawmills all over Vrancea and the allegedly savage forestry practices of the locals.¹¹¹ There was instead a deep misunderstanding over the nature of the things that had to be counted.

The same principle of indivisibility that made it difficult as well as inadvisable to ultimately divide the forests wrapped the operation of sawmills into a tightly spun web of ownership, usage, and obligation. This is reminiscent of the problems faced by regulatory authorities charged with the counting of cattle herds in the Sahel (Pouillon 1988): the herders

¹¹⁰ N.E. interview, Paulesti, 2007. N.E.'s father was one of the witnesses to the murder.

¹¹¹ See regional forestry report in 1943, ANVN, F230 Obști, file 15/1943, p. 89-93.

refused to enumerate heads of cattle and with good fiscal reasons. But the refusal of counting also reflected their perception of the herd not as a collection of singular objects, but as a structure (Pouillon 1988: 192) wherein different kinds of animals belonged together or not (depending on strength, age, mothers with young and so forth) and not one animal could be ascribed to a single owner, having instead a multiple and changing set of claimants (depending on practices of dowry, inheritance, guardianship, etc.). As Janet Roitman (2005: 89) puts it, “this conceptualization of the amorphous whole in terms of ordered relationships and series of groupings by category is a nonquantitative mode of accounting. Thus the herd (...) is apprehended as a qualitative grouping.” Likewise, the sawmills in question here could hardly be divorced from the pattern of associations and the rhythm of rotations. A sawmill had multiple claimants to rights of different degrees and according to varying interests of usage: the owners who built it were entitled to varied shares of time, the owners’ kin and the workers hired to operate it were also entitled to peripheral rights of usage, villagers who paid in kind or money had a stake in its operation, and finally the Obstea which never renounced communal mastery over the terrains where sawmills were built. For the villagers of Paulesti, these were the things that counted and had to be accounted for.¹¹²

The accounting fell short when the Botezatu brothers disrupted this pattern of ordered relationships. Their actions were arbitrary not because they built more or better sawmills, but because they introduced disassociation and division, denying the access of others to “their” sawmills as well as to the surrounding forested territory. Such infractions need not have been as spectacular as the remembered exclusions at the end of a whip. To begin with, they could have

¹¹² See also Lynch (2006: 101): “Although the numbers produced through counting are amenable to general and stable modes of aggregation, storage, and analysis, just how the numbers are generated involves a highly specific, and sometimes contested, complex of object relations that establish the integrity and accountability of *what* is counted.”

been as small as ignoring the claims of the craftsmen who helped build the sawmill or the workers who operated it. In the end, such actions were cumulatively interpreted as exclusive claims of mastery or dominion (*stapanire*) over the entire mountain.¹¹³ Consequently, the Obstea stepped in and re-asserted communal mastery (*stapanirea devalmasa*), thereby pointing out that the nature of the forest as an indivisible object allowed for transfers of rights but hardly the transfer of ownership.

However, the complications that indivisibility raised for the regime of transfers and conversions were not easily solved. Fifteen years later, the conflicts began anew, spurred by the incursion of logging corporations in the region. On 22 September 1905, part of the Obstea Paulesti (more precisely, 13 villagers) leased the mountain Novesele to Moritz Horn, representative of SARIF, for 20 years and at a price of 2,000 Lei for the purpose of exploiting the forests therein.¹¹⁴ The same day, the Obstea leased the Novesele forest to Luigi Vuerich from Gelencze (Hungary). Two days later, a similar contract lists 65 other villagers as leasing the forest on Novesele to the same Moritz Horn, clearly specifying that the boundaries of the forest were exactly the same as those listed in the Obstea's contract with Luigi Vuerich.¹¹⁵ At the same time, Necula Botezatu draws up a different contract with David Grunstein, proprietor from Focsani. Grunstein had already bought the portions of 8 other villagers from Paulesti, including Necula Botezatu's two sons, two brothers, wife and three daughters and nieces. Acting together, Necula Botezatu and David Grunstein leased the same forest Novesele to Luigi Vuerich.¹¹⁶

¹¹³ Verdery (2004: 177-8) discusses *stapanire* as a vivid and persistent formulation of Romanian property relations that has at its core the idea of dominion or sovereignty, suggesting "effective ownership".

¹¹⁴ ANVN, F20 Tribunal Acte Autentice, file 1905-61, p. 131-132.

¹¹⁵ ANVN, F20 Tribunal Acte Autentice, file 1905-61, p. 139-142.

¹¹⁶ ANVN, F20 Tribunal Acte Autentice, file 1905-61, p. 166-168.

Necula gains 200 Lei, while the rest of 2,900 Lei goes to the middleman David Grunstein. Again, as in the contract with Horn, the forest is the same as that leased to Vuerich.

Through the actions of local (Necula Botezatu and David Grunstein) and international (Mortiz Horn and Luigi Vuerich¹¹⁷) middlemen, the forest Novesele was simultaneously leased by two different corporations: SARIF and Tisita. The Tisita Company (owned by the Hungarian count Armin Mikes) was the other major forestry player in the region until 1921 when its properties were partially confiscated by the state or sold to Romanian forestry companies (Anon. 1922). From the point of view of villagers from Paulesti, the presence of corporations was distant and ambiguous. More precisely, they did not even exist as recognizable, intelligible actors until the interwar period. The new leaseholder of the forest was understood to be “the Italian” (Luigi Vuerich), while the winners were, as always, the middlemen Botezatu. Retrospective accounts discuss the unfolding of a conversion process by means of which villagers’ practices as members of the Obste and participants in a collaborative pattern of forest use turned into abstract “rights” that could be transferred in return for paltry payments in cash. Villagers claim now they were not aware they had a “right” to the forest; what sense of ownership they had was thoroughly enmeshed in a pattern of activity and association that, in fact, made up their everyday life. It seemed strange to them that this life process could be subsumed under the notion of “one right” and signed away to someone else.¹¹⁸ Even now the bewilderment of villagers faced with propositions to sell their rights comes through vividly:

¹¹⁷ Luigi Vuerich was, in fact, an employee of the Tisita Company, a specialist in forestry and explosives who worked with a team of Hungarian, Austrian and Italian workers to build the Tisita narrow-gauge forestry railway, blasting several tunnels through the mountains in the north of Vrancea (including those on the territory of the Obstea Paulesti).

¹¹⁸ Indeed, as the judge Aurel Sava (1931: XXXVI) argued both in court and in his historical investigations, “this pretended individual right to the indivisible property was unknown in Vrancean documents. It had never been made the object of any transaction, nor was it ever mentioned in the testaments that otherwise didn’t neglect even the least valuable object from the testator’s patrimony.” The only recorded exception is an 1850 transaction: a state functionary buys a villager’s “part of the mountain,” a part that is defined by a genealogical unit of measure, that is,

They [the Botezatus] came to someone's gate and asked: 'Do you want to sell the right? Do you want to sell your portion of the forest?' They came at Christmas or Easter when people hardly had enough cornmeal to feed their children; they didn't even have a cask of wine. People were poor and unfortunate and couldn't afford to bring lumber from the forest. So they agreed. The right was worth 100 Lei, but they would give them one *pol* (20 Lei) over the gate and the rest of 80 Lei went into the Jew's pocket.¹¹⁹

Similar transactions would take place in the convivial atmosphere of the tavern (owned by the same Botezatus) over a glass of brandy on the house. Alternatively, the village notary or the rural judge would be brought to the bedside of elderly or ill villagers and the contracts would be completed on the spot. It is unlikely that villagers understood these transactions as forms of permanent or long-term alienation; at best, they treated them as temporary agreements to suspend their everyday forays into the forest and graciously accepted the offer of money. Aurel Sava (1931: XXXVI), a rural judge in interwar Vrancea, argued emphatically in this sense: "The Vrancean sold his right without thinking of the consequences, because he was convinced that nobody could steal his usage of the communally owned mountain, just as nobody could steal his air, water or light." In the interwar period, it was precisely this question of unlimited access that began plaguing the logging companies and led to a different understanding of Obstea membership and rights.

Moreover, most of the villagers seemed to have thought they had made the better deal. The "Italian's" plans to cut the entire forest (including, besides Novesele, the mountains Cristianul, Alunul and Pastarea) came across as ridiculous. "How will they take the forest out? It's impossible! That was a deep, black forest... when you went inside it turned into night! It was inaccessible!"¹²⁰ For villagers who worked several days with their oxen to pull a few logs to

"the elder" (batrinul) (Sava 1931: 216-7). Genealogical divisions such as this operated on the lands circumscribed by the boundary of the village proper and not on the mountains; Sava suggests that the idea of extending this genealogical principle might have occurred to the buyer's son, a jurist.

¹¹⁹ N.E. interview, Paulesti, 2007.

¹²⁰ Interview C.C., Paulesti, 2007.

sawmills, these exploitation plans stirred merriment rather than worry. An employee of the Forestry state service stationed in Vrancea in 1907 reflected upon these very instances of misunderstanding at the intersection of different forms of knowledge and practice: “The Vranceans made a lot of fun at the beginning when foreigners offered to buy their forests; they called them crazy, those who believed that anyone, even a German, could take even one tree out of the bottoms of the Zabala, Putna or Tisita rivers. The foreigners were laughing too at the ignorance of the Vrancean who sold forests worth hundreds of millions for nothing” (Belinschi 1922: 72). Several years later, the villagers caught on to the scale of industrial logging and exclaimed in wonder: “who could have imagined that they could build funiculars over the mountains and reach into the deepest, thickest forest?” This difference in understanding isn’t the result merely of a technological gap, but of a political-economic one too. While Vranceans were familiar with commodified resources (they had been selling modest quantities of lumber in the lowland markets for at least half a century), they had yet no grasp of the scope of a global capitalist market and its voracious consumption of nature: industrial logging committed not just dozens of trees, but entire forests to the marketplace.¹²¹

Indeed, at the beginning of the 20th century, international logging companies like SARIF and Tisita invested in building a comprehensive network of narrow-gauge forestry railways that

¹²¹ Such striking gaps in understanding have been extensively analyzed in the encounter between Native Americans and British colonists in the 17th and 18th centuries. William Cronon (1983) emphasizes precisely the role played by commodification (together with and in the wake of ownership claims) in creating a gulf between the Natives’ and colonists’ attitudes toward ecology and, in particular, the meaning and use of natural resources. Driven by the needs of their growing settlements, but also by the demands of faraway markets for corn and timber, colonists cleared and cut down huge swaths of forest – the scale of such exploitation was incomprehensible to the Natives who failed to grasp the purpose of seemingly endless accumulation. This disparity in ecological and economic stances is not predicated on a putatively pristine communion with nature on the part of Native Americans who managed somehow to leave the environment untouched for centuries (see also Andrews 2014, White 1995). For them, forests were also sites of labor, but shifting agriculture and hunting-gathering activities were geared to an entirely different economy and whatever attempts they later made to adapt and connect autonomously to capitalist markets were squashed on political grounds (Cronon 1983; see also Sider 2003 for a complementary historical analysis in the case of Newfoundland fisheries).

crisscrossed Vrancea's mountains and linked with the major railways in Moldavia and Austria-Hungary (Turnock 1990). The forest exploitation areas of the two corporations were slightly different: SARIF operated in the South of the region transporting timber over the border to Comandau (Austro-Hungarian territory), while Tisita was based in the North and its transportation network was geared towards the industrial sawmills in Bacau, the neighboring county. Both of them built in Vrancea the most extensive forestry railway network in the country, equipped with funiculars, tunnels and ingenious inclined planes that traversed the Carpathian Mountains (Turnock 1990; Hufnagel 2002). Their apparently conflicting leases over the mountain Novesele were probably a way of ensuring cooperation in the matter of transportation: due to natural obstacles, it was sometimes easier and cheaper for SARIF to carry timber over the mountains even though the distance to Tisita's sawmills might have been smaller. Industrial logging brought not just the wondrous funiculars that seemed to fly over the mountains, but also teams of foreign workers with new logging techniques and tools as well as new leisure practices, changing in the process local understandings of speed, rhythm and distance, accessibility, and commensuration. A villager from Nereju interviewed by Henri Stahl in the 1930s recalled the exciting atmosphere at the logging sites built by foreign companies:

It was a great wonder! You could go all the way to Comandau, return home to die and never see what was happening on the ground. (...) There were many workers: some stripped the bark off trees, others the branches, and others cut the trees down. There were cabarets and canteens all along the Zabala river. On Sundays there were girls at the Chinu brook, there was drinking and singing just like in town. The Vranceans caught the devil there! (Toader Beteringhe, cited in Stahl 1939: 140).

In contrast, the memories of villagers from Paulesti reflect resentment at the presence of foreign workers: both the foreign nationals and the workers brought from villages outside Vrancea were included in this category. Such extra-local workers earned better pay and food, had more efficient tools and prided themselves on superior craftsmanship.

It is interesting, though, that the resentment as well as the realization of the magnitude of industrial logging are timed relatively precisely with the return of a younger generation from the war or the army after 1918. The young men who returned to the village after having experienced a little of the outside world were poor and yet energetic and demanding. They were quick to notice disparities in wealth and possibilities and were better prepared to evaluate the consequences of industrial logging operations, more precisely, the disappearance of the forests to which they felt entitled for their livelihood. They commented, criticized and brawled in public, despite the attempts of the middlemen Botezatu to appease them with small gifts of cigarettes, brandy or money. In a tumultuous summer (around 1922-1923) they sabotaged the company's railways so that the wagons would run off the rails. They went in groups of fifty, armed with clubs and axes, and beat up the company's workers, chased them off the mountain and burned their living huts and canteens. In a replay of the 1890 conflicts, these angry youths then turned upon the locals who had profited off the sale of forests, threatening to burn down their houses and beat them to death. The Botezatus were again driven away from the village, some of them escaping only on horseback without any belongings. By the end of the summer, the village was yet again organized in groups who built sawmills in association and participated in the small-scale trade in lumber. The Botezatu family returned eventually and invested anew in the power of kinship ties, this time by christening the children of the very youth who had so angrily fought against them. As my host in Paulesti remarked ironically, "ever since then, half the village calls them godparents!"

Equal shares, 1921-1948

The vision of the "free forest", forcefully articulated in response to the 1910 codification of the commons, insisted on treating the forest as an endless resource in a free for all togetherness of

usage. Commoners' rights could not be measured, since they were defined as personal, unlimited rights of usage. "You could go logging with a pair of oxen or two or ten. You could cut as much as you wanted" recall the commoners of Nereju, where the Forestry Code failed to make any inroads into the management of the forest commons (see chapter 2). However, in all other communities of Vrancea where codification established a firm footing, commoners were faced with a series of pressing distributive questions. How was the forest to which all had a claim to be properly and justly divided? How was the abstract notion of "the share" to be translated into practice? If shares are equal (all commoners are initially registered with one right), how to calculate a just distribution that balances the number of people, their capabilities and needs, the reproductive potential of the forest and the scope of lumber commodification? In the span of little more than two decades (1921-1948), the wild togetherness of the free forest became a togetherness by the numbers.

The emergence of distributive politics in the commons wasn't simply an effect of codification. The growth in the lumber trade and the presence of ever more logging companies competing for leasing contracts generated a steady stream of value out of the forest commons. While corporations (international and domestic) were hardly tolerated in Nereju after the 1880s (see chapter 2), the North of the region was their playground (see also above) — which is why I focus the discussion below on the largest forest commons in the north of the region, Obstea Tulnici (and only incidentally on other communities such as Paulesti and Spinesti). This cash windfall (the annual rent corporations paid to the Obstea for the forest tracts they logged) had to be accounted and fairly distributed.

Paying annual dividends to all commoners with a share in the forest was not a simple question of equal division. First of all, corporations employed at least two different avenues of

getting logging contracts: direct contracts with the entire Obstea (in which case, all commoners were entitled to an equal fraction of the rent payment) or partial contracts with a certain number of commoners, persuaded by local middlemen to lease their rights individually. In some cases, the local middlemen for logging corporations devised the the so-called “partnership contract” (see also chapter 1) which allowed them to consolidate and represent groups of commoners, “incorporating” them, in effect, into slippery juridical entities that fragmented the Obstea and diminished its bargaining power. In the case of these partial contracts, only certain groups of commoners were entitled to dividend payments, which created friction in the community, deepened inequalities and put ever more pressure on the Obstea to accept leasing contracts (even when financially or environmentally unsound) that would generate cash payments for the rest of the commoners. The only way the Obstea could fight back this trend of contractual partibility was to deny the commoners who contracted with corporations individually or in groups any other usage rights (grazing or logging) to the forest commons (the parts that were not leased, of course). They were barred from even setting foot in the forest.

Second, the possibility of such partial contracts as well as the allure of dividend payments mobilized some commoners into a “primitive accumulation” of shares. While the great majority was entitled to exactly one right or share into the commons, there were in each community a few commoners (two to five) who amassed multiple shares (up to thirty, in an admittedly singular case).¹²² The elderly, the infirm, the widows — all those who could not materially exercise their use rights to the commons — were fair game. Since these commoners with a capitalist flair were usually also acting as corporate middlemen, the shares were bought up before a leasing contract was even signed, so that the dispossessed commoners did not realize

¹²² ANVN, F514 Naruja Courthouse, Obstea Spinesti, file 249/1929, p. 1256.

what they had lost. The existence of these commoners with extra shares inevitably skewed the distribution of dividends. Moreover, emerging class differences coupled with the possibility of alienable use-rights spelled out the eventual dissolution of the commons.¹²³

Finally, the Obstea, at its best, acted not just in the interest of present commoners but also in that of future generations. This concern with the future of the commons served as a powerful argument for the limitation of use rights as well as for the restriction of leasing contracts that threatened to exhaust the forests in the long term (particularly since most corporations were famous for their practices of clearcut logging and for their frequent dismissals of reforestation contractual clauses).¹²⁴ At the same time, action geared toward the future also meant investment in projects for the common good: the construction or renovation of schools, churches or village libraries and the sponsoring of cultural performances, memorials (the monument honoring Stephen the Great at Barsesti or the cross for Father Serban at Naruja) or of publications (leaflets on important property documents and forestry regulations, brochures such as Harnea's *Comoara Vrancei* or monographs) that detailed and dramatized the history of the regional commons for local and wider consumption. Investment in such common and future-oriented projects required setting aside a (sometimes sizable) part of the rent cash from the distributive pool. Needless to say, approval from the commoners wasn't always unanimous and such decisions were intensely debated in the annual Obstea gatherings.

The articulation of shares via these processes of distribution inevitably entailed the setting of ceilings. Attempts to limit use rights proceeded quantitatively as well as qualitatively. Beginning in 1921, rights were circumscribed to quantities of lumber that could be harvested

¹²³ Gailey (2006: 39) summarizes Marx's notes on this topic in *The Ethnological Notebooks* (Krader 1974): "Contradictions between communal ownership and private use-rights, and class formation within the community create internal disunity."

¹²⁴ ANVN, F548 Obstea Tulnici, file 123/1921, p. 515-515v.

with one's own two arms and transported with an ox team, suggesting thus a locally (and, implicitly, historically) taken for granted understanding of bodily and material welfare:

“Each of the commoners (*devalmasi*) inscribed with established rights in the final register has the right to cut and take wood from the forest *for their own interests as well as for commerce, but only the quantity they can cut with their own arms and transport with an ox team.*”¹²⁵

Such quantitative limitations became progressively well-defined and specific. Within a few years, use rights were annually restricted to a particular number of trees from particular sectors of the forest and then to precise quantities of lumber measured in cubic meters. At the same time, the Obstea instituted taxes for the harvesting of lumber with ox teams, for the use of water sawmills (their construction was also limited by the associative requirements discussed above) or for the advanced processing of lumber by craftsmen such as coopers or shingle makers.

Qualitative restrictions were also implicit from the beginning, particularly by intended usage: domestic (firewood and construction lumber for one's own household) versus commercial (lumber sold by the commoners to the neighboring town markets). The latter restrictions on the commodification of lumber became increasingly fine-tuned by degree of technical processing; thus, taxes instituted for the sale of raw lumber were considerably lower than those for converted or building lumber. Eventually, quantitative and qualitative limits were fully combined and closely calibrated to the development of the local and regional lumber industry so that by the 1940s the Obstea demanded from its commoners differential taxes for precise quantities of cubic meters of raw lumber and for specific kinds of processed building lumber (for instance, 2 Lei for each beam or 10 Lei for 1000 shingles).¹²⁶

¹²⁵ ANVN, F548 Obstea Tulnici, file 123/1921, p. 62v.

¹²⁶ ANVN, F Obsti, file 1946-2, p. 37v.

When it comes to the exercise of use rights in the forest, this process of “distributive labor” (Ferguson 2015) recapitulates and condenses in just over two decades almost an entire history of metrology, starting out with loose estimates and ending up with precise and ever more specific forms of quantification. Summarizing Witold Kula’s (1986) history of measurement systems, Philip Mirowski (1989: 208-16) identifies three stages differentiated by their conjunctions of body, motion and value: the anthropometric, lineamentric and syndetic. Leaving aside the somewhat forbidding terminology, the trajectory of metrological transformation is pretty straightforward: measures anchored in the body and divorced from number; context-dependent, relative quantification that does not allow conversion across the different domains of body, motion and value; and, finally, abstract and invariable standardization, particularly as exemplified by the metric system.

However, the metrological recapitulation instigated by the distributive politics within Obstea Tulnici is not wholly linear. There is an experimental quality to the limitations imposed by the Obstea: various formats were tried out, discarded, combined and fine-tuned at a relatively rapid pace. Such metrological experiments were occasioned not just by the transformations in industrial lumber techniques and markets (in particular, the incursions of corporations with seemingly unlimited extractive capabilities), but also by the commoners’ insistent demands for proportionality. “People thus measure what is taken out by what was put in; their own power to extract wealth is measured by the power of those who had extracted it from them in the first place” (Strathern 1999: 222). In this context, commoners produced and debated measurable shares by formulating political, economic and moral evaluations on the relationship between the forms of measurement and the changing phenomena these measured. As such, the contrast between approximate and precise measures is ultimately misleading: measuring lumber by the

capacity of one's arms is just as precise as by cubic meters, it is only the material and moral assemblage anchoring measurement that changes.

Thus, the ideal of equal shares was inevitably confronted with the realities of countless inequalities. Some bodies are stronger, others (become) less so; and the same goes for ox teams (assuming one even owns them). Some commoners have the means to participate in the construction of sawmills, others cannot. Some can afford to hire laborers to harvest lumber on their behalf, others cannot. Regardless of how precise the measurements that limit use rights, commoners fall back on claims of justice that pit putatively "equal" shares against the situationally decidable proportionality of "more" and "less":

1924: "Each commoner with a right to the mountain will have to cut an equal number of firs (trees) so that all benefit equally from their common rights and to prevent some from cutting more and others less, because all rights in the register are equal. Those commoners who don't have the means to go logging will be able to sell to their fellow commoners their right to a number of trees set out by the Obstea council."¹²⁷

1925: Eighteen commoners petition the Obstea to discuss "the question of fir tree distribution so that we know if we still have the right to firs and how many firs come to each commoner, because, otherwise, the majority of commoners with means of transport, that is, the well-off commoners, gorge themselves on everything while we, the poor lacking in means and hobbled by these others, cannot make any use out of our mountain because they took over almost the entire mountain, each of them with two sawmills. And though we may have more of a right (*drept*) than they do, we cannot have any justice (*dreptate*)."¹²⁸

The register of these complaints makes it clear that the limitation of rights via measurement was inadequate by itself. If the calculations underlying the mountain distributions of 1755 were repeatedly adjusted until they produced proportional outcomes, measurements too had to be constantly rectified via distributive compensations. For instance, in 1926, the Obstea Tulnici

¹²⁷ ANVN, F548 Obstea Tulnici, file 123/1921, p. 222v.

¹²⁸ ANVN, F548 Obstea Tulnici, file 123/1921, p. 276.

decides “to put up for sale 20,000 beech trees and distribute the proceeds only to those commoners who exploit nothing from the forest”¹²⁹ in order “to satisfy the endless demands from those commoners who, unable to use the forest as stipulated by the statute, think themselves cheated by the commoners who can exploit the forest because they are able and well-off.”¹³⁰ As a developing distributive order, proportionality is dependent on such persistent practices of repair.

While some inequalities can be balanced by compensation, the problems posed by the delegated exercise of use rights are inscribed in the broader debates referring to the transferability of rights via inheritance or sale (see chapter 1). Does a commoner’s personal right to use the forest allow for delegation to hired laborers? Does a woman’s right allow for delegation to her husband who is not born in the Obstea? This particular issue emerged in Obstea Tulnici following a decision in 1932 to limit logging with an ox team to a household (in other words, to those who have at least two shares) while demanding the payment of an annual tax for those with only one share.¹³¹ The most vocal opponents turned out to be precisely the women married to non-commoners by birth:

“we, women married to husbands from other villages, don’t accept to pay 2000 Lei to enter the forest to take timber and to take our cattle to pasture on the commons, as the general assembly [of the Obstea] has illegally forced us to; then, to work timber or graze cattle we must go ourselves and not one of our servants or our husbands, there is no law in this country or even in the world to support this decision that forbids our husbands or servants from entering the forest and forces us to pay 2000 Lei as if we bought these materials on the town market, even while we are part of the Obstea; thus, the general assembly has attacked our right, it would have been better if the assembly made other decisions, such as making sure the *forests are cut proportionally by each commoner equally*, according to forestry laws, and not as they do it now, when some are cutting day

¹²⁹ ANVN, F548 Obstea Tulnici, file 123/1921, p. 526.

¹³⁰ ANVN, F548 Obstea Tulnici, file 123/1921, p. 654.

¹³¹ ANVN, F548 Obstea Tulnici, file 87/1924, p. 668v.

and night with no rules, destroying the wealth of the Obstea and selling it wherever they can; for instance a widow has to buy timber even though she has a right in the Obstea while other commoners cut and sell even those materials she is rightfully entitled to.”¹³²

“I will not pay 2000 Lei for my own right as a commoner only because I cannot go logging myself with the oxen in the forest and my husband, who represents me in all matters of the household after the custom of the place, goes in my stead; thus, my husband goes into the forest for one right only, not two.”¹³³

“... others shatter and demolish the property of the Obstea with the use of 4 oxen and servants; it’s these who should pay extra taxes, and not those who can barely manage to eke out a living.”¹³⁴

The arguments articulated in these women’s petitions differentiate between the forms of representation permitted by marriage versus contract: husbands should be allowed to act in the forest as their wives’ delegates, hired servants, not so. Their rhetoric convinced the supervising rural judge to overturn the Obstea’s decision precisely because it defined one form of delegation as “customary” while suggesting that the other opened the way to increasingly slippery forms of commodification and inevitably, to deepening inequalities.

Distributive imagination

Quantification is a way of making decisions without seeming to decide (Porter 1995: 8).

Quantification has ambiguous overtones for many social scientists. Even while acknowledging its portability and expansive potential, they remark on its uses as “a technology of distance” (Porter 1995: ix) best suited to the production of impersonal abstraction and objectivity (for a dissenting view of quantification as a “moral economy”, see Daston 1995). David Graeber

¹³² 1932 petition by 14 women in response to amendment above, ANVN, F548 Obstea Tulnici, file 87/1924, p. 678-678v.

¹³³ ANVN, F548 Obstea Tulnici, file 87/1924, p. 703.

¹³⁴ 1933 petition by 6 women who refuse to pay tax for the exercise of logging rights, ANVN, F548 Obstea Tulnici, file 87/1924, p. 869.

(2011: 14) attests emphatically to an intimate link between violence and quantification: “violence, or the threat of violence, turns human relations into mathematics”. Unsurprisingly, quantification is often seen as imposed on otherwise pristine social relations from above or the outside (by processes of state building, colonization, globalization, etc.).

In contrast, this chapter takes quantification as intrinsic to the distributive politics of forest commons as an emerging and developing social order. It underlines forms of counting, calculation and measurement that are situated in, and produced by, an array of practices connecting the collectivities of commoners to their forests, but also to technologies, markets and states. Insofar as distribution in the forest commons is a kind of politics (implying decision-making), quantification serves as one of its formalizing practices. Formalization, in this sense, is always an incomplete process, an open-ended and situated action rather than a daunting structure of rules (Lampland 2010). Moreover, the devices involved in the performance of quantification as proportionality are knowingly produced in a provisional regime: sawmills counts change according to associative patterns, arithmetical operations of mountain distribution are “repaired” by repeated revisions, and measurements are remedied by compensation. Proportional distribution in the forest commons turns quantification into an “impermanent metric” (Lampland 2010: 384) and mathematics into “an art of rectification” (Urton 1997: 218) devoted to the balancing out of social relationships. In this sense, proportionality does not aim towards the normative effects of commensurability (the standardization of relations to a common measure) but towards sociologically imaginative redescription and redistribution (Jimenez 2010).

This flexible distributive imagination is constitutive of the forest commons as a constantly re-assembling social order that brings together, proportionally, not discrete entities, but fuzzy aggregates such as mountain, forest, and collectivity with vulnerable and yet

potentially unlimited reproductive capacities. In this vein, the persistence of forest commons arrangements appears not as a form of structural continuity, but as dependent on devices — such as the proportional calculations involved in distributive processes — that are the products of situated action, ensuring continuity in the absence of planning or overall design (Turnbull 2003).

CHAPTER IV

FORENSICS

This chapter investigates the emergence of an irregular “evidentiary economy” (Yates 2003: 35), paying attention to the ways in which sensory clues, narratives, documents and other material artifacts are called upon to stand as proofs or “witnesses” in contemporary contests over forest commons in Vrancea. This repertoire of proofs which commoners use, successfully or not, for bridging gaps of time, knowledge and power provides a different window onto the process of restitution and reconstitution. It becomes a collaborative project of persuasion directed at state officials, forestry experts, environmental activists, academics and, indeed, the commoners themselves. I could go as far as calling it a form of *evidentiary commoning*, insofar as it entails the pooling together of various resources (cognitive, material and semiotic) which are assembled and re-assembled into compelling configurations. There is, undoubtedly, a repetitive quality to some of these assemblages (particularly so in the ever growing output of local monographs written on village commission), but redundancy can be tenaciously eloquent. I borrow from Kenneth Burke the notion of “the forensic” precisely to emphasize rhetorical grounding in the public discussion and performance of evidentiary claims and justifications. Such a focus reflects

back on my conceptualization of property, which can be seen as an “ongoing persuasive activity” (Rose 1994: 269) wherein rhetoric and imagination are elements that one cannot afford to ignore.

The chapter opens with the puzzle of the disappearing forest in contemporary Nereju, examining collaborative evidence-making on the part of commoners who aggregate various clues — sensory and material — and enlist them into elaborate inferential and causal chains. The disappearing forest is not just shorthand for a problematic process of deforestation, but also for a potential loss of intelligibility of the commons.

I focus next on some specific and relatively recent configurations of matter, meaning and temporality, which are locally identified by the paradoxical denomination of “personal museums.” These are unusual arrangements that mediate multiple forms of memory — personal, genealogical, regional — anchoring different and potentially overlapping communities of viewers. Their graphic and material artifacts have variable regimes of visibility, accessibility and authenticity, thereby inviting inquiry into the criteria that define the efficacy of proofs. Such collections precipitate not just the recollection of the past, but also the creation of newly meaningful representations of the collectivity.

Disappearing forest

How does something like a forest disappear? How can it be said and shown to cease to exist?

Ever since my first fieldwork trips to the village of Nereju in 2003, I heard or read countless narratives and accounts about the disappearance, disintegration or dissolution of the forest. I use terms like disintegration or dissolution to approximate a rich local vocabulary that speaks of the forest as being “scattered,” “unwoven,” “eaten up,” as “coming apart” or “flowing in a stream.”

Some of these narratives I elicited in the context of interviews or discussions, but most of them

are fragments of naturally occurring talk, parts of conversations that I overheard by the village road, in bars and shops, during communal meetings or statements that I read in petitions and complaints written by commoners. Here are a few examples:

“They cut the forest down, they minced it and chopped it up, they shredded it and ripped it up, they scattered it all the way to Braila [harbor city by the Danube]!” (IC, 2003)

“The present situation can be summarized in a single sentence: “the state steals our forest!” This is *our* forest! Our parents suffered for it, they shed their blood, they guarded it... Now, there are too many foresters! And they eat it [the forest] alive!” (GM, 2006)

“It’s a disaster! They say ‘Check our accounting books and you’ll see we work correctly.’ They say everything is in order, but the forest disappears! If only someone came, someone with authority to make an investigation, I’d take them to the forest to see with their own eyes! As things stand, we, the commoners, see from a distance how everything is ruined.” (GP, 2007)

“We ask you to come to Nereju to see and videotape a forest that’s being destroyed.” [Petition MB, 2004]

I was initially prepared to understand such pervasive accounts as intrinsic elements of a moral story: about THEM stealing OUR forest, about FORESTERS and STATE agents versus COMMUNITY and COMMONERS, as well as about ACCOUNTING BOOKS and KNOWLEDGE versus EXPERIENCE and sensory data, the stuff to be SEEN and VIDEOTAPED by SOMEONE with enough authority to change the course of things. This kind of moral story is by no means new; it is in fact excessively familiar to anthropologists working on the transformation of property regimes and the making of natural resources into raw materials.¹³⁵ It is not surprising then that such moral stories explicitly authorize local critique and mobilization against industrial logging as well as vernacular environmental theorization with

¹³⁵ Jake Kosek (2006), for instance, outlines similarly rigid battle lines between locals and the Forestry Office together with timber companies in the forests of Northern New Mexico. However, in his case, a long history of dispossession is further complicated by the politics of race as well as by the presence of an articulate and unyielding environmental discourse that opposes both the locals and the state’s forestry practices. See also Brosius 2006, Peluso and Vandergeest 2001, Proctor 1995, Sikor and Dorondel 2017, Titel 2009, Zerner 2003.

regard to the causal texture of deforestation (Blavascunas 2013, Matthews 2006). The particular configuration of such processes in Vrancea, and especially in Nereju, also seems to validate this reading. In 2000, a new law for the restitution of forest commons granted legal recognition to villagers' proprietary claim. Nevertheless, the gap between official rules and their implementation prevents the practical realization of ownership and generates numerous conflicts between communities and State Forestry Offices, whom villagers accuse of abusive deforestation and other immoral practices. Nereju, like other villages in Vrancea, has (re)created itself as a *Obstea* for the administration of forest commons. But for the first decade of its existence, the leadership of the association turned out to become a mere appendage of the State Forestry Office, which has managed the local forest since the 1948 nationalization. Instead of including local members and leaders, it promotes the same state foresters whom the villagers see as usurpers of their legitimate rights. These ubiquitous foresters, simultaneous impersonators of *Obstea* councilors, state agents and lumber businessmen have found thus an accessible and, apparently legal, avenue for the large-scale commercialization of lumber. Needless to say, this situation is wide open to the incursion of such postsocialist trademark notions as "theft," "corruption," and "mafia" (see also chapter 2).

I inevitably took this notion of "the disappearing forest" as a variation of these broader laments, a slight exaggeration or even metaphor. To take it literally, it seemed to me, was to step right into the realm of unaccountable puzzles. Living in the village year after year, I could see the forest, walk its paths, and touch the bark of trees. I could also easily notice clusters of thriving sawmills dotting the village landscape and a flourishing lumber industry that didn't show any signs of tapering off. (But I am, of course, generating evidence out of experience and grounding my authority on 'being there' and 'seeing for myself'.) It was only later that I realized

disappearance might refer to an actually observable and witnessable process. In doing so, I also had to acknowledge that I didn't fully understand what the commoners of Nereju meant by "disappearance" and "forest."

Thus, I changed tacks and began exploring their everyday methods of evaluation and evidence-making. I began asking questions such as: How do people make evaluations relative to the existence of a certain object or entity? What is the regime of emergence of such knowledge (the drawing of connections, the making of inferences and causal relations)? What counts as proof? When everything is potential evidence, how does one make it legible as such? This helped me clarify that disappearance is not a yes/no type of question. It's rather a question of processing reality as an orderly continuum and understanding how objects grow less real as they practically disperse and scatter or manifest themselves in sporadic, intermittent ways. It also led me to study the various knowledge practices that implicitly underpin any kind of claims: oral and graphical procedures for making things known, for explicitly withholding information, and for validating knowledge and secrecy.

Such a study is informed not by an attempt at doing an anthropology *of* evidence, but rather an anthropology *with* evidence. By this, I mean that I follow the creative and collaborative processes that bring evidentiary objects into being. I am interested in tracing evidentiary practices as they unfold in real time so as to better understand them as practical-epistemological methods available in everyday life. Although evidence has not been *explicitly* at the core of anthropological theory (but see Engelke 2009)¹³⁶, it is the immediate concern of any kind of ethnography. It is supposed to be the variously sticky or malleable substance that can be enlisted

¹³⁶ In contrast to history which has devoted much more discussion to evidence, not just as procedural matter but as a core notion of any attempt at grappling with time (Chandler, Davidson and Harootunian 1994; Marchand and Lunbeck 1996; Ginzburg [1989] 2013).

in the support of claims, interpretations and theories. In this sense, anthropologists share an interest with the people they study in ordinary methods for making actions, events, and objects recognizable and intelligible, for searching for clues and traces, and for drawing inferences, conjectures and constructing proofs. ‘Their’ evidence is also the result of something like an anthropological study, rather than simply an object of such study.

600 noisy trucks

To count something is to make it *accountable* as a member in a class of relevant objects
(Lynch and Martin 2009: 246).

Acting in good ethnographic faith, I can only understand disappearance as an observable, witnessable and particularly, hearable process. This requires some detail about the auditory environment of one of my fieldsites, the village of Nereju and about how sounds and other sensory impressions are bound up in the evidence that gets made. On Sunday nights, almost no sound breaks the silence, except the continuous whisper of the Zabala river and the barking of insomniac dogs. The shops close around 8:30 p.m. and by 9 p.m. the streets and lanes of the village are deserted. Sunday is the only day when the lumber industry takes a rest and the soundscape of the village suddenly becomes hearable as silence.

Any other night (often, day too) echoes with the heavy roaring of fully loaded trucks of lumber, raising up the dust as they pass at improbable speed. The cargoes of logs thud and thump with the vibrations of truck engines. Impatient as they are with the innumerable holes in the road, the young truck drivers blare their horns with insistent energy. They are all in a hurry to reach the neighboring town lumber markets by sunrise or to speed further towards the harbor cities. This is an actual parade of trucks on the main village street (running all the way from the forest commons to the next village down the road), visible and hearable to all commoners as a blatant

show of force on the part of the local lumber industry and, perhaps, even as form of “sonic warfare” (Goodman 2010). It is no surprise that in 2013 the Obstea council, beset by countless determined complaints, listed lumber trucks and sawmills as sources of noise pollution and restricted their operation to certain hours.

The choice of noisy trucks as an opening auditory motif also reflects in part my own circumstances. In my second year of fieldwork, I lived in a small and rather flimsy wooden cabin by the side of the main village road and each week night the passage of the trucks would frustrate my attempts at sleep. Sounds may be vibrations detected by the ear, but the heavy lumber trucks instigated also other, more forceful vibrations, shaking up the walls of my cabin and rattling the furniture. It is a bit ironic when only recurring sleeplessness can wake up anthropologists to the importance of sensory evidence.

But noisy trucks are only one series of sensory impressions in the concert of lumber industry. The village hamlets closest to the forest resonate with the shouts and grunts of teams of men and women as they work late loading logs, boards or trimmed lumber into the trucks. During the day, the sharp and grating sounds of the chainsaws and circular saws echo through the valley where Nereju is located. The wind carries a sour tang of pulped lumber, the smell of saw diesel, and the pungent odor of burnt wood. Sometimes, the quality of light changes abruptly as smoke and dust mingle above the river. Large mounds of sawdust are slowly burning by the banks of the Zabala, upsetting the women who used to wash their carpets in the river and the men who had to give up fishing because there are no more fish left. “Our village turned into a lumberyard! You have to get used to breathe in sawdust here,” said a young driver from Bradacesti, the hamlet where most sawmills are located.

Every day brings signs of the continuous process of “disintegration” that affects the forest commons. People claim it is impossible not to notice the racket made by the almost 600 trucks that transport lumber or the sawdust that slowly engulfs the village roads. Equally conspicuous for them are the two-story houses recently built by all the state foresters working in the village. A few, who have gone deep into the high forests, spread the word about the extent of “illegal-legal” logging (Tsing 2005): somebody found 300 tree stumps here, somebody else chanced upon 700 stumps there. Others have found fresh tree stumps treated with caustic soda (sodium hydroxide, a corrosive chemical agent available commercially) so as to make them appear older. Other stumps, they claim, show trees that have been felled too low near the ground, below the spot where the marks of the foresters’ hammers should have been applied. Retired forestry workers will instruct anyone who wants to listen into the apparently easy procedures one can follow in order to fake marking hammers as well as counterfeit papers for the transportation and sale of lumber. For many villagers, the forest appears now as an object on the brink of disappearance: the explicit and implicit traces of its dissolution are to be seen everywhere. There is the glaring evidence of tree stumps and sawdust and the accumulation of wealth by “a privileged few” (a construct I discuss below). But there are also more tenuous, yet deeply disturbing, chains of causality that explore the effects of deforestation within the local ecology: conjectures inspired by the process soil erosion and landsliding that carries away houses built on hill slopes, river pollution and increasingly frequent and dramatic episodes of flooding during spring and summer. In this context, flooding emerges not as a natural hazard, but as the almost inexorable effect of a local history of forestry practices, logging technologies, infrastructural isolation and economic entanglements.

As a natural-social object, the forest is mapped through countless everyday evidentiary practices. The interpretation of sensory clues is the most common and irresistible of these. Even for a visitor like me it was difficult to resist the indexical pull of scenes, sounds, smells, and movements. For the locals, though, each truck horn, saw noise, wisp of smoke, mound of sawdust, tree stump and so forth is the sign of a larger pattern of destruction. Moreover, the indexical value of such sensory clues is thoroughly grounded in larger stories of forest, community, and justice. This is what Harold Garfinkel (1967: 78) calls “the documentary method of interpretation” (he borrows the term from Karl Mannheim’s founding foray into the sociology of knowledge): “The method consists of treating an actual appearance as ‘the document of,’ as ‘pointing to,’ as ‘standing on behalf of’ a presupposed underlying pattern.” In a mutually constitutive movement, the underlying pattern is derived from the occurrence of various documentary evidences, while the individual documentary evidences are interpreted on the basis of what is known about the pattern. The problem with this extensively used method is quite simple and consists of a gap: how does one draw a relation of correspondence between the witnessed occurrence and the intended occurrence so as to reasonably treat an actual something as the evidence for something else? In other words, how does someone set the observed instance of noise and the condition of the forest into a correspondence of meaning, thereby treating the actual noise as evidence of the forest entity one means to evaluate? I can only begin to answer this question by pointing out that this work of evidence-making can never be done by *a someone*. It’s a thoroughly collaborative process where the emphasis doesn’t fall on individual intentions or plans, but on the temporal dynamic of mutual engagement and adjustment. In this process, certain values are assigned or rather “managed”: typicality, likelihood, comparability with past and future events, causal texture, technical efficiency and moral necessity.

The way it often happens, groups of villagers comment on the passage of trucks while they rest after their workday on porches or benches, share a drink in bars or wait for the bus. The layout of the main road, which cuts vertically through the village and continues on as a logging road, makes for a proximate and persistent observational context. The road is, after all, the only access way for vehicles into the forest or out, towards the nearest town (80 km away). At a glance, villagers recognize the driver, size up the quantity of material (this many cubic meters), make a guess about the most probable destination and then quickly add up the monetary value of a truckload. Some of them, with more forest experience, will even identify the forest plots where “the merchandise” came from. These are not necessarily strategic inferences, but simply put, the business of living as part of a forest-owning community where logging offers the main occupational trajectory inevitably requires one to actively attend to such clues. Knowledge is, of course, unevenly distributed in a social group, but one is hard-pressed to find somebody who doesn’t claim to have *any* experience with wood, either as loggers, loaders, sawmill workers, forest rangers, coopers, carpenters or other craftsmen; at the very least, they know somebody else who does. The almost instantaneous process of sizing up — that is, recognizing the aggregation of logs in a truckload as a quantity of 20 or 30 cubic meters or as a sum of 4,000 RON [Romanian currency] — rarely meets with disagreement or dispute. Should evaluations be contradicted or revised, they can be easily made socially accountable as acceptable “errors,” due to poor eyesight, too much dust in the way or the excessive speed of the truck. Thus, recognition is collaborative or as Michael Carrithers (1990: 266) puts it, “consensible,” which he defines as “the ability of people to perceive things in common, to agree upon and to share their perceptions.” It does not mean that everyone who witnesses the passage of a truck actually does see the quantity in question; what is important is simply that the quantity is mutually intelligible.

Conversations about trucks are also contexts of discovery where partial connections can develop into full-blown inferential arguments about the disappearance of the forest commons. There are specific, collaborative ways of making trucks into further proofs of forest depletion. At a topical level, this happens through “the co-selection of descriptors” (Sacks 1992b: 18-19). The words — nouns, adjectives, verbs, etc. — that carry the conversation are co-selected and understood with reference to the actual topic of the disappearing forest. When someone says “This is a big one!,” the reply is not, “Yes, indeed, it’s one of those green Russian heavy duty trucks.” The actual reply is, “Yeah, it’s got a big load, close to 40 tons. And it’s good lumber, too. But then Toader [the truck owner] was always a greedy bastard! He ate half the forest by himself.”

To complicate the collaborative achievement of evidence, I’ll briefly discuss a fragment of a conversation where the participants work together so as to make one speaker’s source of knowledge into a secret. In the process, they also manage the moral necessity of certain categories. The setting is a conversation among my two hosts — both in their seventies —, Andrei, their 40 year old son, and one of their young neighbors, Viorel, hired laborer and jack of all trades. Viorel makes an announcement: “They began cutting in the Lapos” (Lapos is a forest plot). “But I thought that.... God-damned people cut everywhere else. This was supposed to be...,” one of my hosts says immediately. “Well, it’s done. They’ve already done the marking last evening,” replies Viorel. It’s quite obvious that Viorel’s announcement is intensely interesting to everyone present. The forest plot at Lapos was supposed to be set aside for commoners’ yearly wood quotas of 2 cubic meters. As this is good quality beech forest, situated close to the village and easily accessible, it was the best choice from their point of view: it meant good quality timber and reduced transportation costs. Normally, the marking would have been

done after public notice, giving some of the commoners the opportunity to be present there and to participate in the selection of the lumber they were to receive. That it wasn't so suggests to my hosts that something fishy is going on: most probably that the plot has been already auctioned to one of the logging companies doing business with the Obstea. Inevitably, the conversation proceeds with various speculations as to the identity of the lumber businessman who won the contract, the bribes he paid to get it, and the general intolerability of the whole situation. However, nobody actually asks Viorel how he came to know so soon about the marking and the cutting.

In Viorel's case, who often works as a truck loader and sawmill assistant, there are quite a few possible ways he might have heard about the event. My hosts knew so and I knew so. We just refused to make the methods for ascertaining the source and validity of information into a topic of conversation. Later that night after Viorel took his leave, Andrei walked him to the street and asked how exactly he found out about the episode. After some fidgeting and flustered laughter, he owned up: he was actually there, hoping to cut some deal with one of the foresters who could be persuaded to mark a couple of trees over and above the approved quantity, trees which Viorel could then sell for a profit to one of the local sawmills. The deal didn't actually come through, Andrei told me, and Viorel obtained only a promise of future collaboration.

It was precisely this possibility that prevented my hosts from publicly asking any potentially embarrassing questions. Viorel didn't mention he had actually witnessed the event and the others didn't ask, thereby cooperating in the silencing of a disturbing instance of what could be taken as controversial complicity or, even worse, cynical sellout. This collaboratively successful performance of secrecy is by no means singular: similar procedures are extensively practiced with regards to the circulation of any and all kinds of forest documents, including the

details of logging contracts or even the eminently public statute of the *Obstea* as a communal association. Just as in the realm of graphic secrets, what matters here is not the content, the interrupted flow of information, but rather the role of Viorel's secret as a social technique of quantification, and, implicitly, of boundary formation (Simmel 1906). What kind of evidence is collaboratively made here? Secrecy serves to make and establish the moral necessity of a category like "the privileged few," which includes foresters, lumber businessmen, *Obstea* councilors, and county politicians. This is supposed to be THEM, the minority of "exploiters" who "eat" too much of the forest, in contrast to US, the majority of "proprietors," all the ordinary commoners who "eat" little or nothing. Viorel is only one of many villagers — albeit more successful than he is — who cut deals on the side and actively participate in the "eating" of the forest commons. As a procedure for validating secrecy, the silencing of evidentiary clues is also a way of managing the numerical category of the privileged few.

But how are such numerical categories made in the first place and what are the grounds of their intelligibility? How is number actually assigned in practice? I ask these questions to elucidate in part the logic of generalization that contributes so much to the power of evidentiary claims. Generalization is just another way of understanding the process of correspondence by means of which some observable thing or things is taken inferentially as evidence for another thing or event that may not be directly accessible to observation, quantification, or even understanding. Let me return to my earlier example of lumber trucks to discuss this in more detail.

Trucks are good evidentiary objects because they are eminently countable. Indeed, villagers claim to have much to say about them, if only because there are 600 to talk about. It turns out that such forms of numerical accounting — 600 trucks or 300 tree stumps — have

several interesting forensic qualities. First of all, nobody has actually counted all the lumber trucks in the village or all the tree stumps they found in a forest patch. These numbers are the result of order making processes, and specifically processes that make sensory collections recognizable at a glance. Whatever goes beyond certain variable and locally agreed upon thresholds is relegated to the domain of big numbers: thousands of stumps, hundreds of thousands of cubic meters of lumber, millions of RON, etc. Quantification in such cases proceeds by analogy, based upon the routine activities that constitute the material practices of logging. The increasing use of industrial forestry machinery in the last decade has revealed the differences between a cartload and a truckload, between the output of a portable electric saw and that of a circular or double blade saw, between the capacity of a pair of oxen and that of a forestry tractor. Local thresholds are managed in the course of establishing the significance of these differences. In this sense, numerical generalizations have to do with both spatial dimensions — a truckload — and the number of units — 600 trucks — in which a certain object manifests itself. Secondly, the temporal organization of such evidentiary observations – trucks that pass by daily, tree stumps that are encountered every time one goes into the forest – renders them susceptible to a retrospectively cumulative assemblage. Numbers are not already there, as qualities of sets of objects; rather they are events that happen to trucks or tree stumps. As ongoing events, they are ordered by observers so as to make sense of typicality, iterability, or density.

Finally, numbers are also produced in conjunction with a specific regime of graphic evidence. Dozens of commoners have been sending petitions to the County Prefect, the Ministry of Agriculture and Forests, the Anti-corruption National Department in Bucharest or the President of Romania, requesting some kind of intervention against the local Forestry Office.

Such petitions circulate in the village both before and after they're sent off, they're read aloud and edited at meetings and, eventually, hundreds of signatures are attached to them. In the process, they acquire several common characteristics insofar as their descriptions of the forest situation are concerned. One of these features is the constant use of numbers and enumerations to substantiate evidentiary claims. Here's a fragment from a petition written in 2004 by a seamstress and signed by 364 other commoners:

“They sold our Forest to Businessmen hundreds of thousands of cubic meters In addition they cut it haphazardly they destroy it Especially in the past 3-4 years since the announcement that forests will be returned to the Obste [...]They started to cut the Forest as quickly as possible as if they were desperate like savages or rabid dogs they sent all the machinery into the Forest because they have machinery of all kinds, hundreds of big trucks, AFTs [agricultural-forestry tractors] and grapple loaders for loading the Logs on the trucks At home they have frame saws they have circular saws with Double Blades two years ago they brought heavy duty Russian Trucks They also brought about 20 Businessmen and they sold them some hundred thousands of cubic meters They cut and carry as if they were mad” [no punctuation marks in the original].

The very act of graphic inscription in petitions turns these numerical aggregations into something like “fact,” retrospectively organizing the perception of sensory collections. The iteration of big numbers like “hundreds of thousands,” together with the enumerations of machines of forest destruction, is also a reply to the alleged accuracy of documents produced by the Forestry Office. Petition writers have no direct access to forestry management plans, forest grid assignments, logging contracts or accounting books, but they are constantly told about their unassailable numerical orderliness and truthfulness. “Numbers don't lie.” And so numbers, of trucks or cubic meters, become some of the few “portable objectifications” (Keane 1997) available to petition writers in their attempts to communicate with and persuade external authorities of the gravity of their problems. Other recurring signs such as the disrupting noise of trucks or the omnipresent sawdust are much more difficult to quantify and make transparent to the distant bureaucrats who

are the recipients of these petitions. Hence also, the insistence of petitioners on recommending ‘seeing and videotaping’ as indisputable methods for ascertaining the validity of their claims. Graphic numbers, however, are eminently portable and instantly legible as quantitative evidence (and especially so when organized in calculations, such as, x trucks times y average load yields that many cubic meters that are daily removed from the forest).

Decomposition: Making time I

However, the problem is that one has to somehow construe units of matter before ascribing value via number (Verran 2001). Most of the time, this is the apparently trivial business of identifying and enumerating tree stumps or trucks as relatively individualized spatiotemporal entities. But the counting of trucks or tree stumps is also a form of evidence-making about the state of an entity designated as forest. How is the forest circumscribed as the object of evidence? Is it a single thing, a collection of singular things, a qualitative grouping, or perhaps a cumulation of continuous matter? (This goes back to what I discussed above as the evidentiary gap: establishing the correspondence between x and y , so as treat x as evidence of y). In a register of sensory evidence, the forest is variously decomposed into or assembled from units such as trees, logs, cubic meters, forest plots, monetary units, “rights” of ownership or shares, people as commoners, logging contracts, receipts, accounting books, truckloads, chainsaws, mounds of sawdust, landslides, floods, instances of noise or observable embodiments of wealth such as two-story houses. This is an enumeration that deliberately mixes objects of counting with objects of measuring, qualities such as area, volume, weight and numerosity, spatial and temporal dimensions, things and abstractions, humans and non-humans. It does so in an attempt to capture the reality of the forest commons as natural-social (and even technological) entity, wherein it is not possible to separate a physical commons from the community that owns it.

The forest commons is a social event and a complex of ordered relationships that are temporally textured. As a mode of community and ownership that re-emerges in the process of restitution, the *Obstea* is predicated on the principle of indivisibility. In a juridical sense, the forest commons cannot be divided without ceasing to exist as such. In an ideal social sense, there should be no simple correspondence between the multiple co-owners and forest units, however they may be defined (see also chapter 2). Whenever such correspondences are made — as the equation of an abstract individual right of ownership to an annual share of two cubic meters of lumber — they are understood as temporary arrangements, subject to the present requirements of a larger political, fiscal and administrative regime as well as to the needs of the community as a whole.

In practice however, it proves rather difficult to hold the forest together. It has a remarkable tendency to disperse and scatter into all kinds of fragments that need to be assembled again and again. This continuous and recursive work of assemblage — from part to whole and back again — is, in fact, what makes up the business of owning the forest together. My point here is that what is usually referred to as “the forest” participates in multiple frames of reference and each of these prefaces different modes of decomposition and/or assemblage. That multiple perspectives are available at any one time is a common fact of life, so to speak. As G.H. Mead (1932: 49) puts it so pithily, “Sociality is the capacity of being several things at once.” It follows that the entities that populate our worlds are relationally constituted or, more appropriately, are, in fact, bundles of relations. This is an already unremarkable understanding shared in various degrees by anthropologists (for instance, Strathern 1999 or Riles 2000), by actor-network theorists like Bruno Latour (1999), or, for a strong philosophical dose, by readers of A.N. Whitehead (1997). In this view, relations are not just an analytic instrument, but a matter of

practical achievement. An entity can be constituted by one practice at one time and by a different practice at another. For instance, I didn't make the earlier enumeration of forest units in order to exhaust a range of possibilities, objectively defined. I did so in a schematic attempt to follow a range of practices in which an entity is observed, listened to, inferred about, talked about, counted, measured, cut, split, loaded up, transported, sold, stolen, burnt, written about, accounted for, voted on, or pulped into sawdust.

One way to understand the plurality of these doings is to resort to a device like ontological multiplicity. This is what Annemarie Mol (2002) does in her study of atherosclerosis as an object that exists in different guises depending on the enactments — like diagnostic, surgery, pathology, etc. — that take place in the hospital setting. Mol's disease is neither one, nor many; but rather a plural object with various practical enactments that are somehow brought to fit together. Her ethnography emphasizes the plurality of ontology as well as the practices of coordination that prevent the plural object of disease from falling apart into chaotic fragmentation.

I am primarily interested in this latter aspect, the accomplishment of coordination and implicitly, the making of order. Posing the problem of disappearance is another way of posing the problem of incongruity. I am referring here to the inevitable tensions or even incompatibilities that arise between the scientifically measured forest and the hearable forest or between the forest voted upon in the communal meeting and the forest delivered in lumber quotas (see also Blavascunas 2013). For the villagers of Nereju, to focus on the process of disappearance, and particularly its evidentiary features, is thus a way of making sense of incongruities. In this context, practices of decomposition — treating something as a combination of parts to which are affiliated specific evidentiary procedures — are situationally relevant.

Taking something apart and then putting it back together is ordinarily a good method to find out what went wrong, to identify the incongruity (Sacks 1992a:89). This is how an object comes into being or disappears — by means of the practices through which it is manipulated. To follow through with the precepts of a practical ontology, one would also have to acknowledge that existence may be a matter of degree. That is, entities are more or less real, depending on how densely they are interwoven into everyday practices. Hence, the puzzle of a forest that is there and, yet, not there.

Inductive inferences, of the kind that I discussed in relation to trucks, tree stumps or sawdust, are forms of knowledge that are grounded in decomposition, proceeding from a part to a whole. Multiple particular signs are brought together and then organized so as to elicit a general evaluation. Perhaps the best concept here is William Whewell's (1847) notion of *colligation*, because it captures well the processual nature of fact accumulation and connection-making. It's not only that colligation takes time because of its attendance to detailed particulars, which emerge and develop according to various rhythms. Colligation also revisits and reconstructs courses of action, re-tracing their temporality and re-assigning them under different values. How does one get from the observable occurrences of sawdust or truck sounds to the disappearance of the forest? One reconstructs a course of action, a temporal path, tracing back the dust to the wooden log where it came from, the log to the tree, the tree to the forest. Commoners are familiar with the material processes of transformation involved here, but they no longer have immediate access to them. In 2006, a rule of the Obstea council forbade commoners from individually collecting their wood quotas (with their own carts, oxen, and horses). All such operations are now the province of the Forestry Office and they have to be paid for. Moreover, this has slowly evolved into a prohibition against entering the forest at all. Some of the

commoners caught in the forest — even without logging implements — were threatened and in some cases, even beaten up by forest rangers.¹³⁷ While the forest becomes more distant, less available to practices of actual inspection, the sensory traces it leaves as it departs the village acquire a new significance.

These sensory traces are the materials at hand used to produce evidentiary procedures that contest the evaluations made by the Forestry Office or the *Obstea* council. On the one hand, there is a forest properly managed according to all the forestry and fiscal rules: management plans, annual reports and accounting books are said to leave no doubt in this regard. [Insert discussion of annual assembly where these reports are presented and debated] On the other hand, there is a forest abusively destroyed, made to disappear: hundreds of trucks, thousands of tree stumps, tons of sawdust are signs with the self-evidence of a slap in the face. The courses of action daily reconstituted from the evidence of these signs are also presented as the true versions of reality. The forest assembled as disappearing is the more real one; it is so precisely because it's a collaborative achievement. At the risk of repetition, evidence making is a thoroughly collaborative, mutually intelligible, process.

The achievement of reality would not be possible outside the dense temporality of collaborative evidentiary work. By this, I don't mean that collaboration takes time or takes place in time. I mean that it has its own internal temporal organization; a developing, sequential order. When a group of persons are mutually engaged in re- tracing courses of action together, they do so sequentially: a second thing said or done constitutes a first and so on (by confirming, revising,

¹³⁷ Necessity and complicity make this situation more complicated: commoners desperate for work spend each summer actually living in forest camps, working as logging crews for the lumber businessmen who contract with the *Obstea* council. Rights of access are unevenly distributed depending on one's position in relation to the increasingly hierarchical structures of power over the forest commons.

challenging, or contradicting it). This temporal back and forth movement is a feature of how events are ordered by actors to make them intelligible. This is not done intentionally, teleologically or in an otherwise linear manner: after all, the commoners I discuss here are not detectives, constantly and deliberately searching for clues so that they can solve their cases and then go home for a good night's sleep. Whatever truths they uncover emerge progressively; it's a process of things becoming more and more true as they become more complicated, more tightly and densely wrapped in inferential connections about actors, motives, interests, relationships and so on. Intentions, in this sense, come at the end, not at the beginning of evidence-making.

Collaborative inference practices make time as they retrace courses of action. But they also constitute extensions of these temporal paths, thereby materializing the future. Possible future states are characteristically vague or even unknown before undertaking the inductive or evidentiary work that specifies the actual present point of departure. Through evidence making, the indeterminate future becomes operational. It is imminent, brewing and gathering over the horizon. But, given that it has somehow already begun, the future is also open to intervention and manipulation. Evidence-making, as a future-oriented practice, provides the ground for interventions, be they acts of petition writing, organized protests or legal contestations. Orderly evidentiary work also evacuates feelings of dread and anxiety. There is, of course, anger, dismay and consternation at the magnitude of forest destruction. Even more so at the futures that are already lost, the alternative ways the forest commons might have emerged out of the process of restitution. But the overall sense is that the disappearance of the forest is a *fait accompli*. The brutal pace of logging in the past decade discounted even the possibility of forest regeneration: tree nurseries are quasi-abandoned and few seedlings and saplings are planted anymore. The very existence of the forest as a renewable resource is under question. Some claim that to make it

anew would require a total interdiction of logging, which, in turn, would also ask people of Nereju to re-imagine the very texture of their everyday existence. But, in the meantime, evidentiary practices give villagers some measure of agency, if only as witnesses to their own collaborative efforts at elucidation (Strathern 1999). However terrible, the disappearance of the forest is daily made intelligible; it is the result of an order-making process.

Recomposition: Making Time II

It is a quiet summer evening in 2003 and N.C., twice mayor of Nereju before 1989, tells me of his more or less fortunate encounters with communist bureaucrats. In the mid-70's, during his second term as mayor, officials from the County office of the Communist Party kept coming in various controls and investigations, bent on finding something amiss in his administration. Most often, they criticized him for not delivering the whole milk quota, which he refused to give because the families of Nerejeni [inhabitants of Nereju] had many children who needed to be fed. Once, a friend of his at the County Party office announced to him in advance about the arrival of a control team determined to sack him for the under-fulfillment of milk production quotas. In response, he thought of showing them what "the real life of the people" was like. Thus, he "sent word" to two large families of Nerejeni, who had each about 14-15 children, that they should stay at home together with the children, have their milk and mamaliga [corn bread, usually seen as poor people's staple food] prepared and eat their evening meal just as they do it everyday. When the control team arrived, N.C. took them to the first family: they were all seated on the floor, around the milk cauldron (placed in a chair turned upside down) and they were eating heartily, dipping pieces of mamaliga in the hot milk. The control team suspected a trick and asked to see the birth certificates of the children in the room, which the parents showed without hesitation (N.C. had told them beforehand to have them ready). A heavy rain started afterwards and the county officials refused to go and see the second family, although the mayor insisted that they should go and convince themselves. "They must have kept a really beautiful memory of the visit, because they gave me an exemption for 500 liters of milk!" he concluded with irony.

In this story, an excerpt from my field notes from Nereju, a fragment of everyday life flashes at the peak of the narrative bringing with it a sense of closure, and maybe even more, a happy ending. The everyday appears here as an *intermezzo*, rich in possibilities, but separate from the greater and more serious story of "communism;" it is the terrain of profitable encounters wherein even state agents get a chance to manifest their humanity. By staging a scene of everyday life in

a poor and numerous Nereju family, the mayor is able to counter the demands of the control team and even to gain something from them. It is, thus, a confrontation with the “staged authenticity” (MacCannell 1976) of the everyday that manages to thwart the abstract claims of a distant political center. In the process, the informal space of the quotidian is turned into a newly meaningful performance, a semiotic object that can be manipulated as a form of certification.

This story has often come to mind when considering the emergence of the museum genre as a form of cultural validation in contemporary Vrancea. N. C. recalled this event in the midst of a conversation about the chances that Nereju’s commoners had of recovering their rights to the forest commons, once the restitution law passed in 2000 by the Romanian Parliament turned this old desire into a possibility. The gist of the story was to show that “we always found resources to press our claims, to make a point...” and thus, that similar modes of validation can be re-discovered and put to use in the present contest over ownership.

The success of Vrancea commoners’ claims depends, indeed, on their ability to muster evidence and to create allies for their cause. However, the usual types of proofs that attest ownership claims (titles, documents of transmission, contracts, oral testimony) are not always efficient in their case. The 2000 law for the restitution of forest commons has already granted legal recognition to their claim; nevertheless, in the postsocialist context of a fragmented state whose principles of governance seem to rely on the distance rather than the identity between rules and their practical implementation, the ownership promised and inscribed in the law fails to materialize in reality. Most commoners are acutely aware of the deceptive stance of a state that claims to reconstitute their property while, at the same time, excluding them by posing as the rightful embodiment of their “traditional” form of organization, the *Obstea* (traditional, of course, only after being assembled by the 1910 Forestry Code out of custom, civil law and corporate forms,

see chapter 1). “This is not *our* obste. It’s *theirs!*” exclaims a peasant from a distant hamlet of Nereju. “It is *they* who have the power, the connections, and the money! They cut the forest and threaten to kill us if we speak against them.”

Such critiques are not mere condemnations of fraudulent legal delegation, but strong claims about what constitutes the “true” commons and what is, in fact, a misrepresentation of longstanding local principles. In this sense, the struggle for the realization of “authentic” commons is, at the same time, a litmus test for the social efficacy of memory and a complex exercise in creativity and improvisation. Vrancea’s commoners aim to re-create a form of ownership characteristic to the region since at least the 15th century (Sava 1929), but whose principles were never locally codified before their elimination in 1948.¹³⁸ Given this context, they have to navigate a deeply layered and unstable landscape of the past wherein memory claims — asserted, challenged and exchanged — must also be proven. The character of the ownership dispute in which they are engaged as well as the intermediary, extra-legal space in which it must be waged precludes the articulation of a consistent politics of representation and validation (Brosius 2006, Zerner 2003). In this sense, this dispute over the limits and meaning of the commons provides an excellent opportunity for studying the importance of change, flexibility and re-conversion in the work of memory. A corollary of this perspective is, of course, the fact that memory needs to be thought as an active process, a mutable practice rather than as a static storehouse from which images and ideas of the past can be imported in the present.

¹³⁸ An attempt by the state to impose legibility by streamlining customary practices into positive law (the 1910 Forestry Code) was largely unsuccessful and met with widespread local resistance (Stahl 1939: 232). However, it is precisely this questionable legal codification, which portrayed the local obste as a corporation based on the principle of identifiable and potentially commodifiable shares that underlies the legal recognition offered in 2000 (this process is discussed in chapter 1).

Personal museums

A “museum” may be any real or imaginary site where the conflict *or* interaction *or* simulation of or between personal and collective memory occurs (Crane 2000a: 12).

This inclusive definition, particularly useful for the purposes of this chapter, emphasizes the museum’s potential for heterogeneity, its role as a point of intersection between memory and history, personal and collective memory, the creation and contestation of identity and, I would add, between humans and non-human entities, such as material objects. However, this is a recent and tolerant understanding of the museum genre, one that circumvents the longstanding debates surrounding the creation of this institution since the mid 19th century. As Didier Maleuvre (1999: 1) points out, the “traditional” museum has been heavily criticized for a whole score of intrinsic failures: “the loss of context, loss of cultural meaning, destruction of a direct connection with life, promotion of an aesthetically alienated mode of observation, instigation of a passive attitude toward the past and of a debilitating mood of nostalgia”.¹³⁹ As cultural constructs based on classification, schematization and abstractness, museums are particularly vulnerable to modern, and, at the same time, nostalgic critiques of memory loss. One such example is Pierre Nora’s analysis of the fixation and simplification of the past in *lieux de memoire*, vicarious modes of representation that fail to approximate the unmediated relation between past and present, existent in previous, traditional *milieux de memoire* (1989). From a different perspective, anthropologists, sensitive to the processes of collecting and reification that define their discipline, have looked at the paradoxical notion of culture as static possession that is propagated by the selective work of

¹³⁹ See also Baudrillard (1994) and Stewart (1993) for similar critiques of the decontextualization that serves as a premise of collections as well as of the particular (Western) notion of ownership as obsessive possession that drives the work of collectors.

museum-like displays as well as the attendant immobilization of an “authentic” cultural identity (Handler 1988; Karp and Lavine 1991). Indeed, as James Clifford (1993) notes, all such collections of material objects and memories inevitably “embody hierarchies of value, exclusions, rule-governed territories of the self.” One way to avoid sweeping critiques and assumptions about the role of the museum as a unique, homogeneous institution is to look more rigorously at the development of particular forms of representation and the creation of the multiple hierarchies they sustain.

In contrast to the classical art or history museum, and even the late 20th century experiments with more inclusive forms of cultural exhibition, such as ecomuseums or community museums (Fuller 1992), the three “personal” museums I encountered in Vrancea are not the final results of institutional or communitarian projects. As this recurrent name suggests, they are presented, at least initially, as personal creations, whose collections index incremental processes of identity-formation. The owner is an intrinsic part of the installation, whose congruence would be threatened without his/her narrative — such personal narratives, often intertwined with detailed biographies of the objects that make up the collection, stand as the most potent forms of cohesion in the absence of a prior, well-defined system of classification. Seen thus as a form of subjectivity, these museums have more in common with the early-modern world of private collections and cabinets of curiosities (Elsner 1994; Crane 2000b; Findlen 2000; Shelton 1994) than with the classical genre of the cultural/historical or art museum. Furthermore, even though they employ the “museum” vocabulary, they are mostly predicated on the space of the everyday life — courtyard or house — and their mechanical decontextualization of artifacts is minimal, or sometimes, even non-existent. In this sense, it is almost incorrect to identify them as museums, precisely because the use of this word is part of their technology of persuasion. This

transformation of the “museum” into a sign of itself is a good illustration of Maleuvre’s observation that “the museum’s involvement in mediating community identity is carried to the point where it lets itself be mediated by these identities” (1999: 108).

However, what makes these personal museums powerful is their very state of emergence, of non-coagulation and indecisiveness. They are exemplary forms of hybridity, straddling many genres and media through the re-conversion and combination of different modes of cultural display: the ethnographic exhibition, the socialist manipulation of folklore for nationalist aims, normative projects of kinship embodied in traditional “guest rooms” or “dowry rooms” or quasi-religious installations. The ethnographic vignette presented above stands as a good example of such combinatory re-conversion. The staging of an “ordinary” evening meal in a Nereju family for the education of visiting communist officials used the very parameters of socialist ideology – the extolling of peasant life, family values, and traditional simplicity — in order to certify the impossibility of fulfilling the inflated claims of the same socialist planned economy. However, it would be misleading to assume that the celebration of a peasant, “authentic” way of life originated with the socialist project. In the course of the same conversation, N.C. recounted his story of the 1927 monographic “campaign” organized by the Romanian School of Sociology in Nereju – an event that was intimately intertwined within his own family history. Not only did the two leading sociologists of that fieldwork team — Dimitrie Gusti and Henri H. Stahl — act as godfathers for the religious ceremony of his parents’ wedding (see Figure 5 below), but they also used his mother’s house as a representative icon of the “archaic” village of Nereju in their grandiose project for an open-air Museum of the Romanian Village.¹⁴⁰ Just like many other

¹⁴⁰ In effect, the two sociologists initiated and then acted as godfathers in the religious ceremony performed for the simultaneous wedding of a dozen couples from Nereju whose marital arrangements had not yet been officially

houses from different regions of Romania, his mother's family house was dismembered and then transported piece-by-piece, together with its contents, and then re-built in Bucharest. For the inauguration of the Village Museum in 1936, his parents were invited to Bucharest and lived for several weeks in the reconstructed house, participating as live exhibits in the overall display of "Romanian national culture." Transmitted along with other family stories, this experience could have provided a useful blueprint for N.C.'s own resourceful creation of a live ethnographic exhibit in the 1970s.



Figure 5. Collective wedding with sociologist godparents, Nereju, 1927¹⁴¹

sanctioned by the church. Gabriel Hanganu (1998) discusses similar practices of godparenthood in the second monographic campaign of the Sociology School at Dragus in 1929. See also Stahl (1981).

¹⁴¹ Photograph in the private collection of N.C., Nereju.

The purpose as well as the intended audience for this temporary ethnographic performance is quite plain in N.C.'s case; however, these are not as easily discernible for the recent, more permanent museums. It is apparent, though, that they all deal, in one way or another, with outsider-oriented representations of "Vrancea" as a regional unity, working to materialize a history that is perceived to be "within". James Wertsch's (2002: 24) notion of a "contested distribution" approximates the intersection of personal and common memories found in these museums. Their organization around objects marked by the traces of the events or persons they memorialize also suggests the importance of what Wertsch (2002: 25) calls "the second sense of distribution," that between "agents and the cultural tools they employ to think, remember and carry out other forms of action." Wertsch's perspective is useful for analyzing the role of material objects in the mediation of memory, especially when such objects are configured in a museum genre shared by the community as a resource for representation.

My only reserve concerns Wertsch's instrumental understanding of objects (or texts, for that matter), as tools deprived of intrinsic possibilities of intervention. I would follow here Bruno Latour's argument for the reconceptualization of social institutions as "collectives" of humans and artifacts, what he calls "object institutions" (1999: 192), in which material objects figure as active players in the mediation of social agency (see also Gell 1998; Henare 2007; Keane 2003). Museums, which were imagined since mid-19th century as "object lessons" (Kirschenblatt-Gimblett 1991: 395; Yates 2003: xi-xvii), are exemplary spaces for the investigation of this continuous entanglement between subjects and objects. Their material collections allow for the recognition of the ways in which humans bind themselves to non-human agents to produce new kinds of collectives and to precipitate the formation of hybrid — or, "non-modern" in Latour's terminology (1993) — networks and channels for the generation and circulation of memories.

The Museum of Our Ancestors

It is one thing, however, when ethnography is inscribed in books and displayed behind glass, at a remove in space, time, and language from the site described. It is quite another when people themselves are the medium of ethnographic representation, when they perform themselves, whether at home to tourists or at worlds' fairs, homeland entertainments, or folklife festivals — when they become living signs of themselves (Kirshenblatt- Gimblett 1991: 387-88).

“Why don't you come to see my museum? I have a museum at home,” said the man from Barsesti whom I had stopped to ask about the way to a monument raised in 1904 by the “Great Vrancea Assembly” in memory of king Stephen the Great. Decidedly curious, I follow him down the deserted road and we enter a courtyard where two women peel potatoes sitting on the grass, while two small boys play at hide-and- seek. Past the courtyard, we enter the animal sheds, scattering the frightened chickens and ducks. “Here it is! The Museum of Our Ancestors!” says the man, pointing to a dusty shack covered by an army tarpaulin:

I have gathered all the old objects that I could find. Look, I have swords from the Independence War [1877], iron clubs from Stephen the Great's war, pistols, and there, look, there it is Ion Vranceanul, dressed in our traditional costume. These here are our old musical instruments — panpipe, flute, bagpipe — there, on the shelves, are the clay pots that we used to eat in, in the back there's a wooden loom, that big thing there is the wooden comb for hemp, because we used to wear hemp shirts, not these flimsy cotton things...

Through this ostensible verbosity, the collection comes to life; it speaks and sings amidst the children's giggles and the noisy chickens. Marin, a former tractor-driver and the owner of the museum, turns his collection literally alive by playing the different musical instruments and demonstrating the uses of various objects, be it weapons or domestic wooden tools. There is an explicitly performative dimension to his self-presentation through the museum and the simultaneous presentation of the museum through his own acting. Invoking his involvement in the village musical and dance team, he constructs a detailed ethnographic demonstration of

“Vrancea’s” past way of life, using himself as a semiotic object, an anchor point for the historical and aesthetic consistency of the material collection.



Figure 6. Performing the museum, Barsesti

The rationalized and compartmentalized presentation of artifacts characteristic of Romanian historical or ethnographic museums is replaced by a *Wundercammer*-like display of hundreds of various objects, pertaining to different registers of formality, and crammed so that no corner of the former chicken shed remains unoccupied. Fragments of regional history are embodied in various weapons, which are presented as relics of the 15th century war carried out by Vrancea’s peasants in support of king Stephen the Great, a legendary event that marks a point of origin in the genealogy of Vrancea as a regional unity based on communal ownership, to the extent that it resulted in a “permanent and irrevocable” donation of the seven local mountains to the inhabitants of the region and to their descendents (Harnea 1930; 1972; Stahl 1939; see also chapter 1). The everyday life of “the ancestors” is copiously illustrated through whole shelves of

pottery, wooden looms and grinders, kitchen tools, and so forth. Dozens of traditional local costumes are folded carelessly on the upper shelves of the shed. At the center of the museum, there is the figure of Ion Vranceanul, a mannequin dressed in a male shepherd's garb, which Marin pats affectionately on the back, while explaining the name and role of each clothing item. In a corner, and slightly isolated from the rest of the collection, is a miniature reconstruction of the house belonging to Marin's mother. He indicates it as an emblematic representation of "the traditional Vrancean house".



Figure 7. The Museum of Our Ancestors, Barsesti

Although overwhelming in its multiplicity and diversity, Marin's collection presents the beginnings of some attempts at organization and categorization. Most of the objects are classified according to their uses — domestic tools occupy their own corner, and the same goes for musical instruments, weaponry or pottery — and are even identified through handwritten labels, pinned somewhat precariously to the shelves of the shed. The most explicit separation, though, is that

between “the museum” and “the exhibition,” which occupies a lower shelf on the right of the structure and represents a sort of precursor to the more institutionalized “gift shop” of public museums. While the museum contains worn and “authentic” things that can be clearly identified as indexical traces of the past — each of them can be validated through an individual biography that elucidates their local origin, points to their previous owners or to their participation in a famous event of Vrancea’s history — the smaller exhibition is made up of recently manufactured objects that participate in an extra-local tourist industry and are often commercialized at local fairs or in urban specialized stores. In Marin’s own explanation, the possibility of commodification marks an absolute difference between the authenticity of the museum and the second-order copies of the exhibition — “these treasures here I would never part with; these new things here are for sale, so that I can also make some money.”

Despite these inchoate signs of classification “the Museum of Our Ancestors” does not attempt to present a coherent and/or chronologically organized version of Vrancea’s history and culture. It does not yet offer a theoretical frame of reference for the viewer, nor does it exercise a “strong cognitive control” (Kirshenblatt-Gimblett 1991: 390) over the objects through long labels, charts and diagrams or booklets and catalogues.¹⁴² What this museum does, though, is to bring material artifacts together, binding each of them to a representation of “Vrancea” as a cultural and historical unity, a distinctive region with its own “personality” — symbolized most powerfully, as Marin suggested, in the natural size, realistic figure of “Ion Vranceanul.” In this sense, “the Museum of Our Ancestors” illustrates quite well what Kirshenblatt-Gimblett (1991: 388) calls “the art of the metonym:” a figure of representation in which “the object is a part that

¹⁴² Nevertheless, it is worth mentioning that Marin’s projects for the future indicate a preference for increasing institutionalization. He complained of his conflicts with the mayor of Barsesti, who did not allow him to put up a street sign for the museum, and expressed his intention to find a more adequate and public space and to engage in a publicity campaign (eventually by inviting the Romanian television and press).

stands in a contiguous relation to an absent whole that may or may not be recreated.” In it, one can easily discern the future shape of a local ethnographic museum, open for tourists’ visits, educational programs or the forays of other passing anthropologists.

Genealogy, politics and the senses

[S]he to whom the collection belongs, belongs also to the collection (Maleuvre 1999: 97).

“Have you seen Tanti Safta’s museum?” asks the mayor of Nereju, only a day after I arrived in the village and talked to him about my research.¹⁴³ “You *must* go and see it, just tell her that I sent you!” Intrigued by the urgency of his tone, I decided that the next day I would visit Tanti Safta, a seventy-three year old widow. After I called several times at the wooden gate of her house, she came outside and listened to my presentation. She agreed to meet me after several days, claiming some time for preparation. The actual visit began pleasantly, with her asking questions about me (where do I come from, what sort of family, where do I study, and so forth) and then listening politely to my explanations and reasons for coming to Nereju. Equally politely, she ignored my remarks about “the museum”. The discussion continued for about an hour and then it slowly turned into a more substantial oral history interview about her life and her family. After another three hours of talking we stopped and ate a brief meal and drank her “special” plum brandy with honey. By this time, I had almost lost hope of seeing her famous museum and even began thinking I might have misunderstood the mayor’s indications. But, as I

¹⁴³ “Tanti” is an informal term of respectful address for female elders, which does not necessarily imply a kinship relation. A derivation from the French *tante*, it is often used in Southern and Eastern Romania alternatively with the Slavic-derived word *matusa* (aunt).

was preparing to take my leave, she suddenly got up, smiled and announced that now it was time to see the museum.

The one-room “personal museum” is located in a different, more secluded part of the house. Formerly a customary “guest room” or “dowry room,” it is a place made up of distinctive layers of history, and yet, kept out of time. This is where Safta keeps the dowry of her grandmother and mother, and her own (the dowry being a set of handmade carpets, rugs, linen, pillows and clothing that the wife brings with her upon marriage). The room is thus made up of family tissue (both literally and figuratively): the walls, the floor, the tables and the two beds are thoroughly covered in such richly colored fabrics of feminine labor. Except for her two young granddaughters who visit sometimes during the summer, nobody is allowed to sleep in the room and the windows are covered so that no light or dust will slip in. On the walls there are photographs and portraits of several generations of family members. Tanti Safta pointed to the artifacts in the room, relating their individual or collective biographies. Most of the wall and floor carpets were cherished heirlooms passed down from her mother or grandmother. Others, such as the embroidered pillows scattered on the beds, were part of Safta’s own legacy to her son and they bore his name, sewn in delicate red letters. She patted each of the pillows fondly and caressed the soft texture of the wall carpets, inviting me to imitate her gestures and feel the texture of the fabrics. Touching gently the table-cover woven from fragile hemp threads, she explained the lengthy and difficult process of preparing and weaving hemp fiber. “Feel the softness,” she said, noting with regret that nobody works with hemp anymore. She then summoned me to the wooden dowry chest placed in a corner of the room, and asked me to wear a beautifully embroidered blouse woven from flax threads (part of the local costume), almost identical to the one she was wearing over the heavy and long black skirt decorated with colorful

beads. After I was thus re-presented in the register of the museum, we sat on one of the beds and Tanti Safta continued the detailed stories of the objects inhabiting her “personal museum.”



Figure 8. Personal museum, Nereju

The inscription of Safta’s personal memories onto the space of her museum room underlines the contrast noted above between the early modern sensibility of the private collection and the modern museum. In her study of Renaissance cabinets of humanist scholars, Paula Findlen (2000) discusses the significance of personal emotion in fostering the collections that can serve as modes of commemoration for both things and their owners. “The memory of the owner is thus part of what is communicated to the audience – they interact not only with the contents of the

collection, but with the collector himself via the collection” (Crane 2000: 10).¹⁴⁴ Safta’s personal museum embodies not only her own memory but also that of previous generations in her family: her mother and grandmother are thus commemorated through their hand-woven carpets, while the photographs of her father, mother and grandfather are hung together in a single wooden frame.

However, this is not simply a normatively celebratory display of kinship, but rather the nostalgic commemoration of an interrupted genealogy (see also Mauad 2002). Safta has become the custodian of everything that has remained of her family and a guardian of memories that need to be preserved as well as of memories that need to be lost. Nothing in the museum speaks directly of her only child, a priest who lives now in a different county. Safta refused to acknowledge him as hers after he divorced his first wife and left his two girls in order to re-marry soon afterwards. Safta, whose own father had been a priest, considers that divorce is a deeply immoral act for a member of the Orthodox Church and has thus excluded her son from the family genealogy, while still keeping in contact with his first “legitimate” wife and the two granddaughters. The only objects reminding of her son are the two pillows inscribed with his name: their presence in the museum speaks of both exclusion and loss, because, ordinarily, they should have been transmitted as gifts, decorating his own house rather than that of his mother.

An even more thorough material absence is that of Safta’s former husband who divorced her in the mid 1960’s after returning from the labor camp where he had spent almost 13 years. However, as a nameless “he,” the husband was very much present in Safta’s oral recollections. Soon after the birth of their son, he became involved in the local movement of anti-communist

¹⁴⁴ Similarly, Didier Maleuvre (1999: 99) notes on the early cabinets of curiosities owned by European noblemen: “In the *Kunstkammer*, the collector stands in the midst of art: he shows that the space of art can be inhabited, that it is immediate to the human world. No invisible wall cordons off the subject from the artwork”.

insurgency, eventually becoming one of the main participants in the 1950 revolt in Nereju. Outraged by the intention of the communist state to nationalize their forest commons, several hundred people from Nereju as well as from other villages in Vrancea decided to take arms and establish resistance groups in the mountains. One night in June 1950, during a particularly large meeting in a forest clearing, they were surprised by several troops of the police and the Securitate (former secret service): almost a dozen were executed on the spot, while many others were imprisoned or sent to labor camps.¹⁴⁵ Safta herself was interrogated several times at the county headquarters of the Securitate and had to live several months in house arrest with her parents and her son. Nobody was allowed to visit them and they could not leave the house and, thus, they nearly starved. Moreover, agents of the Securitate came to confiscate the belongings of her husband, but, in fact, they managed to take also her parents' domestic animals as well as many of their and Safta's things: "they took so many beautiful things, a wooden chest from my grandmother, my mother's embroidered skirt, and a bed cover, and other things also..."¹⁴⁶

Safta's tone when reminiscing about her former husband is an interesting mixture of pity, resentment and contempt. She tells with sorrow of her visits to the labor camp (very far from Nereju, in the lowlands of Southern Romania) and of how he had changed there. She resented his transformation and the fact that he "betrayed" her by going to live with another woman after he returned from the camp.¹⁴⁷ But the overwhelming tone of her recollection is one of contempt for the failed project of resistance in which her husband had engaged. "You see, they were waiting

¹⁴⁵ I analyze contemporary recountings of the events in 1950 in Mateescu (2011). But see also Anghel and Alupeii (1992), Dobrinu (2006) and Mihaila (1994).

¹⁴⁶ In Safta's memory, this time of loss and sorrow is closely identified with the previous arrival of Soviet soldiers during WWII – they had also taken things and food and devastated the house (Safta and her parents had gone into hiding and only her grandfather guarded the family house).

¹⁴⁷ Safta recalls with amusement and a certain pride how she disguised herself as a man and followed her husband's new lover, beating her up. After a while, her anger subsided and she could accept the idea of separation.

for the Americans, that's why they all ran into the forest with guns and everything. But, of course, the Americans never came and things stayed the same or they got worse for some of us." She points out the naivety of their political project, extolling, at the same time, the attitude of her parents, who "refused to have anything to do with politics," and tried to continue their old way of life despite the incursion of the communist state. Even now, she asserts, "politics is useless" because "we got our forests back and yet, there are only quarrels and conflicts going on! People should reconcile now."

While it is conceivable that, given different circumstances, Tanti Safta's museum could have been organized around her husband's project of political resistance,¹⁴⁸ what grounds and validates her collection is a more felicitous, but similarly politically charged, encounter, which is embodied in a particular photographic artifact. Her whole presentation of the museum gravitated towards a table at the center of the room, where she keeps an old magazine from 1927 – *Illustrated Romania* — which has been obviously touched and handled a lot. The magazine contains pictures taken by the anthropologist Henri Stahl of houses and people from Nereju. The captions under the photographs, written in French and English, are quite general ("village house" or "domestic interior"), but someone has corrected their neutrality. Names of people and places have been added in pencil by Safta's grandfather, himself a noted informant of the anthropologist.

As soon as Tanti Safta picks up the magazine, it opens to a particular photograph: it is a 1927 image of the very room we are in. Safta points to the photograph without making any

¹⁴⁸ This particular representational choice belongs, in fact, to her former husband. After 1989, Ion published a poetry volume, entitled *Tears of Memory*, which includes the poems he wrote in prison and in the labor camp as well as more recent poetical creations that relate the 1950 revolt in Nereju to other ownership struggles from Vrancea's past (in particular, the 1801-1816 lawsuit against the Moldavian nobleman Roznovanu).

commentary and, as I follow her gaze around the room, I see that almost nothing has changed in its arrangement; it is as if the present was suddenly telescoped into the past. The wordless presentation of this photograph re-frames Safta’s personal museum as an immobilized slice of temporality: the mimetic continuity of the material configuration seems to act as a form of compensation for the present tragedy of her interrupted familial genealogy. However, as her previous recollections of the 1927 anthropological campaign and of her grandfather’s close relationship to Henri H. Stahl indicate, there is an additional layer of meaning. The 1927 photograph – itself an ethnographic object that imparts the same quality to the room that it represents – acts as a document of authenticity. It is clear that Safta has deliberately strived to maintain her museum in the same form that it had been captured by the lens of the anthropologist, keeping it, thus, out of time and beyond the usual “vicissitudes to which material signs are prone” (Keane 1997: 31). The ostensible centrality of the photograph points to its special status as a piece of evidence, a document that validates, while at the same time encapsulating, Safta’s project for a personal museum.



Figure 9. Home, *Illustrated Romania*, 1927 (left); Personal museum, 2007 (right).

In contrast to the classical model of the museum, developed since late 19th century as an antiseptic space predicated on the separation between the visitor and the artifacts on display, Safta's personal museum encourages familiarity, closeness and active participation. It is a realm of social intimacy that reflects the early modern origins of the museum as private collection, situated ambivalently on the boundary between private and public space (Crane 2000; Elsner and Cardinal 1994). The restrictions that characterize standard museum behavior since the late 19th century — silence, interdiction of eating or free mobility (Maleuvre 1999: 101-3) — are best captured in the exclusive relation between the visitor and the objects, which are enclosed by velvet ropes, frames or glass cases. The significance of this intransitive relation can hardly be underestimated; as Susan Stewart (1999: 28) argues, the institution of the museum can be seen as “an elaborately ritualized practice of refraining from touch” or as an effective sensory technology through which “the contagious magic of touch is replaced by the sympathetic magic of visual representation” (Stewart 1999: 30).

In Safta's museum these processes are reversed: the visitor is asked to engage in the spatial immediacy of tactile perception, to feel the texture of fabrics, to take her time, to sit and to listen. In this sense, the museum expands beyond the spatial boundaries of the room and the visible material collection: it consists also of a collection of sensory experiences through which memories become compellingly tangible. Eating honey from a honeycomb brought from the beehives that Safta inherited from her father, hearing the low and soft tone of her voice as she recounts her childhood memories, invited to see and touch the surrounding fabrics, the visitor is inevitably immersed into a peculiar space of memory. In this sense, the personal museum exemplifies what Maurice Merleau-Ponty (1962) has termed the “synaesthetic” dimension — the fusion of all the senses into a unified bodily experience (see also Hecht 2001: 129; Stewart 1999:

32) — by means of which bodies and things become simultaneous agents of sense impression. Acting through such affective technologies that deny the separation between subjects and objects, the personal museum engages in an elaborate process of overpersuasion. Through the fusion of objects, emotions and senses (Hecht 2001; Seremetakis 1994), it becomes an adept mechanism for the creation of “allies” (Latour 1990) — people willing to believe in and support a particular version of local culture.

However, the presence of the 1927 photograph as the most prized item of the collection suggests that the museum expands also beyond the intimate space of family genealogy. While in a sense the photograph *is* part of family genealogy — incorporated through the friendship between Safta’s grandfather and Stahl — it is also the trace of a felicitous encounter between the locality of Nereju and the representatives of national social science who had come “all the way from Bucharest just to study our village.” It establishes thus the status of Nereju as a worthy object of study, which had benefited in the past from respectful scientific attention. By doing so, it also provides the model for an equally respectful relation between Nereju and the current political center. For the mayor, as for many other villagers from Nereju, the 1927 monographic campaign undertaken by the Sociology School is the object of local pride and fond memories. I suspect that this positive imagine, together with his appreciation for the emotional power of Tanti Safta’s museum, made the mayor insist on having various party officials, county and national bureaucrats, representatives of the World Bank or French tourists who came to Nereju as visitors to her home. From this point of view, the presentation of her museum as “personal,” as a promise of intimacy, is part of its attraction, but also a misrepresentation of the ways in which it has become collectivized as a significant component of the local evidentiary economy. It is thus a complex space that holds the promise both for a ritualized encounter with the

authentic communal past *and* for an unmediated relation to the sentiments and memories that define familial domesticity.

The “True Portrait” of Father Serban

The face is the evidence that makes evidence possible (Taussig 1999: 224).

In Naruja, a village located close to the center of Vrancea, one can easily spot the usual Cultural House established in practically all the Romanian villages during socialism. One thing, though, is different about this Cultural House: it does not bear the name of the village (as many of them do) but that of Father (priest) Serban. I was visiting the small village of Naruja to look for the cross that the people of Vrancea had built in 1932 in memory of Father Serban and two other local leaders who had helped win the lawsuit against boyar Roznovanu. Local narratives insist that what was at stake then was not simply the resolution of a property conflict, but the defense of a particular way of life, or more precisely, the protection of Vrancea’s autonomy and freedom in face of state transgression. “It is due to them [Father Serban and the other two Vrancean delegates] that we are today free masters of our lands,” says the *Call to Vranceani* to attend the consecration of Father Serban’s memorial cross on 28 August 1932:

“This day will be the great holiday of Vrancea, when, all gathered together, the small and the great, the young and the old, at the cross raised for priest Serban, we will live a moment of pious memory for those who were: **the liberators of our land**. The voice of the forests freed from the hands of the boyar calls you! The voice of the ancestors, who, after winning the trial went to priest Serban’s house and promised, on oath, that they and their children will never forget him, calls you! **BE THUS WORTHY OF THE ANCESTRAL WORD!**” [emphasis in original document]¹⁴⁹

After proudly presenting this 1932 document, Titel, the director of the Cultural House named after Father Serban, insisted that I should see “the special history room” where “all those

¹⁴⁹ Document from the private collection of Titel C., Naruja.

interested can come and see the priest himself.” The room is extremely small, but all the space — the walls, the table, and the two glass cupboards — is taken up by a marvelous collection of seemingly unrelated objects. Posted on two large panels on the wall, there are dozens of old photographs, newspapers and leaflets, crumbling books, goat skin masks, wooden household objects, a life-size dummy dressed in the local costume, and various old musical instruments.

As Susan Stewart puts it (1984: 153), within the classificatory scheme of collection, temporality is rendered spatial in a disturbing way. To account for that spatiality, one would have to engage in a “delirium of description,” ultimately undermining the very reality of the place. Yet, this “special history room” is not the materialization of a preceding principle of classification, but rather the instantiation of a mimetic epistemology that strives towards dialogue — with the tourist, the amateur historian (Titel himself is the author of a local monograph, Chirila 2005), the potential anthropologist or the rarely touring politicians who might donate money for the local Cultural House (as indeed happened here). The knowledge produced through this collection attempts, thus, to be mimetic in a double sense: both of the local historicity it purports to represent, and of the ideal code in which this needs to be rendered intelligible for outsiders. To the extent that the socialist state defined “local specificity” (*specificul local*) through such emblematic products as “the national costume” or traditional pottery (Karnouh 1990), then these are indispensable elements of the collection — a necessity that is also illustrated by the Museum of Our Ancestors, discussed above. They are powerful markers by means of which the magic of a singular place can be codified and thus communicated.

Nevertheless, Father Serban is utterly unknown outside Vrancea villages, being excluded from the national panoply of tradition, which features, otherwise, many figures of peasant resistance. In this sense, the small colored drawing, which the director triumphantly presented as

the portrait of Father Serban, is one of the most ambiguous items of the collection and the embodiment of a slippery process of signification. Upon first seeing the carefully and brightly colored drawing, I ventured that someone (probably a talented student) had tried to forge a likeness, mining the local postmemory for descriptive detail. But the director corrected me, saying that “we wanted to do everything right. We wanted to have a portrait of the priest and it better be a true one.” He pointed to a small note glued to the wooden panel, which was typewritten in the same characters usually used by the police or the county courthouse. The note, titled “automatic portrait (*portret robot*) of Serban Balan,” mimicked the format of an identification card, listing the discrete physiognomic features of this historical character through particulars that Titel had gathered from oral stories and a written collection of local legends.¹⁵⁰ After compiling this description, the director sent it to the Anti-Terrorist Brigade in Bucharest (a sub-unit of the General Police Department), where one of his former pupils, employed there, could actually create a “criminal portrait” or “identikit” of the person described, in this case a priest dead for more than 150 years. The brand new result, straight out of the Police headquarters in Bucharest, is hung in a wooden frame on the wall of the small room, its bright colors offsetting the older photographs and objects around. It is strangely dull at the same time, lacking the nuances and the creases that turn something into an authentic “antique,” a trace of the past. Yet, its aim is precisely to capture, as accurately as possible, an image from the past, evading through such mimetic excess (Taussig 1993), the simple mechanism of referentiality.

¹⁵⁰ The attempt to translate the poetical imprecision of local legends into the formulaic language of police science resulted into the following mixed description: the priest was a young man “from the lowly ranks of the Vrancean people, whose pains and desires he had known as a child,” with brown hair, “penetrating” eyes “blue as the summer sky,” white skin and traits “full of majesty,” a closely trimmed beard, the slender and agile body of a young girl, and with so much courage, honesty and intelligence that nobody could match him. The note also added that he dressed simply, being different from other “hulky” priests “with shady souls” and that he always wore his hair falling in waves over his shoulders. The mixture of external and internal traits here serves also to exemplify the difficulties of portraiture as a genre committed to an authentic and persistent representation of the whole person (Woodall 1997).

Moreover, underlying the use of techniques of criminal identification, there is a particular scheme of memory at work here. Analysing the development of a “memory of the state” in late 19th century France, Mark Matsuda (1996) notes the ways in which anatomy and physiognomy were turned into institutional mnemonic instruments by the nascent services of “judiciary identity” (see also Groebner 2007). The criminal portrait came into being as an attempt to create “irrefutable identity” by the decomposition of the human face into distinct traits, fragments and pieces: “Rather than considering the subject as a story, the fiche was a record of the subject as an arrangement of descriptive parts” (Matsuda 1996: 136). In Matsuda’s view, from this and other investigative techniques (such as the use of fingerprints), one can grasp the articulation of an immense taxonomy of remembrance, the memory of the state as “a series of documents, practices and institutions” based on “the knowledge of the file” (1996: 121-2).

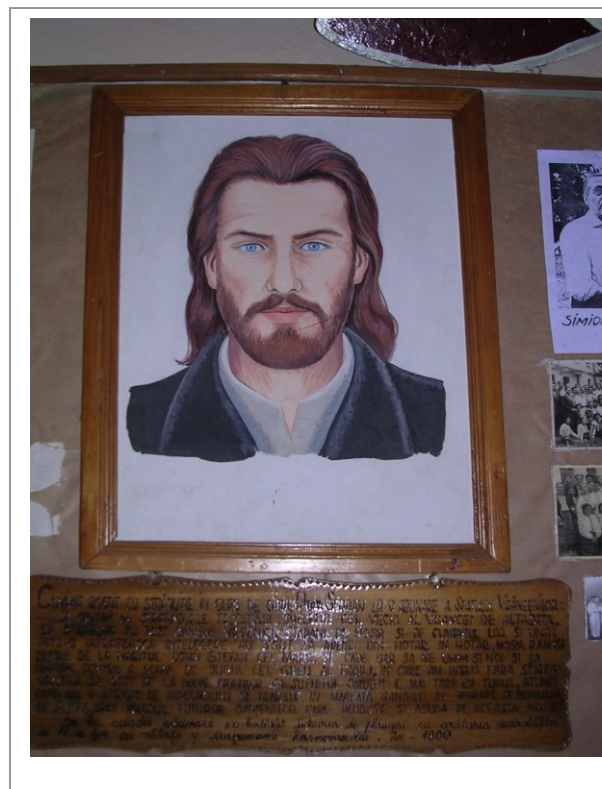


Figure 10. The True Portrait of Father Serban, Naruja

However, in producing the criminal portrait of Father Serban, the mnemonic apparatus of the state did not serve its own cataloguing purposes, but the mimetic sensibility of a historically attuned locale.¹⁵¹ In this case, the precision of criminal identification works to further the project of local identity (an identity that needs to render itself identifiable or legible in order to gain recognition).¹⁵² One could say that just as the mechanical “guarantees objectivity” in the case of the photograph (Barthes 1977: 44), here the state acts as a guarantor of the accuracy of the portrait, reinforcing its credibility.¹⁵³ To a pessimistic observer it might seem as if the illusion of objectivity intervenes brutally in the intimate workings of local historicity, consuming temporal distance in a large and hurried swallow. But the process by means of which the character of pastness is abolished is also one that brings distance into focus, transforming the portrait into an authentic image of the past. By literally retracing the local narrative contours onto a face, the priest’s criminal portrait points to a way of reckoning with time; it unfolds while, at the same time, crossing temporal distance. If one renounces “the vocabulary of reference” when considering the persistence of the past into the present (Ricoeur 1988: 158), it is possible to understand this temporal distance as a form of mediation.

The importance of mediation becomes clearer if one considers the criminal portrait of Father Serban not only from the perspective of its mode of production — the identikit techniques of modern police — but also from the point of view of the effect it seeks to achieve. As Titel

¹⁵¹ The irony is that the judicial agents of the early 19th century Moldavian state would have certainly appealed to such techniques of criminal investigation in order to apprehend the “rebel” priest, had these been available to them at the time.

¹⁵² “To recall a name or a face, individuals search personal memory; for the state, accumulation of documents and images form part of a series of practices which involve specially trained photographers, measurement experts, and pathologists, charged with the task of arranging descriptions, clues, and correlations, ultimately collapsing the distinction between ‘identity’ and ‘identification’” (Matsuda 1996: 122-3).

¹⁵³ I am inspired here also by Roland Barthes’s (1981: 76) discussion of “the photographic referent”: “not the *optionally* real thing to which an image or a sign refers but the *necessarily* real thing which has been placed before the lens, without which there would be no photograph.” On mechanical objectivity, see also Daston and Galison (2008).

mentioned, his intention was to obtain a “true portrait” of the priest, and not just any likeness. Why is extreme verisimilitude more important than the expressive or aesthetic qualities of the portrait and how is it conceivable in relation to mediation?

In an excellent study of images produced before the era of “Art,” Hans Belting (1994: 49) discusses a category of images named *acheiropoietic* (“not made by hand”). The widespread medieval legend of Christ’s “true portrait” (Belting 1994: 58) was related to such “unpainted” and therefore especially authentic images “that came into being either through a divine miracle or by direct contact with the body they reproduced” (Belting 1994: 53; see also Schwartz 1996; Tamen 2001). Because representational identity rested on an ontological relation between likeness and model, the early portraits of saints derived their power from the claim of an unmediated relation to the historical referent, becoming thus symbols of actual presence:

“Priority was given not to the art itself or to the artist’s invention but to the utmost verisimilitude. This attitude takes us to the heart of the early use of images. The beholder was in touch with the real presence in, and healing power of, the image. These could be guaranteed, however, only by an exact match between likeness and original, the intervention of the artists being unwanted” (Belting 1994: 53).

While I do not intend to suggest here that Titel’s creation of a “true portrait” of Father Serban was inspired from the early modern theory of icons,¹⁵⁴ the question of presence that is implicit in the production of extreme verisimilitude is, I think, highly pertinent. Just as the 1932 religious consecration of Father Serban’s cross by a gathering of all the priests from Vrancea served to propagate him as a moral person-ideal, the capture of his “true” face through the techniques of modern criminology continues the work of consecrating or validating the authenticity of his persona. In this sense, the portrait is but the last of a long series of invocations of the priest’s persona. Amateur folklorist and historiographer Simion Harnea (clerk at the Naruja Courthouse)

¹⁵⁴ But it could arguably be related to a living Orthodox tradition of icon veneration (Hanganu 2010; see also Keane 2014). True, the power of religious icons is grounded in consubstantiality with and not resemblance to the saints they represent, but a portrait defined by an exact and extreme likeness to its subject can blur the boundary between the (semiotic) icon and index (Gell 1998: 102-4) and make similar claims to presence.

devoted several of the stories collected in his *Vrancea's Treasure* to Father Serban (Harnea 2007: 80-3; 191-4). Neculai Jechianu, interwar president of Obstea Vrancioaia and later deputy of Vrancea, memorialized the entire lawsuit in an ample epic poem which has Father Serban demanding truth and justice in a poignant voice.¹⁵⁵ Henri H. Stahl (1939b: 11-22) makes similar claims for Father Serban's crucial role in the victory against Roznovanu going as far as identifying him with the very "soul of Vrancea".

As the most prominent representative of Vrancea in the lawsuit against Rozonovanu, Father Serban's position encapsulates the virtues but also the perils of delegation. Soon after the lawsuit, Father Serban (and his descendents) received an exemption from all common fiscal duties of the Obstea, in recognition for the effort and resources he had expended (Constantinescu-Mircesti and Stahl 1929: 107-7, doc. 64). The initial document of delegation had made clear that all debts incurred by the three representatives were to be treated as common debts of the entire Obstea Vrancea — just as their actions and pronouncements stood for the collectivity too (Constantinescu-Mircesti and Stahl 1929: 70, doc. 43). In the communal accounting after the lawsuit, several villages undertook to compensate the priest for personal money he had expended; however, given the distributive reckonings that established a slippery correspondence between money (tax payments, debts, etc.) and entitlements to forest commons (see chapter 3), it is not surprising that the priest and especially his son, Ionita Serban, redefined monetary compensation as a property claim, demanding a mountain portion of his very own.¹⁵⁶ Two decades after the lawsuit, this proprietary claim was forcefully denied in a meeting of representatives of all forest commons in the region (Sava 1931: 196-200, doc. 171), prefacing the

¹⁵⁵ Jechianu's epic poem remains unpublished as a whole. I became acquainted with it in the private archive of V.T. (Focsani), which holds also many of Jechianu's plans for forest commons reform along cooperative lines. Fragments of the poem as well as of Jechianu's reform plans and letters are published in Tibrea and Cherciu (2012).

¹⁵⁶ ANR, Fond MI Diviziunea Administrativa, files 1863-225, 1865-450.

beginning of a long struggle against predatory encroachments from within the commons (see chapter 2).

While Father Serban's later career in mountain grabbing has been completely erased from the local narratives that establish him as a moral person-ideal, the pitfalls of delegation did not remain unacknowledged in the course of the 1801-1816 lawsuit or afterwards. In fact, the first delegates designated by the regional community were long remembered as "traitors" after having received bribes to recognize the right of Moldavian princes to Vrancea; in 1815 they were forced to retract their lies and to contribute financially to the lawsuit as penance (Constantinescu-Mircesti and Stahl 1929: 98-99, doc. 61). One of them in particular, a priest from Paulesti who had sworn a false oath in 1804 to the Metropolitan of the Moldavian Orthodox Church and who had denounced the claim of the Vranceans as spurious in a letter to Roznovanu (Constantinescu-Mircesti and Stahl 1929: 49-50, doc. 32), became a byword for the notion of betrayal. His descendants had to suffer under the same stigma: a long removed nephew of his, priest in Nereju, "was regarded with mistrust and suspicion" by the locals even in 1936.¹⁵⁷

In the case of Father Serban, however, it is the virtuous dimension of delegation that prevails: his successful legal representation of the Vranceans in court as a spokesperson produced, at the same time, a successful re-presentation of the commons as an entity capable to address political power with a single voice. This persistent ideal of unity through faithful representation underlies the portrait's mode of validation as based on the claim of authentic presence. It is, in short, a way of reinforcing the continuing relevance of the priest's figure, whose role in the 1801 lawsuit serves even now as a model of articulating and making sense of

¹⁵⁷ These allegations are reported in 1936 by Mircea Vranceanu, former head of the Royal Team of Students to Nereju, in response to a complaint by the priest about the activities of the team. ANR, F695-696 Fundatia Culturala Regala – Camine, file 2950 (1934-1948) Caminul Cultural Regele Carol al II-lea, pp. 59-60.

ownership conflicts.¹⁵⁸ Moreover, if moral entitlements are more vividly articulated in situations of co-presence (Widlok 2012), the portrait becomes an “ethically saturated” (Keane 2014) object in its aspiration to match and possibly merge with the original. The “true” face of the priest is, thus, not just the relic of a past that continues to be present, but an actual piece of evidence, generating and guaranteeing truth-value. It is ultimately ironic that the institution of the Cultural House, used as a means for the propagation of socialist ideology until 1989, becomes the vehicle for this unabashed veneration of Popa Serban’s successful project of state opposition.

Forensic communities

For me, history cannot be a book. Books, you read and then you forget, or, most often, you don’t even read. (...) I speak of *the history within*, the history in me, in us, of the feelings that we have and of the pride that keeps us, like water lilies, on the surface of time. I want to believe that each man of this land is possessed by HISTORY as by an undying oath... (Olteanu 1988: 64-5, author’s emphasis)

This extravagant image of an embodied history that possesses its possessors comes from Traian Olteanu (1988: 65), a local poet whose only novel extols the resistance of Vrancea peasants under German occupation in World War I. I use it as shorthand for the many ways in which Vranceans emphasize their special relationship to history¹⁵⁹ — as a gesture towards the specificity of Vrancea as a place anchored into an immemorial past of the free commons and, at

¹⁵⁸ Besides recurrent invocations of this trial in everyday conversations, I can also point to more suggestive examples such as that of the brother of a former mayor of Nereju, who identifies with the figure of Father Serban and takes him as an ideal model for action. His invocation of the priest is not just a rhetorical figure, but it is also grounded in explicit historical comparisons: “At the time of the lawsuit with boyar Roznovanu we had to deal with a single invader. The only difference now is that there are more of them!”.

¹⁵⁹ Although it is presented as an embodied quality (for instance, “our love for history”), this historical sensibility surfaces in the intermediary spaces discussed in this chapter as well as in various practices: keen memories of local events that are weighted with social use, well known legends and stories, locally sponsored monuments, an intense concern with the material traces of the past (old documents, objects, photographs, buildings) and, in some cases, awareness of historical and ethnographic scholarship of the region.

the same time, towards the articulation of an apparently seamless identity among its inhabitants. It is certainly significant that historical intimacy is not presented as the monopoly of a single village (i.e. Nereju), but as a shared characteristic of the whole region. Thus, what seems to underpin this “history within” is the claim of Vrancea as an autonomous and unitary historical actor (as in “the whole of Vrancea rose up against boyar Roznovanu” or “the whole of Vrancea fought against the communists”).

Vranceans’ entitlement to the commons is, thus, grounded in the active sharing, exhibiting and recursive narrating of a locally “deep” history. This is not only about a past that is inscribed into practices of succession or distribution in the forest commons (see chapters 1 and 3), but also about the productivity of place, the way in which it continuously radiates and exudes historical “evidence”: old documents might be unburied from one’s garden, the letters of an 18th century monk are hidden behind the earth stove, or an old photograph of a village wedding organized by two famous sociologists is carefully taken from the dowry chest. Even state law has repeatedly acknowledged this layered historicity of the commons: the 1910 Forestry Code, by identifying Vrancea’s commoners specifically as “the possessors of old documents” and, more recently, the 2008 Forestry Code, by making room for the commons into Romania’s historical patrimony (*tezaur istoric*).

Part of this place-specific historical productivity, the personal museums discussed in this chapter are signs of a newly emerging “trading zone” (Galison 2010) that does not attempt to translate the, otherwise incommunicable, reverberations of “the history within,” but to devise intermediary, recombinant registers for their expression. They perform this difficult work of materializing a relation of immanence by sidestepping the pitfalls of incommensurability in translation. By means of complex “object lessons” this intangible relation is *shown* (not

explained): both in the case of Tanti Safta's 1927 photograph of her dowry room and in that of Father Serban's "true portrait," the rapport between signifier and signified is governed precisely by such a relation of immanence rather than transcendence. The strategic use of such artifacts enables individuals such as Marin, Safta and Titel to collectivize their personal memory projects, binding them to communal references and experiences. A tentative conclusion suggests that the materializations of memory in these museums are also attempts at codifying somehow the image of locality, at radicalizing its presentation in a way that renders it legible to outsiders without having to translate it in the latter's terms.

The part these museums play in the local evidentiary economy — the production of proofs for these elusive ideas of history and property — is not wholly original. Vrancea's commoners have had a long history of evidence accumulation: the anthropologists and historians of the late 1920s, caught up in the documentary fever of the locals, excavated here rich collections of documents dating since the 15th century (Constantinescu-Mircesti & Stahl 1929; Sava 1929, 1931). Such documents acted as incontestable proofs throughout the conflicts over legal ownership of the 18th and 19th century. However, once the struggle for the realization of ownership is moved onto the extra-legal and slippery terrain of cultural recognition, more complex forms of representation replace legal proofs. These hybrid museums, combining various genres and techniques — from the ethnographic exhibition to the modern technology of criminal identification — can produce representations that are powerful enough to challenge the legalistic interpretation of the commons and, at the same time, sufficiently elusive to permit the continuous re-shaping of property norms according to locally defined needs and aims. Their skillful blurring of the boundaries between the private and the public, the individual and the collective, the traditional and the modern, memory and history, subject and object, sentiment and evidence

guarantees their persuasive appeal for the official and unofficial outsiders who might have a say in the creation of “Vrancea” as object of ownership and cultural representation.

Such hybrid alliances suggest not only the importance of studying the articulation of different historicities for what they reveal about the constitution of regional and ethnic identities (Daniel 1996: 25-31; 50-6; Papailias 2005), but also the need to tend to the non-disciplinary and heterogenous spaces in which histories are forged. The proliferation of local monographs in the past two decades (see, for instance, Chirila 2005, Cotea 2003, Neagu 2005, Neagu 2007), during and after the restitution process of the commons, attests to the renewed importance of this amateur historiographical genre. Local intellectual elites (village and town) trained under socialism — teachers, cultural workers, journalists, even bureaucrats — convert into amateur historians and to the genre of local history. The re-emergence of the field of amateur historiography illustrates not only biographical trajectories and their vagaries but also the formulation of new knowledge practices by means of recombination of previous modes of evidence collection, preservation and textualization (some developed under socialism, some reclaimed from the interwar period).

Just like the hybrid genre of the personal museum, the contemporary field of local amateur historiography unfolds as a social and intertextual “trading zone” (Galison 2010) wherein extensive and looping quotations perform the double role of reproduction and innovation. Unashamed of redundancy, local monographs repeat and refer to each other as well as to formative texts of the interwar period (Harnea 2007; Sava 1929; Stahl 1939), participating thus, in the articulation and fixation of a local historiographical canon. In the process, the deep past of the forest commons is minutely excavated and insistently memorialized while the

frictions of the present are either shrouded in silence or drowned in assumptions of unalterable continuity.

The disappearance of the forest and the re-discovery of a deep past in the forest commons activate thus, different forensic modes: one is an ultimately prospective process of ongoing evidence-making committed to the recovery of a fragile future while the other is primarily retrospective, invested in validating the commons by the excavation of material and documentary traces. In a sense, both of them grapple with the specter of extinction and of destroyed livelihoods: on the one hand, painful and disturbing vivisections of the disappearing forest; on the other, elaborate and poignant autopsies of revered and potentially redemptive relics. The forensic communities shaped by these different evidentiary modes communicate only sporadically. They are most often brought into tentative dialogue by the yearly festivals in villages such as Naruja, Nereju or Barsesti to which commoners, foresters, politicians and monographers participate almost without fail. It is perhaps suggestive that one of the most appreciated events at these festivals is Chiparusul, a long gone funeral ritual in which masked dancers celebrate death with energetic movements and slapstick humour.

CONCLUSION

In 1837, the commoners of Obstea Paulesti write a peremptory refusal in response to a summons from the local representative of the Moldavian state: “we do not want [to come], neither we, nor Vrancea” (Sava 1931: 160, doc. 148). The commoners speak for themselves, for the Obstea, but also for the greater regional whole of Vrancea. In doing so, they perform and emphasize their allegiance to a form of sovereignty which trumps that of the state. This is by no means a unique documentary expression of “adversarial literacy” (Castiglione 2004) on the part of commoners; it is, in fact, only one of many instances in which “Vrancea,” as a corporate actor, speaks to, and against, rival political powers. Vrancea had already been identified as a “republic” with considerable autonomy from royal authority in the early 18th century historiography; by the middle of the 19th century, it also becomes famous for the efficacy with which it could thwart state power: “sometimes one veto by the Vranceans was enough to prevent arbitrary or unlawful measures by the local administration. In such cases, the other inhabitants of the land said: ‘let us see what Vrancea does’; and Vrancea sometimes utters its veto by the formula: ‘Vrancea says no’” (Sutu 1852: 109).

Vrancea was not a “real” republic, nor did it have “real” veto powers. But such often repeated ways of speaking are consequential in themselves: the historical ontology of Vrancea as an enduring political actor is articulated and sustained through representations and mediations.

This is also the ontology of a collective entity that is more than the sum of its parts, one but also many. Historically speaking, however, wholes devolve into parts and parts get re-assembled into new wholes. At different points in time, Vrancea is an unbroken commons, an assembly of increasingly distinct forest communities — all of which begin representing themselves as wholes in their own right, separate from the political- administrative unit of the village — and, finally, a shadow whole that includes legally recognized and codified assemblages of individual “rights” to forest commons, each with its own juridical personality (*Obstea*). In the process, mountains withdraw into the background while forests become the pre-eminent objects of communal action. Priest delegates and gatherings of notables are replaced by administrative councils with well-defined rules of assembly, voting and decision-making. The vocabulary, practices and entitlements of *stapanire* (mastery, sovereignty) give way to *devalmasie* (wild togetherness) and, eventually, to state sanctioned, quasi-corporate and quantifiable share ownership.

Nevertheless, such a sequential ordering collapses during the contemporary process of reconstituting the forest commons. I describe it as a form of constant re-assemblage precisely because it activates these different visions of the past commons, gathering them together into a vivid, albeit precarious, co-existence. Yearnings for mastery vie with rights-based claims, the flexible ethical mathematics of togetherness contaminates the invariable distribution of shares. Untimeliness pervades this process of re-assemblage precisely because the commons is a social composite — a way of being and acting together grounded in a practical metaphysics of togetherness — as well as a historical composite, a mode of establishing persistence through and across time by turning temporal depth into a repertoire for experimentation. Vrancea’s forest commons have been repeatedly pronounced dead or dying for the past two centuries and yet, they have emerged again and again in new reconfigurations with other historical forms (most

notably, the capitalist form of the corporation). Commoning demands not just exercises in togetherness, but also in simultaneity. Serial anachronism is, in this case, a recipe for survival.

The most recent Romanian Forestry Code (2008, art. 95) guarantees the indivisibility and inalienability of forest commons as “historical patrimony”. This form of recognition predicated on historical distance echoes the early 19th century situation of Vrancea’s commons in the deep past of pre-state formations. At that time, commoners actively produced temporal extension as the ground for longstanding possession offering, thus, timeless ownership as the winning solution to a juridical plight that would have, otherwise, left them vulnerable to dispossession. Leaving aside the inherent stalemates of static conservation, is the inclusion of the forest commons in the Romanian historical patrimony proof against contemporary forms of dispossession? To any candid observer of the precarious state of countless other patrimonial objects, the answer would be a resounding and unapologetic no.

However, the 2008 Forestry Code also made possible a significant political-economic transformation: it allowed the establishment of autonomous forestry structures, finally removing the forest commons from the decade-long management of State Forestry Offices. As I have often noted in this dissertation, it was precisely the indignation and resentment against abusive state forestry administration that prevented many commoners from recognizing the commons as their own, a collaborative product of their own actions. Given the high costs involved in the creation of such forestry structures, it makes sense for multiple forest communities to pool resources together, establishing new collective entities, new wholes that promise to reinforce the durability of the commons. Driven by the inescapable logic of investments and profits, these emerging forestry assemblages could even prefigure the renaissance of regional unity: Vrancea republic in the guise of Vrancea corporation.

APPENDIX A

Archives

National Archives of Romania, Bucharest (ANR)

A.N. F91 Roznovanu
F1724 Constantinescu-Mircesti
F695-6 Camine culturale regale
Ministerul de Interne, Diviziunea Administrativa

National Archives Vrancea, Focsani (ANVN)

F13 Prefectura Putna
F20 Tribunal Putna
F514 Judecatoria Naruja
F572 Judecatoria Vidra
F230 Obsti
F155 Obstea Negrilesti — Paiselele
F157 Obstea Paulesti
F158 Obstea Secatura-Parosul
F159 Obstea Vidra Tichiris
F160 Obstea Voloscani — Muntele Verdele
F548 Obstea Tulnici

Private document collections

V. B. (Nereju, Vrancea)
J. M. (Nereju, Vrancea)
N. R. (Nereju, Vrancea)
I. P. (Nereju, Vrancea)
V. C. (Nereju, Vrancea)
I. Ch. (Nereju, Vrancea)
I. C. (Nereju, Vrancea)
G. C. (Nereju, Vrancea)
S. V. (Nereju, Vrancea)
I. P. (Nereju, Vrancea)
N. E. (Paulesti, Vrancea)
C. C. (Paulesti, Vrancea)
I. M. (Tulnici, Vrancea)
V.T. (Focsani, Vrancea)

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