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LONG LIVE THE FOREST! THE FOREST EXPLOITATION PROCEDURES AND THE POWER OF THE INSTITUTIONS. THE CASE OF THE ROMANIAN COMMUNAL VILLAGES*

David Diaconu

Abstract

This paper examines forest exploitation in Romanian communal villages from a new-institutional perspective. Using mixed-methods research but with an emphasis on qualitative data, it explores the specificities of forest exploitation. Starting from three research questions, the paper addresses the ideas of corruption, illegal logging, and the types of institutions that exist(ed) in the Romanian *obști* and their forest exploitations. Findings reveal that although institutions tend to be inclusive, extractive elements and challenges related to illegal logging and corruption persist. Thus, although the State increases its power, the situation is far from perfect.

Keywords: Institutions, communal villages, forest exploitation, illegal logging

Introduction

The idea for this paper started during the postdoctoral research fellowship that I had at the New Europe College in the 2022/2023 academic year. During my last six years, I worked on the study of commons and commons management institutions in the case of Romanian villages. This paper, in addition to the other that I wrote,¹ aims to discuss a slightly different issue regarding the communal villages' challenges: the problem of forest (over)exploitation. Thus, in the following pages, I will try to map the forest

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exploitation procedures in Romanian communal villages,² employing a new-institutional political science and economic perspective.

The general objective of the present paper is to map the local-based institutions affecting non-cooperation in the exploitation of forests and to achieve a comprehensive opinion; the paper aims to answer the following questions:

RQ1: Are there any (historical) differences among the institutions (rules-in-use) governing forest exploitation in communal villages in different geographical areas?

RQ2: Are the forest exploitation institutions rather inclusive or rather extractive?

RQ3: Are corruption and adverse long-term outcomes – illegal or over-exploitation practices – enabled or encouraged by local institutions, despite nationwide institutions related to forest exploitation?

From a methodological perspective, the paper involves a mixed-methods research design emphasizing qualitative aspects. It starts with an exploratory design based on interviews, group interviews, and document analysis. I am also employing quantitative data such as population or agricultural censuses.

In the following sections, I will discuss the new-institutional theoretical framework that I am employing. Still, I will also describe the characteristics and the historical evolutions of the Romanian communal villages and the commons they govern. The core concepts of this paper are *institutions*, *communal villages*, *the tragedy of the commons*, and *collective action*. The theoretical framework and its evolution will be presented in the following sections.

The present analysis considers three different development periods in the case of the local-based institutions and four geographical areas of nowadays' Romania. Communal villages from Argeş, Gorj, Vrancea, and Suceava represent the case studies. In the *Discussion* section, I will discuss the relevant differences between these areas related to forest management and I will shortly present a case study related to a specific village.

New-institutional theoretical framework

Theoretically, this paper may be considered at the intersection of political science and economics. I extensively wrote about the new institutional economic literature on *Commons and Local Development Disparities*.³

In this section, I will shortly present the main concepts needed for understanding the argument developed in the paper.

The core concepts of this paper are *institutions*, *the tragedy of the commons*, and *collective action*. These concepts were developed within the new-institutional economics theoretical framework.

One of the most recognized institutionalists is Douglass North. In his 1990 book, he stated that „*institutions are the rules of the game in a society, or more formally, are the humanly devised constraints that shape human interaction. In consequence, they structure incentives in human exchange, whether political, social or economic.*”⁴ Following North, institutions are understood as rules or norms, either formal or informal, that are relevant for shaping human behavior. Thus, institutions have an essential role also in shaping society. Douglass North was not the only economist who discussed this topic. Another Nobel Prize winner in economics, Elinor Ostrom,⁵ narrowed the definition by introducing the idea of institutions as a “set of working rules”.⁶ Those two approaches are complementary, and both follow the same tradition. Coming to the present, there are many other economists or political scientists who offer different specificities regarding institutions. For example, another well-cited author is Daron Acemoglu. Although he is not considered a complementary theoretician with Ostrom or North, Acemoglu introduces an important distinction in the literature: inclusive and extractive institutions. These two concepts enriched the institutional approach. Inclusive economic institutions enable the participation of the entire population based on their skills and choices, including private property rights.⁷ Extractive institutions – defined in contrast with inclusive institutions – extract wealth from one group to benefit another without emphasizing private property.⁸ In other words, for Acemoglu and Robinson, inclusive institutions encourage a free market and transparency, while extractive institutions encourage corruption.

The literature in economics provides a relevant typology of goods, which is important for the next concept I will present – the tragedy of the commons. Scholars such as Elinor Ostrom, Vincent Ostrom, or Cornes & Sandler classify goods based on two main criteria: excludability and rivalry. While excludable goods allow for benefits to be restricted to specific users or managed by the provider,⁹ rivalry can be understood as diminishing the consumption opportunities for others.¹⁰ Referring to the combinations of excludability and rivalry, four categories of goods may emerge private, toll, common, and public goods.¹¹ The common goods –

commons, hereafter – are those that any person may use, but with each usage, their quality or quantity will suffer.

The tragedy of the commons is a concept that was widely used in different domains. Garret Hardin introduced it in his 1968 paper.¹² His famous metaphor refers to a pasture where two herders brought cattle. The central assumption is the one of rationality. That means each herder is pursuing its own interest in maximizing income, which means it is expected – as rational – to bring more and more cattle to the common pasture. This action will, of course, result in an increased individual profit while both herders share the costs. However, this behavior leads to the destruction of the pasture, as the number of cattle exceeds the pasture's capacity for regeneration. This is the *tragedy of the commons*.¹³

Elinor Ostrom explored three solutions to the tragedy of the commons. The first, to which she refers as the Hobbesian solution (or the centralized power solution), refers to the idea that a state entity imposes regulations, controlling everything from monitoring the number of herders and cattle each brings to the pasture to sanctioning instruments that have to be imposed by the same entity. The second, known as liberal solution or privatization, suggests that the common should be divided among users, transforming the commons into private goods for individual exploitation. Ostrom's third solution advocates for individuals to construct the institutions governing the commons, arguing that local communities are best equipped to determine exploitation limits.¹⁴ In this paper, I will present an evolution from the third solution to the first, arguing that the present situation is imperfect.

Moreover, I will refer to some situations in which some communities successfully avoided the tragedy through certain institutions. Of course, this is not an exceptional case; many other scholars present such situations. For instance, Berkers *et al.* discuss the case of the Cree Amerindian fishermen of James Bay, who regulate the use of their common through mutually agreed rules, such as waiting turns for prime fishing sites.¹⁵ Those rules do not have to be respected in any general context but in the specific situation they were built on.

The third core concept of this paper is the one of collective action. This concept was introduced by Mancus Olson in 1965.¹⁶ Richard Wagner simplified the main argument of the book. He considered that Olson's book should be understood as exploring the link between individual rationality and individual engagement in self-interested group activities.¹⁷ In other words, Olson's argument is part of the rational choice theory,

assuming (similarly to Hardin) that individuals are driven by self-interest and prioritize their outcomes. Olson added that when individuals belong to a group with a shared interest, a potential conflict between common and individual interests may appear.¹⁸

Considering this conceptual framework, this paper aims to offer an explanation for forest overexploitation in some Romanian villages.

The Romanian communal villages and their history

Conceptually, communal village refers to a specific type of village that owns what I previously described as commons. In the literature, we may find different terms for the same concept. For example, Monica Vasile refers to those as *commons*, and other scholars refer to those as *collective forests*. I stick to the term communal village instead of *commons* because, as I previously argued, *commons* are a type of goods that are governed by these organizational forms of villages. Some examples of commons managed by the *obști*¹⁹ are forests (mainly), meadows, pastures, or even buildings or infrastructure elements. Thus, I am considering the definition of Henri Stahl that stated that the communal village has a leading organization that governs those types of goods, *the obște*.²⁰ Throughout the paper, I will use the terms *obște* and communal village interchangeably to describe the same cases. The main characteristic of those villages is related to the undivided group ownership over certain land. Those areas are not based on clear boundaries between the properties, but each villager owns a part of the total area, and there is no specification regarding the points where the area starts or ends. Stahl described those villages as “neither a unique household, nor a simple spatial coexistence of autonomous households. The communal village is an association of family households on a commonly owned territory, in which the collective has anterior and superior rights, exercised by the *obște*”.²¹ Adding to this definition, another relevant scholar in the field, Petre Panaitescu refers to the *obște* as “a community of work”.²² In this way, the central aspect of the *obște* is to develop and impose institutions that encourage the members to work more efficiently. In the same way, as a result of previous research, historically, the central aspect of an *obște* was related to how the villagers were involved in the *obște*'s activity: they had political, economic, and social activity within. The political activity was related to decision-making processes – there were many different voting and preferences aggregation

rules from case to case. Regarding economic activity, all the members of the *obști* were involved in many types of paid or income-related activities. Usually, men were engaged in forest harvesting while women and children were involved in complementary activities such as clothing or food. Last but not least, the social links may be found in all the villagers' activities, social capital and social bonding being central in this kind of community.²³ In addition to the abovementioned ideas, some historians considered that the *obște* was initially a blood-related community.²⁴

The Romanian communal villages research was initially based on the work of the Bucharest Sociological School. Dimitrie Gusti – the School's founder – along with his students, Henri Stahl²⁵ and Vasile Caramelea, developed and proposed a monographic approach to analyzing these villages. Their fieldwork documented these cases' communal aspects and property ownership, laying the foundation for subsequent analyses. In addition to that, Petre Panaitescu's work²⁶ contributed to a distinct analytical approach to Romanian communal villages. Building upon these foundations, various perspectives and analyses emerged over time. The subject was discussed from a political science perspective, and scholars such as Adrian Miroiu²⁷, Mirela Cerkez²⁸, Șerban Cerkez²⁹, Horia Terpe,³⁰ and myself,³¹ along with other colleagues, have also contributed to this discussion. Sociologists or anthropologists such as Monica Vasile,³² Ștefan Dorondel,³³ and Oana Mateescu,³⁴ as well as forestry researchers like Nichiforel and collaborators,³⁵ explored forest exploitation practices within a particular social context. The other papers I mentioned above broadly discuss the characteristics, institutions, norms, and a few further details referring to the Romanian communal villages. In the present section, I will briefly present the relevant theoretical framework needed for developing an argument.

First of all, the Romanian communal village must not be understood as Romanian exceptionalism. Several other countries have similar organizational forms on each continent. For example, we may find commons-related organizational forms in Germany, France, Denmark,³⁶ or even in southeastern Asia. Secondly, their rise and history have many aspects, and many hypotheses were developed. First, there is a classical hypothesis known as the theory of the eponymous hero. This states that each village was created or built on the life of a local ancestor.³⁷ As I will present in the methodological overview, there are many villages where I did fieldwork that have local narratives about a hero. The local stories regarding their history are based on several ancestors from which the

village's name was derived (for example, see the names of the *obști* of Vrancea, many of them being related to *Baba Vrâncioaia*, her sons, and Stephen the Great). This model does not include any discussion about how the property (private property in our case) appeared or who was the land's former owner. In this way, Henri Stahl argued that there is no clue to consider that vast areas that nobody owned existed.³⁸ Another hypothesis is the one that refers to a previously existing larger area that was split into smaller organizational forms that will be afterward known as *obști*. My own argument is an institutional one, following Olson, Oppenheimer, and Miroiu: the social context, autonomy, and the lack of the State's power helped build locally-based institutions that governed and incentivized the villagers at best. In that way, the form that we refer to as an *obște* is a set of working rules that, to a point, contributed to developing similar self-governing ways of managing their commons.

In the next section, I will present the forest exploitation procedures enforced at different points in the history of Romanian *obști*. To do that, at this point is relevant to discuss the *critical junctures* that existed in the history of *obști*. The term *critical juncture* was coined by Acemoglu and Robinson, referring to it as "a double-edged sword that can use a sharp turn in the trajectory of a nation. On the one hand, it can open the way for breaking the cycle of extractive institutions and enable more inclusive ones to emerge. Or it can intensify the emergence of extractive institutions"³⁹. Thus, the *obște* development period may be split according to a few critical junctures that contributed to a *sharp* turn in the trajectory of the village. Those moments were 1948 and 1989. Both moments represented relevant points in Romania's political and economic history, implicitly in the history of the Romanian villages. In 1948, after the imposition of the communist regime, many centralized policies – such as nationalization or collectivization – were enforced, so all the local institutions developed in order to govern the commons could not be relevant anymore because all the lands that *obști* owned were transferred to the property of the State. The second year that may be characterized by a critical juncture was the year 1989, when in December, the Romanian Revolution took place. Starting with that point, Romanian society transitioned to democracy. During the transition period, there were many restitution policies on the one hand, or improvements in forest exploitation, on the other. I will develop these ideas in the following section. Still, until that point, I propose the terms of "Old *obște*" for the period until 1948, the "socialist period" for the period

of 1948 – 1989, and the “New obște” for the period between 1989 and the present.

Being part of different historical regions – Valachia (Southern Carpathians) and Moldavia (Northeastern Carpathians) – there are also other governing characteristics. Based on the differentiation between membership rights – inegalitarian or egalitarian – I argued⁴⁰ in favor of this simple distinction. The inegalitarian *Obști* are those that are governed by political or economic rules that are based on inequality. For example, the voting rules within the *obște* are based on the number of parts (or shares) owned by each villager, and all the decisions are made considering these differences.⁴¹ The *obști* characterized by inequality are those from Argeș or Gorj county.⁴² On the other side, the egalitarian *obști* are those placed in Eastern Romania, known as Vrancea Country.⁴³ Shortly, the egalitarian *obști* are characterized not by a shares-like organizational form but by the idea that each villager is equal to the other. None have more political power, higher incomes, or influence on *obște*'s decisions.

Forest exploitation procedures in the three periods

In the previous section, I discussed three development periods of the Romanian communal villages, as I labeled them: the period of the old *obște*, the socialist period, and the period of the new *obște*. In the present section, I will briefly present some aspects regarding the framework of forest exploitation procedures in Romania in those periods. The critical junctures on which I developed the *obști* timeframe are relevant because of their impact not only on forest exploitation but also on the changes within society.

Starting in 1948, after the imposition of the socialist government in Romania, the processes known as collectivization or nationalization started. That means all the significant areas belonging to private owners or local communities were transferred to State's property. Regarding the forested areas, in 1948, all the forest lands owned by private owners (at that point, that were about 23 percent of the total) and those owned by local communities (49 percent of the total) – so a total of 72% – were transferred to the State.⁴⁴ Regarding the Forest management policy, Nichiforel *et al.* consider that in post-1989 Romania, there was a transition from a centralized system to a market-based economy. This period included, on the one hand, the privatization of the forest industry and, on the other, the

forest restitution processes.⁴⁵ The results of the restitution processes may be seen by comparing the total surface of the private forests in different years. Following Nichiforel *et al.*, while in 1990 there were no private forests, in 2018 – 39.4% of the forested surfaces were private.⁴⁶ At this point (1948 vs. 2018), there is a certain difference between the forested surfaces that were owned by the private sector. Of course, the total surface is different, but in relative terms, these differences persist. Those differences may be not only a result of different formal institutions (such as Codes) but also of practices. Following Albulescu and collaborators, the three periods presented distinct forest management practices: While in the pre-communist and communist periods, wood harvesting was made respecting forest regenerative limits, nowadays the approach is known as “cut and leave”.⁴⁷ Another relevant distinction is based on the decision of exploitation. In the case of the pre-communist period, the decision was “at the discretion of the owner”. In contrast, in the communist and post-communist periods, the decision was based on forest management plans.⁴⁸

Historically the exploitation rules are governed by the Law on the Forest Code. The first one that refers to the forests managed by the communal village is the Code from 1910. There were few other policies regarding the same issue before 1910 (for example, the first forest management plans were developed in 1851 by French foresters, who helped in building the first forestry school in Bucharest).⁴⁹ Still, the Code was the first comprehensive policy act of this type. As Oana Mateescu argued, the Law on the Forest Code of 1910 was “a crack into the history of the Romanian Communal villages.”⁵⁰ I am adding to her argument that the Forest Code of 1910 was the beginning of a Leviathan-like solution. I will recall this idea at the end of the paper.

Considering that after 1948 all the forested areas were confiscated, starting with the moment of communism fall in December 1989, restitution policies have been developed. The first point was Law 18/1991, which had many restitution phases – the first one permitted restitution of only 1 hectare for individuals or 10 hectares for a family, despite the total forested area that person or family had in 1948. In the second phase, the law introduced in 2005 introduced a limitation of up to 30 hectares, while the last and the most impactful one – at least for the communal villages – was Law 1/2000.⁵¹ This Law permitted the restitution of entire forested areas to all the entities that owned large surfaces before 1948. The case of the communal villages is vital because there was a twist – as previously presented – it was necessary to show a list of owners and

their link to the members of the old *obște*. Those three restitution phases represent just the tip of the iceberg because, in the entire transition or democratic period of Romania, many policies or legislative frameworks related to forest exploitation or management were developed. Related to forest exploitation, those policies also impacted biodiversity, rural development, and wood production.⁵² Nowadays, the Forest code is the one adopted in 2008, and it has been updated regularly since then. The main characteristics remain the same: forest exploitation has to be carried out in accordance with a forest management plan. In addition, there are certain other rules regarding wood cutting or transportation. The exploitation rules are enforced by the forest ranges, the National Forest Administration (Romsilva), or Forest Guard (Garda Forestieră). There may be two forest district types in Romania: public districts (governed by Romsilva) and private districts organized by local authorities, other organizations, or persons that own enough forested areas.⁵³ The private forest districts started to exist in 2002, and from then on, many private ranges appeared. Following Abrudan, after just ten years (in 2011), more than 23 percent of the total forest area was under the responsibility of private forest districts.⁵⁴ In 2022 the data showed that only 48.3% of the forested area in Romania is owned by the State.⁵⁵

Forest exploitation is an all-time relevant subject because of its impact on everyone's lives. The development of new institutions or their modifications contributed to specific incentives regarding forest exploitation. We may find many cases of legal or illegal logging due to the enforcement of each Forest Code. All these social and economic transformations, along with the newly developed institutions, defined a series of human behaviors. For example, there were the incentives that the "new" owners had – harvesting as much as they could in order to gain short-term profits.⁵⁶ The profits and the economic value of the forest represented an important incentive in finding new unorthodox ways of harvesting. In other words, historically, the Romanian forests were known as a significant source of income that played a central role in the livelihoods of rural communities.⁵⁷ For example, the annual amount of forest harvested areas dropped in the 2000s compared to the 1910s, from approximately 85000 hectares in the 1910s to 42000 hectares in the 2000s.⁵⁸

On the other hand, when discussing forest exploitation, we may discuss about forests' sustainability, but we can also discuss illegal logging or overexploitation. An example of the latter can be found in George

lordăchescu and Monica Vasile's paper. They discuss the link between illegal logging, criminalization, and violence, starting from a case of a forester found dead.⁵⁹ They also present and discuss different cases in which other foresters were either threatened or assaulted when they were on duty in their areas that were known as illegal logging spots.⁶⁰ These behaviors may result from rapid societal changes due to the transition period.⁶¹

Methodological aspects

I am employing a mixed-methods research design. This research design is an approach that combines elements of both qualitative and quantitative methods within the same study. Starting from the research questions, the mixed-method research design refers to collecting and analyzing data using different investigation methods.

In the twenty-first century, many papers were published based on a mixed-methods research design in various fields.⁶² As Small presents in his review on the usage of mixed-methods approaches in 20th and 21st centuries papers, there were many debates in the previous 50 years regarding which method is superior to the other. He states that although there is a mixture of methods and multiple data sources, usually, the researchers "analyzed multiple data sources the way they examine single data sources."⁶³ In other words, the regular mixed-methods research projects and papers in the late 20th century include a classical way of analyzing data from each perspective. For example, Small argues that in the case of interviews, ethnographic field notes, or historical texts, researchers "developed narratives and generally avoided numbers", while in the case of classical quantitative techniques (surveys or censuses), they "computed averages and plotted distributions."⁶⁴

As one of the most relevant authors of the mixed-method research design, John Creswell considers that a mixed-method research design is basically the case in which both quantitative and qualitative research methods are employed.⁶⁵ The topic of mixed-methods is discussed in various papers written by Creswell.⁶⁶

In other recent literature, there is also a discussion not just related to mixing both quantitative and qualitative approaches but mixing different methods from different domains, such as social and natural sciences. Eva Kinnebrew and her colleagues discuss this subject: "Combining

quantitative and qualitative data from the natural and social sciences allows one to interrogate quantitatively measurable processes and how these processes are interpreted or perceived – and therefore acted on – by humans.”⁶⁷ Although this may initially seem simple, some scholars discuss the challenge of mixing methodological frameworks or vocabulary inconsistencies across different fields. This is a discussion that Patric Brandt and his collaborators developed in their paper related to transdisciplinary research.⁶⁸ There are also several epistemological challenges in mixed-methods research. In other words, there were many discussions (and the discussions have not ended in the present) about the compatibility between quantitative and qualitative methodologies in the social sciences.⁶⁹

Although this approach is a recent one, the first mixed-method approach was involved in the *multitrait-multimethod* matrix published by Campbell and Fiske in 1959. Their paper advocated for “a validation process utilizing a matrix of intercorrelations among tests representing at least two traits, each measured by at least two methods.”⁷⁰

Also, the implementation of the Geographic Informational Systems (GIS) is used in the study of land change research, but usually complementarily, not as an integrated research method in a mixed-method approach.⁷¹ In my present research, I will use GIS to develop maps, not to analyze data. This represents one of the methodological limitations of the present paper.

Considering the abovementioned literature, I employ a perspective that Creswell names as a *concurrent approach*. That means I was simultaneously collecting quantitative and qualitative data to provide a comprehensive view and analysis of the subject.⁷² Within this framework, I am developing a quantQUAL approach. That means the emphasis is based on the qualitative data that I collected, while the quantitative ones are used as support for some arguments. Regarding the qualitative research methods, this paper is based on data collected through interviews and document analysis in various Romanian communal villages. At the end of this section, I will enumerate all the villages where I conducted research activities. In other words, I am employing this type of research design to gain a comprehensive understanding of the forest exploitation procedures and local institutions in the case of the communal villages where I have done fieldwork.

The research questions that I proposed to investigate are as follows:

RQ1: Are there any (historical) differences among the institutions (rules-in-use) governing forest exploitation in communal villages in different geographical areas?

RQ2: Are the forest exploitation institutions rather inclusive or rather extractive?

RQ3: Are corruption and negative long-term outcomes – illegal or over-exploitation practices – enabled or encouraged by local institutions, despite nationwide institutions related to forest exploitation?

The data used in this paper were collected in different periods: in Argeş County, I first collected data in 2016 in *Obştea Dragoslavele*.⁷³ In Suceava, I was in August 2018 and conducted interviews with the presidents (and not only) of *Obştea Cozâneşti-Ortoaia*, *Obştea Gura Negrii*, *Obştea Ouşorului*, and *Obştea Negrişoara*. Those were all the communal villages of the Dorna Valley Area. In Suceava, another cluster of communal villages is nearby Câmpulung Moldovenesc, but to this point, I did not succeed in doing fieldwork there. Vrancea is the best-known area of communal villages. I have done fieldwork in that area twice, in 2016⁷⁴ and 2018. In both trips I collected data from the following *obşti*: *Obştea Năruja*, *Obştea Nistoreşti*, *Obştea Spineşti*, *Obştea Nereju*, *Obştea Bîrşeşti*, *Obştea Herăstrău*, *Obştea Poduri*, *Obştea Poiana*, *Obştea Topeşti*, *Obştea Valea Sării*, *Obştea Colacu*, *Obştea Ruget*, *Obştea Mare Vidra*, *Obştea Mică Vidra*, *Obştea Viişoara*, *Obştea Spulber*, *Obştea Muntele Frumoasele (Vrâncioaia)*, *Obştea Păuleşti*, *Obştea Tulnici*, *Obştea Coza*, *Obştea Hăulişca*, *Obştea Negrileşti*, *Obştea Vilcani*, *Obştea Prahuda*, *Obştea Condratu*, *Obştea Paltin*. Last but not least, in 2023, during my fellowship at the New Europe College, I organized a fieldwork research activity in Gorj County. I spent a week in *Obştea Peştişani* and *Obştea Runcu*.

I also analyzed social monographs for every area to understand the historical details better. Thus, in the case of Argeş, the analysis of the documents covered the monographs written by Răuţescu⁷⁵ and the one written by Mogoş and his collaborators.⁷⁶ In the case of Suceava County, I took into account the information presented in the monograph of Dorna Arini⁷⁷ and the one of Dorna Candrenilor.⁷⁸ There were also many other relevant documents written or collected by Theodor Bălan in the period between 1933 and 1943.⁷⁹ Vrancea, as discussed in the literature review section, is one of the most analyzed areas when talking about the communal villages. Starting with the works of Henri H. Stahl more than 60 years ago and continuing with the monographs written by Cezar Cherciu⁸⁰ or by Ţibrea and Cherciu⁸¹, the *old obşti* of Vrancea may be nowadays understood. Last but not least, the document analysis of the Gorj area is, at this point, based only on one monograph, the monograph of *obşte* Peştişani.⁸²

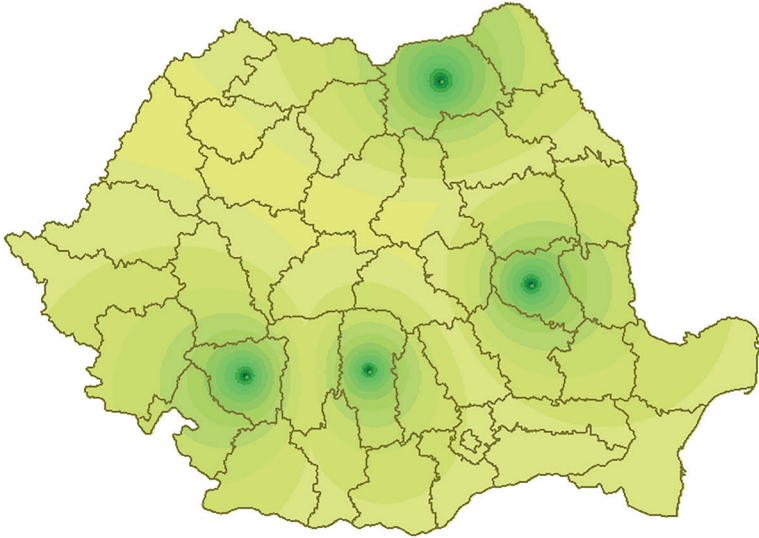


Figure 1. The counties where the data were collected⁸³

Discussion

Employing the new-institutional theoretical framework that I briefly presented at the beginning of this paper and referring to the fieldwork activities that I have done in the four abovementioned areas, in this section, I will discuss each topic, offering answers to the research questions. This section will be based on an exploratory view of the analyzed situations. Firstly, I will discuss the differences between the rules in use that govern forest exploitation in the communal villages situated in different geographical areas (RQ1). Secondly, I will recall the distinction proposed by Acemoglu and Robinson and analyze if those institutions are rather inclusive or extractive (RQ2). Lastly, I will briefly discuss the corruption and illegal or over-exploitation practices and if those are encouraged or not by locally-based institutions (RQ3). The end of this section will consist of a short presentation and analysis of the case study of Obșteța Peștișani.

The *obști*, where I organized fieldwork activities, are situated in four counties. More than that, all of them are placed at different altitudes,

have certain geographical specificities, and so on. Starting from North to South, the first area is the one of Suceava – the *obști* of Dorna Valley. They are situated in Northeastern Carpathians, and the median altitude is the highest (peak Oușorul – Obșteța Oușorului has an altitude of 1639m). Coming souther, Vrancea *Obști* are in the Eastern Carpathians, while those of Argeș and Gorj are in the Southern Carpathians. Although some mountain peaks are high, all three areas have a lower median altitude than Suceava's. This discussion may be relevant for the type of trees harvested in each area, referring to their economic value. While in the case of Dorna Valley, almost the entire area is covered with coniferous trees (fir, spruce, and pines), the forests of Gorj and Vrancea are basically populated with broadleaf trees (oak and beech). The economic value may be represented by the usage; while the coniferous are used for construction, the oak and beech are used as firewood. More than that, the altitude also influences the exploitation costs. The steeper the versant, the more expensive the harvesting will be in terms of both time and equipment.

Despite those differences that are more adapted to local issues, the exploitation institutions are the same, at least in the period of the new *obște*. In short, referring to the Forest Code enforced nowadays, all the monitoring is the responsibility of the Forestry District (private or public). At the same time, the sanctions may be applied by representatives of the District, Police workers, or sentenced by Judicial Courts, depending on the severity. In the period of the old *obște*, the State was not so present in communities' life. Then each village developed its own rules: the monitorization could be made either by every villager or by a paid worker, while the sanctions usually were applied by the villagers. There were some cases in which, depending on severity, the sanctions were imposed by local priests or judicial courts⁸⁴. Answering the first research question (RQ-1), in the case of the analyzed *obști*, the exploitation differences may arise because of different technological needs on the one hand or because of how the locally-based institutions were developed in the old *obște*.

Regarding the type of institutions (RQ-2), either inclusive or extractive, all the above mentioned situations refer to likely more inclusive institutions. As an argument for that, all the institutions in any case (old or new *obști*) were known by each villager, and their incentives were internalized in their behavior. Of course, there were some cases when the institutional arrangement was changed – see the critical juncture-related discussion presented in previous sections – which affected the villagers' compliance with the new rules. Although there are predictable ways of

forest exploitation, some issues may be linked to an extractive way of developing institutions. Recalling the argument of Acemoglu & Robinson, extractive institutions are those that do not offer a possibility to voice over a subject. Today, the exploitation procedures and the legislation on forest management do not accept a strong *voice* of forest users. The legislative development in the field is slow and not well-adapted to the on-spot issues that may arise at any point. For example, many cases of illegal logging, corruption, or even violent actions may appear in forest exploitation. In the third theoretical section, I mentioned the example George Iordăchescu and Monica Vasile discussed, that of a forester that the illegal exploiters killed. That was not uncommon; several other cases in the press referred to foresters or NGO activists that were attacked or even killed by illegal harvesters. In addition to the example presented by Iordăchescu & Vasile, in October 2021, a journalism investigation described a violent case that happened in the Northern Carpathians.⁸⁵ In that case, a press officer was beaten until he lost consciousness, while an NGO activist was attacked and threatened with an axe in the middle of the forest. The attackers were representatives of illegal harvesting in that area. These kinds of actions are a result that raises the ideas of the lack of the State's power in the field or the high level of corruption.

The case of Obștea Peștișani. A short description

This section plays a special role in the economy of this paper for two reasons. On the one hand, it is the first place I introduce the data I collected in Obștea Peștișani, which was collected during my fellowship at the New Europe College in 2023. Secondly, Obștea Peștișani is one of the largest obști in Romania, governing more than 12000 hectares of forests and having 2900 members in 2023. In addition to those forest areas, the *obște* also owns 1162 hectares of pastures. Owning so many forest hectares, the *obște* annually harvests about 40000 cubic meters of timber (including all the wood categories). Thus, forest exploitation institutions are so relevant in order to avoid the tragedy of the commons.



Figure 2. Overview of the forests governed by Obștea Peștișani.
Photo credits: the author

As a brief historical aspect, Obștea Peștișani was built on the territories of 12 old *obști* that owned five mountains. The re-establishment of the *obște* started immediately after the adoption of Law 1/2000. Thus, in April 2000, a table with 36 heirs of the former members of the *obște* was developed and sent to the judicial courts to start restituting the forested areas.⁸⁶ After all trials and documents needed, the first general assembly of the *obște* took place on 21.04.2002 when the formal directorate was voted.⁸⁷ Today there are more than 2900 members in the *obște*, and there are a number of 912908 shares within the *obște*. Those have the title of *jugăre*, standing for the Austrian-Hungarian adapted measurement unit.⁸⁸ Recalling the two types of *obști*, the one of Peștișani is purely inegalitarian. Being an inegalitarian *obște*, there is an intrinsic incentive for increasing revenues and profits to return them to the members at the end of the year as dividends. Usually, in the case of inegalitarian *obști*, there are just a few investments in the commons or public infrastructure, but an interest in increasing each year's revenue. The case of Peștișani fits the pattern, but there are some cases of infrastructure investments, such as exploitation roads that are maintained by the *obște*, a timber processing point, a touristic guest house, and other related investments. Although at the first glance, that seems not to be a way that an inegalitarian entity has to follow, all these investments are made in order to develop a market-oriented organization. Those are relevant in increasing the timber prices or

increasing the total revenue that the *obște* has at the end of the year, thus the dividends rates. For the last fiscal year – 2022 – the dividend was 350 RON (about 70 EUR or 79 USD) for each hectare every person owned. In addition to those benefits, each member has a special – discounted – price for buying timber. In the case of 2022, it was about 590 RON (120 EUR or 135 USD) per cubic meter, less than the market price.

Regarding the forest exploitation procedures, in this case, the forest exploitation rules are enforced by Brâncuși Forest District. This private forest district is built only on the forested areas of Obșteța Peștișani. Developed in 2008, the Brâncuși Forest District appeared after a decision taken by the Council of Obșteța Peștișani.⁸⁹ Although formally they are different organizations, the headquarters of both *obște* and Forest District are in the same building, and, of course, some of the Forest District employees are members of the *obște*. A contract between the *obște* and the Forest District refers to the forest management services of the entire surface.⁹⁰ That being said, it is reasonable to think that there is an informal influence between the *obște* and the Forest District, but considering the legislative aspects (The Law on Forest Code from 2008 and the following additions), in fact, there must not be any involvement in influencing forest exploitation aspects. There have to be forest management plans that describe the partitions that may be harvested, the replanting procedures, and the way that illegal logging (if there is any) is confronted. In the concluding paragraph, I will recall the link and the discussion of formal and informal institutions in this case.

The choice of this case was made not only by referring to it as one of the largest communal villages in Romania but also because of several scandals discussed in the local and national press.⁹¹ All those scandals are related to the dividends, the timber price, or, more recently, to the elections within the *obște*. As one of the further research ideas related to the topic and the case, the politics and the fight over power within the *obște* will interest me. As a result of the present research ideas and fieldwork activity, I consider that a sociopolitical investigation on the role of power, voting, and decision-making issues may complete the picture.

The paper aimed to present a mapping of the institutions that govern forest exploitation in the case of Romanian communal villages. In addition to reaching that objective, I proposed some answers to the three research questions that were advanced into the discussion. As a general conclusion, during the last century, many formal forest exploitation rules were imposed by the State to prevent corruption or illegal logging. Starting with the Code

from 1910, which represented the first way of recognizing the associative forms of property known as *obști* (including their locally-based norms and rules), and ending with the Code enforced right now, the State improved its power in the field. Step by step (starting in 1910), the solution that seems to be followed is the one of the Leviathan. The State increases its power to rule more and more aspects of community activities, but, at this point, the solution is far from perfect: there are many cases of corruption, violence, or illegal logging.

NOTES

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- 41 In other words, we may discuss a situation similar to a corporation here. Each stakeholder owns a number of shares within the organization and will act accordingly.

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- 87 As an interesting political fact, the vote was unanimous; CIOBOTEA, D., LOLESCU, N. *Obștea Peștișani din Gorj. Monografie*. Editura Universitaria, Craiova, 2017, pp. 221.
- 88 This is reminiscent of the Austrian-Hungarian influence period in the area.
- 89 CIOBOTEA, D., LOLESCU, N. *Obștea Peștișani din Gorj. Monografie*. Editura Universitaria, Craiova, 2017, p.247.
- 90 Ibidem.
- 91 For more information, you may access the following press articles from 2020 to 2023. All of them discuss different political issues, dividends-related issues and voting within the Obște. The website links: <https://igj.ro/newsalert/sapte-persoane-retinute-in-ancheta-de-la-obstea-pestisani.html>; <https://gorjeanul.ro/primarul-cosmin-pigui-obstea-pestisani-dividendele-cele-mai-mici-preturile-cele-mai-mari/>; <https://igj.ro/newsalert/obstea-pestisani-vizitata-de-mascati-sustinatorul-candidatului-pnl-la-primaria-pestisani-suspectat-de-legaturi-cu-mafia-padurilor.html>; <https://gorjeanul.ro/scandal-la-obstea-pestisani-ion-poenaru-contestat-in-strada/>.

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