

# REPRESENTATION, PROPERTY RIGHTS, AND GROWTH REVISITED\*

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## Abstract

An influential literature attributes Europe’s economic precocity to “good” political institutions, such as representative assemblies, which shielded property from governmental predation. This analysis fails to account for the diversity of property rights in preindustrial Europe, many of which, such as serfdom, were obstacles to growth. Theories of development must be able to explain how European states eliminated these “bad” property rights despite constraints on the sovereign’s authority to do so. I propose a role for some—but not all—representative assemblies in overcoming this developmental hurdle. An assembly’s capacity to extinguish property rights is a product of what I call its decision-making efficiency, which, in turn, is associated with majority voting and centralized agenda control. I test these claims through a controlled comparison of agrarian reforms in Livonia and Schleswig-Holstein (1795–1805). In terms of their developmental contribution, my findings suggest, early representative institutions must be evaluated on the basis of their capacity not only to constrain the sovereign but also to support complex exchanges of property rights.

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# 1 Introduction

**M**ANY scholars of development share one interpretation of the relationship between property rights, representation, and long-term growth. In this account, representative institutions are guardians of property against governmental predation, whether in the form of forced loans, arbitrary taxation, or expropriations. Security of property, in turn, creates incentives for investment, specialization, and other forms of beneficial economic activity; the owners of productive factors can exploit them with confidence that they will capture the social returns to their actions as private returns (North and Thomas 1973, 1). Over the long run, representative institutions foster development by controlling and constraining the sovereign.

The claim that representative institutions stimulate growth by enforcing property rights figures most prominently in discussions of European exceptionalism. Since North and Weingast (1989)—if not since Montesquieu—many analysts have attributed the “Great Divergence” in global development since 1750 to the presence of institutional “constraints on the executive”<sup>1</sup> in preindustrial Europe and their putative absence elsewhere. Some researchers likewise associate the “Little Divergence” of northwestern Europe from the rest of the continent with variation in the strength of these constraints (DeLong and Shleifer 1993; Acemoglu, Johnson, and Robinson 2005; van Zanden, Buringh, and Bosker 2012; Bosker, Buringh, and van Zanden 2013; Cox 2017; Doucette, forthcoming). Briefly, this model attributes (northwestern) Europe’s economic precocity to “good” political institutions, such as representative assemblies, which restrained sovereigns from despoiling their subjects. This interpretation is so hegemonic that even critics of the notion that early parliaments caused growth, such as Abramson and Boix (2019), gloss them as executive constraints.

This interpretation undoubtedly captures an important aspect of the interaction between rulers and their elites in preindustrial Europe. But it fails to explain how European states, abundantly endowed with institutions that shielded property from governmental predation, managed to get rid of *bad* property rights such as serfdom, patrimonial officeholding, feudal land tenure, and guild monopolies. Each of these varieties of property rights was common in preindustrial Europe, and each stands in an ambiguous—at best—relationship with growth. This critique builds upon Marx’s fundamental insight that property relations which at one time foster development of the productive forces eventually become their fetters. When this happens, the most pressing developmental task is not to safeguard the established property relations but to transform them. Institutional constraints

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1. Here, the term is a misnomer: in no early modern monarchy was there a clear separation of “legislative” and “executive” powers. Indeed, many representative assemblies had their own administrative infrastructures. I will refer instead to constraints on the sovereign.

on sovereign power, wielded by the right-holders themselves, would appear to make this difficult at best.<sup>2</sup>

Here I propose an alternative interpretation of the relationship between property rights, representation, and growth. My account dissolves the apparent contradiction and offers a framework for understanding both cooperation and conflict between rulers and their elites in Europe before 1800. My point of departure is the observation that many developmental tasks, from the enclosure of open fields (Allen 2009, 67–74; Bates 2017, 41–43) to the abolition of serfdom, implicate *complex exchanges* of property rights. Exchanges are complex inasmuch as they involve numerous contracting parties, are distributively non-neutral, and create problems of observability and time inconsistency. The sovereign may be able to eliminate some bad property rights by fiat, or by making deals with individual right-holders, but when the exchanges involved are sufficiently complex, to negotiate and enforce such bargains without institutional supports is a daunting task.

This is where representative institutions enter the picture. Representative assemblies can act as vehicles for elite resistance to state-led transformations of property relations, but they can also facilitate exchanges of property rights in three ways: by providing a forum in which right-holders may formulate and articulate their collective preferences, by lending legitimacy to exchanges, and by helping to resolve the associated agency problems. In brief, assemblies can function as political markets for property rights. This capacity matters for development because it offers a legitimate (from the elites' perspective) procedure through which obsolete rights may be retired.

Only some types of representative institutions, though, can support complex exchanges of property rights. Informed by the scholarship on legislative organization, I argue that an assembly's capacity to sustain complex exchange depends on its internal decision-making institutions (e.g. Weingast and Marshall 1988; Cox 2006). In particular, my analysis underscores the importance of *credible intermediation* between the sovereign and her elites in sustaining cooperation and exchange, and identifies its institutional foundations in preindustrial Europe: efficient decision rules such as simple majority voting and centralized agenda control.

I test these claims through an analysis of agrarian reforms—state intervention in the relationship between manorial lords and their subject farmers—in the eighteenth-century South Baltic. The subjection of villagers to manorial authority (“serfdom”) is a textbook case of bad property rights. Specifically, I undertake a most-similar case comparison of

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2. If this has not come to light, it is perhaps because the literature generally equates the “rise of parliaments” with the “rise of the bourgeoisie,” whose interests are presumed to be more compatible with development than those of the aristocracy (e.g. Pincus and Robinson 2011). Recent historical scholarship has rendered untenable the idea that the seventeenth and eighteenth centuries witnessed a secular decline in noble power and fortunes; for Britain, see Cannon (2007).

agrarian reforms in the Russian province of Livonia and the Danish duchies of Schleswig and Holstein (1795–1805). In both territories, emancipation began as a collaborative endeavor between government and Estates, but in Schleswig-Holstein negotiations broke down after opponents challenged the noble assembly’s authority to take property by majority vote. Consequently, the Estates were sidelined early on, and the government had to act unilaterally. In Livonia, contrariwise, reform-minded landowners managed to overrule similar objections. Using novel evidence from Estonian, Latvian, and Russian archives, I reconstruct the process of agrarian reform to explain these divergent outcomes. I show that credible intermediation fostered cooperation between the Russian government and its allies in the Livonian Estates; its absence in Schleswig-Holstein undermined cooperation. Because the reforms examined here were a necessary concomitant of agricultural “modernization” (Jones 2016, 32), my findings have far-reaching implications for the political economy of development.

I am not the first to challenge the conventional institutionalist narrative. Root (1992), for instance, urges researchers to look beyond the “wealth-creating character” of early representative institutions and to consider their contribution to regime stability. Bonney (1999, 6–7) portrays the Estates as clearinghouses for the exchange of property rights, a “Coasean” process of reallocation that might mitigate the deleterious consequences of a rent-based political economy. Early parliaments, in this view, helped to reconcile political stability—sustained by rent sharing—with the imperatives of development. Similarly, Hoppit (2011) suggests that Parliament contributed to Britain’s economic precocity by facilitating adjustments of property relations. Bardhan’s (2016) critical survey of the institutionalist scholarship has also informed my thinking.

My main source of inspiration, though, is recent historical scholarship. Since the 1970s, historians have reexamined the entire complex of problems surrounding state formation, absolutism, noble power, and representation in early modern Europe.<sup>3</sup> Absolutism, once seen either as a despotic force that imperiled life and property or as a modernizing force that laid the foundations for the nation-state, has been recast as a largely conservative venture that paradoxically required the king to seek out the cooperation of established elites. In Beik’s words, absolutism “was not the centralizing leveler of intermediary bodies that Tocqueville imagined. It was a backward-looking force that rebuilt an old system by adapting old practices to new uses” (Beik 2005, 223). This reappraisal has accompanied the rediscovery of representative bodies that were long assumed to have vanished in “absolutist” France, Brandenburg-Prussia, and the Habsburg monarchy. Indeed, arguably the Estates were essential to the viability of the absolutist state (Blaufarb 2010; Godsey 2018).

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3. The literature is too voluminous to cite here. See von Friedeburg and Morrill (2017) for an accessible introduction to recent historiographical developments.

This reinterpretation of absolutism builds upon Raeff’s (1983, 45–46) insight that early modern states derived their strength less from bureaucracy than from effective collaboration with established corporate groups. There are intriguing parallels with recent work on authoritarian politics, which emphasizes the contribution of institutions such as legislatures to regime performance (Gandhi, Noble, and Svobik 2017). As is true of legislatures in present-day autocracies, monarchs frequently strong-armed and sidelined their Estates—but, because these institutions solved monitoring and coordination problems for the ruling elites, they did so at cost. This article also contributes to ongoing discussions of the use of historical scholarship by social scientists (e.g. Lustick 1996; Møller and Skaaning 2021). I particularly want to underscore the importance of historiographical knowledge, without which comparativists run the risk of uncritically reproducing concepts and interpretations that have long been discredited among specialists.

Returning to this theme, the conclusion explores the generalizability of my findings and their implications for future research.

## **2 Theory**

What were the foundations of effective collaboration between rulers and their elites in preindustrial Europe? Which types of representative institutions could support the complex exchanges implicated in the reform of serfdom, and which could not? These questions have been neglected in recent social science scholarship, which continues to take the bifurcation of early modern Europe into “absolute” and “limited” monarchies as a given. This approach reproduces the assumptions of nineteenth-century historians who regarded the Estates as a proto-democratic antithesis to royal autocracy.

The latest research, which attributes greater importance to cooperation between rulers and their Estates in a context of state weakness, shows signs of finally catching up to the historiography. Still, dated assumptions remain pervasive, as evidenced by the continued use of parliamentary meeting frequency as a proxy for “executive constraints. . . potentially acting as a guarantor of property rights” (Abramson and Boix 2019, 802). This measure’s validity rests on the dubious premises that rulers invariably sought to dismantle their Estates and that elites, contrariwise, wanted them to meet as often as possible.

### **2.1 The problem of credible intermediation**

Gary Cox’s study of war and ministerial responsibility in early modern England is a rare exception. Cox posits that the Stuart kings’ renegeing on their financial commitments was but one symptom of a moral hazard problem deriving from the royal prerogative: “kings

who could unilaterally launch wars faced a financial system that punished defeat too little and rewarded victory too richly” (Cox 2011, 133–134). The fact that the sovereign did not internalize the cost of defeat in wars fought with Parliament’s money gave rise to moral hazard. Two institutional innovations solved this problem. First, better advice helped the crown to select into winnable wars; this was accomplished by making royal councilors responsible to Parliament. Second, the sharing of war profits brought the interests of the two sides into alignment. Ministerial responsibility helped too, by establishing the ministers as monopoly intermediaries between crown and Parliament. Further institutional changes enhanced ministerial credibility:

The key innovation in ensuring that the ministry could deliver on its promises was, of course, the political party. . . It was important that ministers were *commonly known* as the leaders of a *solid majority*, since that made their promises and threats—both to the Crown and to their supporters in Parliament—more credible (150).

With these reforms, English elites laid the foundation for effective collaboration between throne and Parliament in managing the regime’s wars.

Cox rightly draws attention to the role of *credible intermediation*, or brokerage, in fostering collaboration between rulers and their elites. In his interpretation of the English experience, brokerage is supplied by the party system and by the strengthening of the ministry *vis-à-vis* backbench MPs (compare Stasavage 2020, 214–216). The implications of this argument are straightforward: only certain types of representative bodies are capable of sustaining effective collaboration with the sovereign, and this capacity rests on the Estates’ internal decision-making institutions.

Credible commitment is fundamental to Cox’s account, as it is to the conventional institutionalist story. But credibility here is established by very different means. Instead of creating Parliament as a veto player, the innovations he describes aligned the interests of king and elites, *undermining* Parliament’s credibility as a veto player. Moreover, the sharing of rents—war profits—was essential to sustaining a viable regime coalition.

This returns us to the property rights problematic introduced above. If rent-sharing in fact enhanced Hanoverian Britain’s military performance and political stability, then two possibilities present themselves: either rent-seeking behavior is less harmful than is widely believed, or existing institutions facilitated “Coasean” exchanges of rents and rights initially allocated on the basis of political loyalty. My contention is that some—but not all—early representative assemblies could perform this function.

## 2.2 Institutional foundations of credibility

Credible intermediation, then, is the *sine qua non* of cooperation between sovereigns and their elites. But which attributes of early representative institutions—party and ministry in

Institution	Impact on cooperation between crown and Estates	
	Favorable	Unfavorable
Speaker selection method	Election	Appointment, descent, <i>ex officio</i>
Strong directorial committee?	Yes	No
Written standing orders?	Yes	No
Default decision rule	Majority voting	Consensus, unanimity
Elected members with limited mandate?	No	Yes

Table 1: Institutional foundations of elite cooperation with the crown.

Britain aside—created credible intermediaries?

Brokerage is inherently Janus-faced: the conditions that make an aristocratic broker credible to elites at large may differ from those which make her credible to the sovereign. As such, we must consider them separately.

### 2.2.1 Credibility to other elites

Elite intermediaries are credible to their colleagues when they are perceived to share a corporate interest in the survival of elite political prerogatives—that is, of the Estates.<sup>4</sup> In the early modern context, this means that aristocrats are credible to the noble rank-and-file when they are joined by ties of marriage, friendship, and confession. Aristocrats of foreign origin or a rival confession, contrariwise, will not be perceived to share an interest in the Estates’ survival and are unlikely to enjoy the confidence of their peers.

This suggests observable implications for the revision of anti-developmental property rights, even in places where the landed elite was reasonably cohesive. Specifically, defenders of the *status quo* should try to discredit their reform-minded peers by casting them as outsiders motivated by personal or factional interests.

### 2.2.2 Credibility to the sovereign

Intermediaries are credible to the sovereign, in turn, when they can deliver the support of their principals—here, the members of a representative assembly. Conceivably, clientage and deference might suffice to win the Estates’ support for government initiatives. Informed by the research on legislative organization, however, I expect formal rules to be

4. I use the word corporate in the same sense as scholars of authoritarian politics who refer to the corporate interests of the military or ruling party; compare Evans’s (1995) discussion of the corporate cohesion of elite bureaucrats in a developmental state.

the principal source of credibility (Cox 2006, 158). As such, I define the *decision-making efficiency* of an assembly as “the pattern of institutions within the legislature that facilitates decision-making” (Weingast and Marshall 1988, 133). Efficiency describes an assembly’s capacity to make and enforce collective decisions that bind all of its members and their constituents.

Which institutions mattered? Here, the literature on legislative organization offers useful insights—in particular, the importance of agenda control. An intermediary’s promises to the sovereign are not credible when they are contingent upon winning the support of an assembly without limits on debate (Cox 2006, 143). But a survey of this same literature reveals its limits as a guide to the institutional foundations of decision-making efficiency in preindustrial Europe. In many early modern diets, custom rather than written rules determined the order of business, debate was virtually unrestricted, and consensus stood in for majority voting. In general, decision-making was inefficient. These problems were compounded when the Estates dealt with divisive issues like serfdom: opponents had ample opportunities to employ obstructionist tactics and to exploit the ambiguities of custom.

My reading of the relevant historical scholarship (e.g. Lukowski 2010; Busch 2013; Godsey 2018; Szi­jártó 2020) suggests that five institutions account for much of the observed variation in efficiency.

**Speaker selection method** Not all early modern diets elected their speaker. In some places the presiding officer was a royal appointee, or served *ex officio*; elsewhere, the speakership was held as a fief from the sovereign. The selection procedure matters because it conditions the amount of power the plenary is willing to delegate, and, consequently, the centralization of agenda power. Elected speakers tended to enjoy the most authority, since the assembly was less reluctant to delegate to an officer of its own choosing. Because they had the confidence of their constituents, elected speakers could also act as intermediaries.

**Directorial committee** Many assemblies maintained a standing directorial committee to act in their name between plenary sessions and to prepare the agenda for upcoming diets. Sometimes committees also exercised agenda-setting powers during the diets themselves. Other assemblies lacked a permanent institutional presence.

The existence of a standing committee decisively improved the prospects for cooperation between the ruler and her elites. Committees enhanced decision-making efficiency by centralizing agenda control; like the ministry in Britain, they could also function as a site of intermediation. Such intermediation was credible when the committee was strong *vis-à-vis* “backbench” members of the assembly.

**Written standing orders** All else being equal, an assembly in which proceedings are regulated by a detailed set of written standing orders is more efficient than one in which custom alone determines the order of business.

**Decision rules** Only some early modern diets used majority voting as their primary decision rule. Others operated on the basis of consensus or by seeking to discover the opinion of the *maior et sanior pars* (“greater and sounder part”), which might not be identical with the numerical majority. As a rule, majority voting, which offered the advantages of clarity and finality, was most conducive to cooperation between the ruler and her Estates.

Majority rule was uncommon in diets where multiple Estates were formally recognized and deliberated separately; in these, reconciliation of the individual chambers’ positions was an open-ended, sometimes tortuous process. Also relevant is the presence, or absence, of deep social or confessional cleavages within the landed class. Where such cleavages existed, majority voting was unlikely to find acceptance.

**Decision-making authority** In some territories, all landowners were entitled to attend the diet in person. Elsewhere the lords participated indirectly, through elected representatives. In-person assemblies typically had full powers: decisions were binding even upon members who absented themselves. Elected assemblies, contrariwise, rarely enjoyed full powers. Instead, the deputies’ constituents outfitted them with instructions, which they could be sanctioned for violating.<sup>5</sup>

Decision-making in elected diets tended to be inefficient. Even if the deputies accepted a proposal, for example, their constituents could reject it *ex post*, claiming that their representatives had exceeded their authority. Montesquieu (1989, 159) identifies further inconveniences: the limited mandate “would produce infinite delays and make each deputy the master of all the others.” An intermediary’s promise to deliver the support of such an assembly is hardly credible.

## 2.3 Précis

Institutionalized cooperation between sovereigns and their elites is most likely to emerge, and to endure, in places where potential intermediaries are integrated into the local elite and where the Estates have well-defined, efficient procedures which make those intermediaries credible to the ruler. Table 1 summarizes these predictions.

Although my outcome of interest is cooperation, my account does not deny the fact of conflict between rulers and their elites. Cooperation was difficult to sustain when elites’

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5. The English Parliament is an exception, an assembly in which elected representatives enjoyed full powers (Stasavage 2020, 206–209).

Territory	Speaker selection	Directorial committee	Standing orders	Majority voting	Elected deputies	Efficiency index (additive)
Estonia (Estland)	election	yes	yes	yes	no	5
Kurland	election	from 1795	no	contested	yes	2
Livonia (Livland)	election	yes	yes	yes	no	5
Mecklenburg	descent	yes	no	no	yes	1
Eastern Pomerania	<i>ex officio</i>	no	no	no	yes	0.5
Swedish Pomerania	descent	yes	no	no	yes	1
Western Pomerania	seniority	no	no	yes	yes	1.5
East Prussia	election	from 1798	no	no	yes	1.5
Schleswig-Holstein	election	yes	no	no	no	3
Uckermark	<i>ex officio</i>	yes	yes	yes	yes	3

Sources: See Appendix A.

Table 2: Representative institutions in the South Baltic, 1750–1806.

vital interests were at stake. What I reject is the assumption that conflict was necessarily internecine, ending either with the triumph of royal autocracy or with parliamentary supremacy. My intention is not to sweep conflict under the rug but to situate it within a larger framework that can also explain collaboration.

### 3 Agrarian reform in eighteenth-century Europe

Having identified the institutional foundations of collaboration between rulers and their elites in Europe before 1800, we can now apply this theoretical framework to a paradigmatic class of bad property rights. Subjection to manorial authority—sometimes described as serfdom—was an outgrowth of the tenurial relationship.<sup>6</sup> The term “subjection” is used because the manorial lord usually possessed jurisdiction over his tenants: he was not just a landowner but also, in a certain sense, a ruler. Regardless of whether the lord owned his estate unconditionally or held it as a fief, his subject farmers had limited property rights. In Cerman’s (2012, 29) formulation, the lords retained ownership of the land but “devolved the use rights to their tenants in exchange for rent obligations.” The extent of these use rights and of the obligations owed in return was often murky, which caused conflict between lords and subjects and, according to many observers, undermined the rural

6. On the several meanings of “serfdom” (the conventional translation of German *Leibeigenschaft*) in the Baltic, see Seppel (2020). Most specialists reserve the word serfdom for the most extreme forms of manorial subjection; see Cerman (2012) and Melton (2015). I will sometimes use the word for convenience, keeping in mind that neither in Livonia nor in Schleswig-Holstein was villagers’ servile status uncontested.

economy.<sup>7</sup>

Agrarian reform, as I use the term here, involved the formal demarcation—and sometimes the deliberate redefinition—of the property rights of manorial lords and their subject tenants, generally in favor of the latter. One reform-minded Livonian landowner, Baron Wilhelm Friedrich von Ungern-Sternberg, writing in 1798, concisely expressed his aims as being “to assure the peasant of the use of his property and to shield him from arbitrary treatment.”<sup>8</sup> To this end, reformers sought to improve the subject’s tenure on his farm, to regulate his obligations to the lord, to loosen restrictions on mobility, and to relieve the manor of its judicial functions.

Mine is primarily a theory of the “how” and not the “why” of agrarian change: the ambition is to identify the institutional foundations of complex exchange in preindustrial Europe, using agrarian reform as a case study. Still, we must address fundamental questions of motivation. After all, in earlier centuries states had tolerated the extension of manorial authority over the village community. By the mid-eighteenth century, though, the disadvantages of this regime were increasingly evident to many sovereigns. Lordly exploitation threatened the viability of the tenant farmers who constituted the state’s principal tax base. Meanwhile, labor services and the subject’s insecure tenure on his farm dulled his incentives.<sup>9</sup> As for the landowners, motives for favoring a reordering of the lord-peasant relationship ran the gamut from physiocratic zeal to brazen careerism.

Consistent with the newer understanding of absolutism, there were opportunities for cooperation between rulers and their elites even in such a divisive matter as agrarian reform. Still, the opposition of many proprietors to any departure from the *status quo* made collaboration difficult. In the South Baltic, most reform initiatives foundered on elite opposition. The dukes of Mecklenburg, for instance, fought in vain to prevent the eviction of tenants from noble estates (Busch 2013, 232–256). In Swedish Pomerania, similarly, evictions occurred on a large scale, though patrimonial jurisdiction was reorganized in 1802 (Gut 2004, 139–141). In the Brandenburg-Prussian territories of Eastern and Western Pomerania, crown and Estates reached agreement upon a new *Bauernordnung* in 1764, but this merely reaffirmed the *status quo* (Eggert 1965, 51–54). Friedrich II’s campaign to introduce labor service contracts on private manors (1784–86), which had some success in Brandenburg, was apparently never extended to Pomerania. The government enacted re-

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7. Recent research shows that the manorial economy was far more open to innovation than was once believed (e.g. Rasmussen 2010). Moreover, the strongest econometric evidence for the detrimental economic impact of serfdom (Markevich and Zhuravskaya 2018; Buggle and Nafziger 2021) comes from Russia, where the manorial economy functioned very differently from its Central European counterparts (Melton 2015, 444–445). We should therefore be wary of generalizing about the “backwardness” of agriculture east of the Elbe.

8. Latvian State Historical Archive (LVVA) 214.2.261, Landtags-Acta pro A° 1798, 101<sup>r</sup>.

9. For the intellectual background to the economic arguments against serfdom, see Seppel (2017).

forms of the patrimonial courts in East Prussia (1781) and Brandenburg (1782), but partly retracted them in 1798 after consultations with the Estates (Wienfort 2001, 30–41). In the same year, the East Prussian Diet debated a proposal for emancipation, but ultimately declined to render a decision because the deputies had not been instructed (Neugebauer 1997, 187). To continue this cursory survey of the Baltic littoral would merely embellish the picture: only in Estonia, Livonia, and Schleswig-Holstein did far-reaching reforms on noble estates (as distinct from crown domains) begin before 1806.

Crucially, though, the revision of manorial property rights in Livonia involved sustained cooperation between the throne and landed elites, whereas in Schleswig-Holstein what began as a collaborative endeavor quickly turned coercive. Negotiations between the government in Copenhagen and the proprietors in the duchies yielded agreement upon the abolition of legal bondage after an eight-year transition (1797–1804), but the Estates were riven by intractable procedural and substantive disagreements. Consequently, as the deadline approached, the most important questions remained unresolved, and the state was forced to act unilaterally.

In Livonia, contrariwise, the Estates played a prominent role both in drafting and in implementing the Peasant Code of February 20, 1804. This was not emancipation, but it accomplished the reformers' principal aims, which in Schleswig-Holstein had to be realized by royal fiat. Agrarian reforms in Livonia, then, involved the kind of “Coasean” exchange envisioned above: landed elites agreed to surrender a set of property rights that imposed negative externalities on the entire economy in exchange for the opportunity to help craft the new agrarian order. In Schleswig-Holstein, meanwhile, Copenhagen and reform-minded landowners tried but ultimately failed to orchestrate a similar exchange. What explains the success of cooperation in Livonia and its failure in the duchies?

## 4 Research design

Before we turn to the cases, it is worth pausing to make explicit the inferential logic of the Livonia–Schleswig-Holstein comparison. The case-study approach has compelling advantages. First, given the current state of research it is not possible to generate time-varying measures of the institutions in Table 1 for a large number of cases—much less to replicate Goet's (2021) fine-grained measurement of “anti-dilatory” procedural change in the UK House of Commons. Existing datasets of early representative assemblies do not measure procedure and organization, and coverage of these issues in the historical scholarship is uneven. Constructing a panel dataset would require intensive engagement with primary sources, most of them hidden away in archives. In any event, the investigators would need to know what to look for, making my preliminary theory-building efforts and

theory-testing case studies a necessity.

Still, by way of illustration, and to motivate the case selection, I have coded the institutional attributes described above for ten South Baltic polities, *c.* 1750–1806: Estonia, Livonia, Kurland, East Prussia, Eastern (Farther) and Western (Nearer) Pomerania, the Uckermark (northern Brandenburg), Swedish Pomerania, Mecklenburg, and Schleswig-Holstein. Table 2 reveals that Estonia and Livonia score highest in decision-making efficiency, followed by Schleswig-Holstein (and the Uckermark), suggesting an association between efficiency and negotiated agrarian transformation.

Second, the case-study approach allows me to leverage the particularly rich source base that exists for Livonia and Schleswig-Holstein. My analysis of Livonia draws upon unpublished materials from the National Archive of Estonia, the Latvian State Historical Archive, and the Russian State Historical Archive. Because historians have ably documented the agrarian reform process in Schleswig-Holstein, here too we can reconstruct the legislative process *within* the Estates.

## 4.1 Case selection

As Slater and Ziblatt (2013) argue, the controlled comparison remains an indispensable part of the comparativist’s toolkit. The inferential logic I employ here is that of a most-similar case comparison, keeping in mind that process tracing and controlled comparisons can be fruitfully combined (Bennett and Checkel 2015, 25–26, 29). Political conditions in Schleswig-Holstein and Livonia were eerily similar. Both were dependant provinces of a larger composite monarchy—the Danish realm and the Russian Empire respectively. Both were subject to monarchs who ruled autocratically at home but governed their outlying territories in collaboration with the local Estates. Even representative institutions were similar in one fundamental way: whereas the Estates in most South Baltic territories were assemblies of elected representatives, in Livonia and Schleswig-Holstein landowners attended in person.

Importantly, the landed classes of Livonia and Schleswig-Holstein were fractured, with social divisions that in both cases gave segments of the elite an incentive to challenge the Estates’ authority to make binding decisions by simple majority vote. In Schleswig-Holstein, the landed elite was divided into “in” and “out” groups, with only the former enjoying full political rights. In Livonia, contrariwise, the most important division was regional: the rivalry between the province’s northern, Estonian-speaking, and southern, Latvian-speaking districts.<sup>10</sup> Because the provincial Diet met in Riga, proprietors from the Estonian district were chronically underrepresented and regularly outvoted. As discus-

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10. Latvian and Estonian refer to the languages spoken by the subject population, not the landed elite (who spoke German).

sions of agrarian reform began, in both territories members of the underrepresented group raised procedural objections. The differential treatment of these two sets of objections demonstrates the greater efficiency of Livonia's representative institutions.

## 4.2 Alternative explanations

I have structured the comparison with the aim of maximizing control over alternative explanations. The Livonia–Schleswig-Holstein comparison minimizes the risk of confounding with respect to prominent explanations for variation in the incidence of serfdom, including differences in the size and diversity of the landed elite, the strength of the bourgeoisie, the land-labor ratio, and revolutionary threat. Specifically, Livonia is the *less*-likely case for negotiated agrarian transformation in each of these accounts. Observing a negotiated outcome in Livonia but not Schleswig-Holstein, then, casts doubt on the alternatives.<sup>11</sup>

Might not differences in parliamentary organization and procedure be endogenous to some background variable, such as elite social structure or the relative power of the ruler and the landed class? This is unlikely. The key differences in organization and procedure can be traced to the seventeenth century, and persisted despite dramatic shifts in royal power and the composition of the landed elite. For instance, the first (1647) standing orders for the Livonian Diet already state that majority decisions are binding upon the minority and absentees (von Buddenbrock 1821, 210–211, §§7, 10). The independence of the Estates' executive arm, the College of Councilors (*Landratskollegium*), can be traced to its seventeenth-century origin as the Swedish governor-general's advisory council.<sup>12</sup> The characteristic features of the noble assembly (*Rittertag*) in Schleswig-Holstein—informality, ambivalence about majority rule, reluctance to delegate to a speaker or committee—were present already in the seventeenth-century Diets (Lange 1980, 28–40; Fuhrmann 2002, 315–317). Even if we assume that the rules governing representative institutions reflect the balance of power between ruler and elites at the time of their creation, rules and norms subsequently may take on a life of their own. In short, there is little evidence to suggest that decision-making efficiency was wholly endogenous to elite social structure or the distribution of power between sovereign and elites.

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11. The reader may consult Appendix C for a more detailed discussion.

12. As emphasized by Gustav Johann von Buddenbrock, the College's most articulate spokesman, in an 1803 memorandum. Russian State Historical Archive (RGIA) 1528.1.35, 71<sup>r</sup>–80<sup>r</sup>, here 75<sup>r</sup>–v.

	<b>Schleswig-Holstein</b>		<b>Livonia</b>	
<b>1795</b>	Jan	<i>Non recepti</i> propose to begin consultations with the <i>Ritterschaft</i> on the subject of emancipation	Dec	Diet adopts 23-point program of agrarian reforms
<b>1796</b>	Jan	<i>Ritterschaft</i> adopts the <i>non recepti</i> resolution, names a committee to draft emancipation plans	Sep	Diet meets again to discuss the lord-peasant relationship
	Nov	Committee circulates a questionnaire with several emancipation plans to the proprietors, one of whom objects to this procedure		
<b>1797</b>	Mar	Committee petitions the Danish king to allow an eight-year term for emancipation	Jan	Diet meets again to discuss the lord-peasant relationship
<b>1798</b>	Jan	Final meeting of the proprietors' committee	Apr	Diet confirms the reform program adopted in 1797 with minor amendments
			Jul	Conservative landowners protest to the tsar, stalling reform discussions
<b>1801</b>			Mar	Death of Paul I; Alexander I becomes tsar
<b>1802</b>			Aug	Sivers asks Alexander to call an extraordinary Diet to revisit the question of agrarian reform
<b>1803</b>			Feb–Mar	Diet meets, adopts many of the tsar's proposed amendments to the 1798 Recess
			May	Alexander names a committee to revise the Diet draft for publication
<b>1804</b>	Dec	Emancipation edict promulgated	Feb	Peasant Code promulgated
<b>1805</b>	Jul	Government unilaterally issues labor service regulations, reorganizes patrimonial courts		

Table 3: Agrarian reform processes in Livonia and Schleswig-Holstein, 1795–1805.

## 5 From cooperation to imposition: Schleswig-Holstein, 1795–1805

Credible intermediation, recall, is Janus-faced, and a blow to either face might undermine cooperation between government and Estates. In Schleswig-Holstein, serious blows to both faces caused an initially collaborative process of agrarian reform to turn coercive. The result was the exclusion of Schleswig-Holstein's landed elites from the implementation of agrarian reforms and their lasting alienation from the Danish crown. Table 3 summarizes the timeline of agrarian reforms in Schleswig-Holstein and Livonia.

### 5.1 Representative institutions and elite divisions

The old noble families of the duchies closed ranks during the early seventeenth century. From 1641 the politically privileged nobility, the *Ritterschaft*, was a closed corporation: the admission of new members required a two-thirds majority (Heisch 1966, 58). During this same period, the territorial Diet began to fall into abeyance, while the noble assemblies (*Rittertage*) grew in importance. The Diet met for the last time in 1675, leaving the *Rittertag* as the duchies' most important consultative body. From 1775, the noble assembly had a reorganized standing committee, but it has been described as “politically powerless” (Busch 2013, 105).

In 1773, the noble assembly admitted to its ranks several high-ranking Danish dignitaries, including foreign minister Count Andreas Peter Bernstorff, the architect of the duchies' incorporation into the Danish monarchy. Meanwhile, about 20 noble families, as well as the many bourgeois proprietors—collectively known as the *non recepti*—remained outside the noble corporation. The hypocrisy of the *Ritterschaft* reignited its old rivalry with the *non recepti*, most of whom, led by the ennobled jurist Paschen von Cossel, refused to contribute to the Estates' treasury in protest. In response, Copenhagen named an investigative committee under Bernstorff to mediate the dispute (Degn 1994, 178).

In effect, Bernstorff faced a choice between two proposals to resolve the conflict. The compromise proposal floated by the *Ritterschaft* conceded limited rights of consultation to the *non recepti*. Cossel and his allies, meanwhile, insisted upon full equality: in effect, the unification of *Ritterschaft* and *non recepti* into a single corporate group. At first glance, Cossel's proposal seemed the more likely to come to pass. This was the solution favored by Bernstorff, who thought the bickering between “ins” and “outs” detrimental to the nobility's prestige. Many in Copenhagen were eager to take the opportunity to humble the *Ritterschaft*, which still contained a party that was hostile to the Danish crown. The excluded proprietors, however, overplayed their hand: Bernstorff was repelled by the anti-aristocratic arguments Cossel and his friends used to make their case for political equality.

Consequently, he was won over to the *Ritterschaft*'s proposal (Degn 1994, 178–179).

The—unintended—efficiency implications of this compromise were twofold. First, the settlement rendered an unwieldy decision-making procedure even more cumbersome (Heisch 1966, 55–56). Second, the continued predominance of the corporate nobility left many among the *non recepti* dissatisfied. The disgruntled “outs” had a powerful incentive to challenge the authority of the noble assembly.

## 5.2 Reform discussions begin

Until the late 1780s, agrarian transformation was not on the agenda of the noble assembly, even as many proprietors freed their own serfs (Hvidtfeldt 1963, 85–89). The implementation of far-reaching reforms in Denmark from 1785 increased the pressure on the duchies' elites to undertake at least token changes. However, the leading figures in Copenhagen, Bernstorff and finance minister Ernst Schimmelmann, were reluctant to extend the Danish reforms to Schleswig-Holstein by fiat. Instead, they made use of their family connections with the duchies' elites to mobilize support for emancipation. However, procedural disagreements soon created an impasse: Fritz Reventlow, Schimmelmann's brother-in-law and one of the *Ritterschaft*'s leading members, doubted that the noble assembly would be able to agree to a specific plan for emancipation and wanted Copenhagen to take the initiative (Degn 1980, 77–78).

The impasse was broken in January 1795, when one of the *non recepti*, the burgher Ferdinand Otto Vollrath Lawätz (a longtime critic of the *Ritterschaft*), unexpectedly proposed to begin consultations with the *Ritterschaft* on the question of serf emancipation (Hvidtfeldt 1963, 106–109). The old nobility was incensed by this underhanded maneuver and suspicious of Lawätz's intentions, but the issue had been forced, and action was now unavoidable. Meeting in January 1796, the noble assembly unanimously adopted the *non recepti* resolution and named a special committee to investigate the issue.

## 5.3 Conflicts around majority voting, agenda power, and delegation

The committee met for the first time in February, and immediately faced disagreements about how to proceed. Some members wanted to invite all the proprietors to submit proposals concerning the modalities of emancipation, which, however, was quickly dismissed as impracticable (172–173). But the committee was also reluctant to promulgate a plan entirely of its own making, especially considering the vague mandate it had received from the noble assembly. Instead, it opted for a middle course, that of setting the agenda itself and circulating a questionnaire with several specific proposals to the proprietors.

In the meantime, committee members were asked to prepare memoranda making the

case for and against emancipation respectively. The two committee members charged with defending the *status quo* maintained that no estate owner could be compelled to free his subjects: “what touches all must be approved by all.” Count Christian Rantzau, the advocate of emancipation, likewise conceded that the majority principle was inapplicable in matters of property rights (Hvidtfeldt 1963, 178, 181). Rantzau expressed confidence, however, that the proprietors would unanimously vote for emancipation. The procedural question was deemed so important that the questionnaire the committee circulated in November 1796 not only invited the lords to choose among several timetables for emancipation but also asked each proprietor if he would submit to the majority.

By the March 1797 deadline, the committee had received 54 replies, a response rate of about 50% (Degn 1980, 82). Although many respondents voiced reservations—and most rejected the idea of majority voting—nearly all agreed to emancipation within an eight-year term (Hvidtfeldt 1963, 229). Only one landowner categorically rejected the committee’s proposals. The lone dissenter was none other than Paschen von Cossel, the embittered onetime spokesman of the *non recepti*. Cossel was not opposed to emancipation as such. His objections were procedural: he denounced the committee’s proposals as an invasion of property rights, denied that property could be taken by majority vote, and criticized the committee for counting nonresponses as votes in favor of its proposals (213–214).

The results of the questionnaire were discussed in committee in March, and Rantzau was tasked with reporting on the responses from Holstein. His report betrays the weakness of the reformers’ position in the face of procedural objections. Whereas Rantzau had previously agreed that property rights could not be overruled by a majority, he now maintained that majority rule was a practical necessity in collective decision-making: “He who wills an end, must also will the means” (Rantzau 1798, 69). He cited precedents for the application of majority voting in matters of property rights. Most importantly, he made the case that to leave the issue of emancipation open to individual discretion would open the door to unilateral state action (71–72). After all, if the Estates abrogated their right to legislate, what was to prevent the crown from acting unilaterally?

Observing that the questionnaire had yielded no consensus about the mode of emancipation, Rantzau (1798, 68–69) tried to convince his colleagues that the committee had broad latitude to elaborate its own plan of action and to pass it on to Copenhagen for royal approval. Conscious of the objections raised by Cossel and others, however, most members were reluctant to embrace such an expansive interpretation of the committee’s mandate. Consequently, when the committee informed the king of the proprietors’ agreement to emancipation, it confined itself to a short statement and failed to offer any specific recommendations about the modalities of emancipation. Degn (1980, 83) interprets the committee’s actions, in effect, as an admission of its inability to mobilize its constituents’

support for any concrete course of action. Instead, the Estates surrendered control over the reform process to the government, exactly as Rantzau had warned.

#### 5.4 The breakdown of intermediation

So long as Bernstorff lived, he had been able to mediate between the Danish government and the landed elite in the duchies. His intermediation was credible to the nobility, in part, because he had a track record of shielding the *Ritterschaft* from its enemies, and in part because he was perceived to share with them a common interest in the survival of elite political prerogatives. After all, Bernstorff was a member of the *Ritterschaft* and even owned an estate in Holstein. With his death in June 1797, the amicable relationship between the noble corporation and the Danish crown began to break down. Divisions within the landed class on matters such as reform of the conscription system, the tax privileges of noble estates, and the financing of agrarian reform could not be resolved, and, as a result, the government increasingly resorted to unilateral action. Cai Reventlow, brother of Fritz and Bernstorff's successor as German Chancellor (head of the Danish government department responsible for the duchies), resigned in 1802 in protest of Copenhagen's encroachment on the proprietors' tax privileges, removing the last institutional platform for cooperation between government and Estates (Hvidtfeldt 1963, 319–320; Heisch 1966, 90). Most expected that Rantzau, who was widely respected in the duchies and might have been able to act as a credible intermediary, would be named his successor. But after a long period of indecision, in 1803 a virtual nonentity with no ties to Schleswig-Holstein was appointed instead. Meanwhile, the proprietors' committee met for the last time in January 1798; in any event, its limited mandate meant that it could not act as an intermediary.

The breakdown in relations between throne and Estates meant that work on the enabling legislation for emancipation virtually ceased between 1798 and 1803. Discussions in the press, and in the German Chancellery, replaced institutionalized negotiations between the government and its elites. In 1804, with the eight-year transition period approaching its end, the government had no choice but to act swiftly—which meant unilaterally. The emancipation act of December 19, 1804, as well as the labor service regulation and reform of patrimonial justice issued the following year, were promulgated without consulting the Estates.

The chasm between Copenhagen and duchies' elites would only deepen in the following years, and by 1813 leading members of the *Ritterschaft* had begun openly to contemplate separation from the Danish monarchy. The government's unilateral settlement of the agrarian question was not the sole cause of elite discontent. But it gave rise to fears and resentments which were not easily assuaged, even among former supporters of agrarian reform (Degn 1980, 87), and which made continued cooperation impossible to sustain.

## 6 Resilient cooperation: Livonia, 1795–1804

In Schleswig-Holstein, then, two events detailed the negotiated process of agrarian reform: Cossel's challenge to the authority of the noble assembly and Bernstorff's death. Each struck at one of the two faces of credible intermediation. Comparison with Livonia—above all, the “epoch-making” (von Buddenbrock 1804b, 157) reform Diet of 1803—reveals the decisive role of efficient procedures in vanquishing both types of threats to collaboration between sovereign and Estates.

### 6.1 The importance of being credible

In Livonia, too, the Estates began to discuss agrarian reform in 1795 at the government's behest. The impulse for reform was not wholly exogenous: in the preceding decades, a growing number of landowners had come to attribute the “backwardness” of Livonian agriculture to the institution of serfdom (Kahk 1988). Led by the nobility's elected marshal, Friedrich Wilhelm von Sivers, a series of Diets between 1795 and 1798 hammered out the principles of a new agrarian code. The process stalled in 1798, when conservative landowners protested to St. Petersburg: proprietors from the Estonian district had been heavily outnumbered at the recent Diet, and the majority—representing the Latvian district—had no right to impose upon them a suite of regulations that was entirely ill-suited to conditions found in the north.<sup>13</sup>

In Schleswig-Holstein a similar challenge to the noble assembly's authority to legislate by majority vote had stymied the reform process. In Livonia it proved to be no more than a temporary setback. With the ascension of a new tsar, Alexander I, leaders of the reform party again set out to convince St. Petersburg that they would be able to guide agrarian legislation through the Diet. In January 1802, two proprietors—probably Buddenbrock and Count Ludwig August Mellin, Sivers's closest allies—approached a member of the tsar's inner circle, Novosil'tsev, with the request to allow the next Diet to revisit the question of agrarian reform. Novosil'tsev supported the proposal, offering as an argument in its favor “the assurance. . . given by these gentlemen that most of the proprietors will give their consent.” The tsar's other advisors were more skeptical, with one observing that it was impossible to anticipate the outcome of debate in “a large assembly.” Ultimately, the tsar's councilors could not reach agreement (Demkin 2012, 95–96).

Then, in August, Sivers wrote directly to Alexander with the request to convoke an extraordinary Diet. Without consulting his principals, Sivers promised that the nobility was prepared to make further concessions than those it had authorized in 1795–98. Apparently

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13. The Diet's attendance list names 86 members present from the Latvian district and 25 from the Estonian. LVVA 214.2.261, 1<sup>r</sup>–6<sup>v</sup>.

convinced by these assurances, Alexander gave his blessing to Sivers's proposal. The exchange between the two men yielded agreement on a series of modifications to the Diet Recess of 1798, which became known as the "twelve points."<sup>14</sup> As the Diet approached, Mellin and Buddenbrock drafted a new model version of the Peasant Code, incorporating the tsar's proposals.<sup>15</sup> With detailed legislative proposals in hand, the reformers were in a good position to set the agenda in the upcoming noble assembly.

## 6.2 The legislative process

The extraordinary Diet opened on February 17 and closed on March 31; as usual, proprietors from the Latvian district were in the majority.<sup>16</sup> The most prominent opponents of agrarian reform hailed from the Estonian district, as before (Mellin 1824, 11). Buddenbrock served as acting speaker (*Landmarschall*).<sup>17</sup> A description of the assembly's proceedings, recorded in its Recess, reveals that, unlike in Schleswig-Holstein, this was a highly structured process in which officers entrusted with special agenda-setting powers played a decisive role. This structure goes a long way towards explaining why the tsar found Sivers's promises credible.

### 6.2.1 Deviations from the standing orders

Sivers first presented the "twelve points" to the assembled Diet on February 19. In accordance with the standing orders, these proposals were submitted to the assembly's Small Committee (*Engerer Ausschuß*) for consideration before discussion in plenary. Only two deviations from the procedure elaborated in the statutes were allowed. First, since the Diet had been called on short notice, the term to submit proposals to the Small Committee was extended.<sup>18</sup> Second, in view of the importance of agrarian reform, the Committee was joined by three elected deputies from each of Livonia's four districts, bringing its size to 24 members.<sup>19</sup> On the whole, then, the Diet stuck firmly to its proscribed procedures.

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14. For Sivers's correspondence with the tsar, see RGIA 1528.1.35, 1<sup>r</sup>–44<sup>r</sup>, and in German translation, National Archives of Estonia (EAA) 909.1.3, 6<sup>r</sup>–<sup>v</sup>, 55<sup>r</sup>–58<sup>r</sup>.

15. RGIA 1528.1.35, 38<sup>r</sup>–43<sup>r</sup>, Vorschlag zur Verbeßerung des Zustandes der Liefländischen Bauern.

16. At the Diet's opening, 116 members were present from the Latvian district and 62 from the Estonian. EAA 909.1.3, 37<sup>r</sup>–53<sup>v</sup>, Landtag 1803. vom 17 Februar bis 31 Ma(e)rz, here 37<sup>r</sup>.

17. The elected speaker was ill; Buddenbrock presided in virtue of §27 of the standing orders. (Unless otherwise noted, paragraph references are to *Landtagsordnung* 1828.)

18. LVVA 214.6.276a, Landtags-Rezeß vom Jahr 1803, 16.

19. LVVA 214.6.276a, 19–23.

Date	Motion	Yea	Nay
3-Mar	To append minority opinions to the Recess (Ekesparre's motion)	23	116
3-Mar	To refer Ekesparre's proposal to the Small Committee for examination	21	115
4-Mar	To end debate on the subject of emancipation	105	40
5-Mar	To forbid the sale of peasants without land	99	41
5-Mar	To forbid the transfer of peasants between the Estonian and Latvian districts	72	57
6-Mar	To retain the designation "hereditary farmer" ( <i>Erbbauer</i> )	73	39
10-Mar	To inventory extraordinary labor services	61	46
20-Mar	To establish parish courts	28	64
25-Mar	To add peasant assessors to the district courts ( <i>Ordnungsgerichte</i> )	56	25
30-Mar	To defer debate on constitutional reform to the next Diet	66	2
30-Mar	To request that a new Diet be called within the year to consider constitutional reform	18	26

Source: Adapted from LVVA 214.6.276a, Landtags-Rezeß vom Jahr 1803.

Table 4: Selected divisions at the Livonian Diet of 1803.

## 6.2.2 Rejection of alternative procedures

Further evidence that most noble landowners believed their institutions were up to the task of reaching a binding decision on agrarian reform comes from the Diet's rejection of alternative procedures. On March 2, one Diet member, Peter von Ekesparre, opined that it was not the government's intention to leave the final decision to the Estates but merely to collect various proposals for the regulation of peasant burdens. Consequently, Ekesparre suggested, instead of submitting the usual Recess (adopted by majority vote) to the government for confirmation, the Diet should forward minority opinions to St. Petersburg as well. Buddenbrock, as speaker, rejected this proposal as contrary to the standing orders: resolutions could be adopted only by majority vote or acclamation.<sup>20</sup> When, in the next session, Ekesparre raised his proposal again, a motion to refer the idea to the Small Committee for further consideration failed by a large margin.<sup>21</sup> Indeed, the two divisions prompted by Ekesparre's proposal were so lopsided (Table 4) that most reform-minded Diet members, as well as most of the conservatives, must have voted in the negative.

Although it may seem unsurprising that few noble landowners were eager to surrender control over the reform process to the government, this, recall, is precisely what happened in Schleswig-Holstein. That cooperation persisted in Livonia speaks to the confidence most Diet members had in their own institutions.

20. LVVA 214.6.276a, 84–85; *Landtagsordnung* (1828), §§39–40, 45.

21. LVVA 214.6.276a, 100–101.

### 6.2.3 Deliberations in committee and in plenary

For the first several weeks of the Diet, the Small Committee and College of Councilors grappled with the tsar's proposals in evening sessions, drafting their respective recommendations, while the plenary dealt with other business. The Committee's deliberations were fraught, and it took longer than anticipated to prepare its report. As work in committee proceeded slowly, discussion of agrarian reform in plenary was repeatedly pushed back.<sup>22</sup> Plenary discussion of the first of the "twelve points" finally began on March 5, after further delays caused by debate on an alternative proposal for gradual serf emancipation, Ekesparre's intervention, and a series of constitutional reform proposals raised by the opposition with the aim of weakening the College.

Consistent with the standing orders, debate in plenary was framed by the recommendations of the Small Committee and the College: discussion of each point was preceded by the reading of the "*Sentiments und Consilia*" (this stock formula occurs throughout the Recess) of these two bodies, and many of the questions put to a vote were framed as a choice between the Committee's recommendation and the relevant article of the Recess of 1798,<sup>23</sup> which can therefore be considered the reversion.<sup>24</sup> In most cases, the plenary gave its approval to the majority opinion of the Small Committee, though on some issues the assembly proved more conservative. On the rare occasions when the College and the Small Committee had disagreed—most importantly, regarding the creation of a new network of parish courts to hear lord-peasant disputes—the plenary sided with the Committee's majority opinion.<sup>25</sup>

Most of the crucial votes on the "twelve points" took place between March 5 and 27, during which time the Diet was occupied almost exclusively with the business of agrarian reform. Finally, on March 27, after a last-ditch attempt by reform opponents to block the passage of the new agrarian code, the Diet's agrarian reform resolutions were read into the Recess and thereby entered into force. In its final sessions, the Diet returned to other business, long delayed by the military governor's injunction that all else be postponed until the conclusion of deliberations on the agrarian question.<sup>26</sup>

The overall picture, then, is that of a highly structured process in which the reformers' control of the Diet's agenda-setting offices—the speaker, Small Committee, and College of Councilors—allowed them to steer a comprehensive set of agrarian regulations through

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22. LVVA 214.6.276a, 67–69, 74–75.

23. See, for instance, LVVA 214.6.276a, 121.

24. On February 24 the Diet had opted to proceed by rewriting the relevant articles of the 1798 Recess to bring them in line with the "twelve points," instead of drafting an entirely new code. LVVA 214.6.276a, 66–67.

25. EAA 909.1.3, 22<sup>f</sup>–35<sup>v</sup>, *Sentiment des Engen-Ausschusses*, here 33<sup>f</sup>–34<sup>f</sup>; LVVA 214.6.276a, 232.

26. For the governor's instruction, see EAA 909.1.3, 91<sup>f</sup>.

the assembly. To fill in the details, I now examine the practice of majority voting in the Diet, as well as delegation to the speaker and the College of Councilors.

### 6.3 Majority voting: protests

As Table 4 demonstrates, the most contentious of the “twelve points” were adopted by majority vote, and not by acclamation, the other method of adopting a resolution mentioned in the Diet’s statutes. The barriers to requesting a vote in plenary were very low: any member could introduce such a motion, and the concurrence of two other members sufficed for it to pass (*Landtagsordnung* 1828, §40). Despite this, only 25 divisions took place over the course of the six-week Diet. This was in part because the speaker refused to bring certain motions to a vote when he deemed them to be in violation of the statutes; Buddenbrock’s resort to this expedient became one of the opposition’s main charges against him as the Diet neared its conclusion. Notably, the landed elite’s acceptance of majority decisions extended to extremely narrow majorities, such as the 66 to 61 vote to allow landless Diet members to vote on agrarian reform.<sup>27</sup> Two aspects of majority voting at the Livonian Diet are worth exploring in greater detail: the treatment of *protests* against majority decisions and the *finality* of majority decisions.

There were numerous protests against majority resolutions of the Diet. Supporters and opponents of Sivers’s agrarian reform proposals alike tended to behave opportunistically: when they found themselves in the majority, they emphasized the binding character of majority decisions; when in the minority, they insisted upon their right to protest. What is relevant here is that neither set of protests was able to articulate a plausible procedural rationale for their objections. As such, the landed elite consistently refused to enter protests into the Recess, the formal record of the Diet’s proceedings and decisions. For instance, when on March 24 the General Assembly of the newly established credit union for noble landowners<sup>28</sup> voted to forbid its members to manumit their serfs,<sup>29</sup> the dissenting minority was denied the right to append its protest to the Recess:

... in the event that individuals or groups demand that their reservations or protests against resolutions adopted by a majority vote of the assembly be entered into the Recess, this practice, being in contradiction of §201 of the statutes, must never be permitted, and those who wish to do so should be allowed only to sign their names to their contrary opinions and to submit these to the Acts, so that the assembly may

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27. LVVA 214.6.276a, 139–140.

28. The General Assembly met concurrently with the Diet, and its standing orders were closely modeled on those of the Diet.

29. LVVA 218.2.15, 47–48 o.p.

first examine them and decide whether or not to include them in the Recess.<sup>30</sup>

As a rule, the protests criticize the substance of the Diet's decisions, but fail to make explicit procedural objections. For instance, one protest, dated March 27, objects to the adoption of agrarian reform measures, *inter alia*, on the grounds that more than half of the Diet's members had already left for home. "We could never forgive ourselves," the petitioners wrote, "if by the hasty adoption of a new code we were to bring about not only our own ruin but also that of our absent brothers."<sup>31</sup> This, however, was a rhetorical flourish, not a procedural objection: Diet decisions bound absentees as well as defeated minorities.

## 6.4 Majority voting: finality

The provisions concerning the finality of majority decisions caused perhaps the greatest controversy at the Diet of 1803. §46 of the statutes provided that once a resolution had been adopted, and read into that day's Recess, the question could not be reintroduced until the next Diet. In terms of the Diet's viability as a forum for collective decision-making, these provisions were essential to prevent majority cycling: because often a large set of policy alternatives could command support over the *status quo*, some institutional rigidity was needed to enable the assembly to settle on a single alternative. This was particularly important since the Diet was relatively small and marked by high attrition: the departure of just one or two members for home might be enough to change the set of alternative policies that are collectively preferred to the *status quo*. A comparison to Poland-Lithuania, famous for its obstreperous *Sejm*, underscores the importance of these rules. *Sejm* deputies regularly appeared late and demanded that matters settled before their arrival be revisited, and no resolutions entered into force until a lengthy block reading at the end of the convocation (Lukowski 2010, 23, 85).

However, §46 left open a window for obstruction by stating that a resolution entered into force only after it had been read into the Recess—"regulated," in the parlance of the statutes—in the subsequent session.<sup>32</sup> Accordingly, defeated minorities occasionally used the process of "regulation" to reintroduce already settled questions. This complicated the Diet's work to such a degree that a special committee named to consider revisions of the standing orders proposed to remove the possibility of obstruction by requiring that resolutions be voted upon and read into the Recess (thereby becoming irreversible) in the

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30. LVVA 218.2.15, 51.

31. RGIA 1528.1.35, 252<sup>r</sup>–255<sup>r</sup>, here 252<sup>v</sup>–253<sup>r</sup>.

32. Thus, the record of each session in the final Recess typically begins with the formula that the previous day's resolutions were "*verlesen und regulirt*," accompanied by mention of any objections from the floor. For examples, see LVVA 214.6.276a, 19, 73.

same session. Unlike many of the committee's recommendations, this one was endorsed only by those committee members who were aligned with Sivers.<sup>33</sup> Reform-minded noblemen, then, understood that for the Diet to function efficiently, it could not allow *ex post* contestation of its decisions.

As the Diet approached its end, the irreversibility of past resolutions became the subject of even greater controversy, as the conservatives made a last-ditch effort to prevent the agrarian reform package from entering into force. In fact, this incident implicates several of the institutional attributes which contribute to decision-making efficiency: majority voting, delegation to a strong speaker, and the independence of the assembly's executive committee, the College of Councilors. Consequently, it is worth pausing here to examine how these institutions interacted to produce a negotiated reform outcome.

On March 27, after debate on the last of the "twelve points" had ended, the Diet prepared to read the already adopted resolutions into its Recess. At this point, one of the conservatives moved to adjourn the Diet at once, before the resolutions had the chance to enter into force. Another conservative member moved to petition the tsar to call a second Diet in June to revisit the question of agrarian reform. Buddenbrock, as speaker, objected to both proposals on the grounds that they amounted to an attempt to revoke resolutions the Diet had already approved, in violation of §46. After consulting with the other members of the College, Buddenbrock announced that the councilors had found the two motions to be "contrary to the constitution" (*Konstitutionswidrig*) and therefore inadmissible. In response, several Diet members called for a vote; this, too, Buddenbrock refused to allow, again claiming that the procedure would violate the standing orders.<sup>34</sup> The College and its supporters also argued that the opposition motions could not be discussed since they had not been raised at the beginning of the Diet, before the deadline for submission of proposals to the Small Committee.<sup>35</sup> With this the debate, for the time being, came to a close: the speaker's authority prevailed, and the agrarian reform package was read into the Recess. The conservatives had lost.

This is not quite the end of the story. One member of the College dissented from his colleagues' interpretation, arguing that the proposal for a second Diet was intended not to overturn the assembly's decisions but merely to give the proprietors more time to evaluate the practicability of the reforms. There was, therefore, nothing "contrary to the constitution" in the proposal, and no reason it should not have been brought to a vote. Buddenbrock and the College had exceeded their authority.<sup>36</sup>

Buddenbrock was hounded by such accusations for the next several days; finally, on

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33. For the committee's report, see RGIA 1528.1.35, 94<sup>r</sup>–112<sup>r</sup>, here 99<sup>v</sup>–100<sup>f</sup>.

34. LVVA 214.6.276a, 266–269.

35. RGIA 1528.1.35, 238<sup>r-v</sup>.

36. RGIA 1528.1.35, 247<sup>r</sup>–251<sup>r</sup>, Antrag des Landraths Taube, here 250<sup>v</sup>.

March 30, he opined that he had lost the confidence of the assembly and offered to step down as speaker. When it became apparent that Buddenbrock's replacement as speaker would be Sivers, however, the floor hastened to assure Buddenbrock that he retained their support. Buddenbrock promptly relented and agreed to stay on as speaker.<sup>37</sup> Once more, the reform party's control of the Diet's agenda-setting offices allowed them to fight off a threat to cooperation with the government.

## 6.5 Delegation to the College of Councilors

Sivers, Buddenbrock, and the College of Councilors all came under harsh criticism for their actions during the winter of 1802–03. Even in Livonia, with its relatively efficient Estates, cooperation between government and nobility was difficult to sustain, and the intense disagreements at the Diet tested the limits of the landed elite's willingness to accept majority rule. Seeking to rein in the College, the aforementioned special committee named by the Diet to consider constitutional reforms recommended several measures to limit its ability to act independently. Although on March 30 the Diet, for lack of time, voted to defer the question of constitutional revision to the future, the College's position was nonetheless threatened.<sup>38</sup>

In this context, two final pieces of evidence speak to the significance of credible intermediation in enabling cooperative agrarian reform. First, Buddenbrock's defense of the existing constitution explicitly argued along these lines. The second piece of evidence, discussed below, is Sivers's fate after the Diet of 1803.

Buddenbrock put forward his response to the College's critics in two places: a reply to the special committee's recommendations and a short book published the following year (von Buddenbrock 1804a).<sup>39</sup> In both documents, Buddenbrock emphasizes the intermediary function of the College, whose members he describes both as "officials" of the tsar and as "protectors" of the nobility.<sup>40</sup> The College was neither a part of the imperial bureaucracy nor a mere agent of the Estates: it was a corporate entity in its own right, distinct from the imperial state and the Diet alike, with its own statutes, prerogatives, and interests. As Buddenbrock explained:

The statutes of the College of Councilors are as ancient a privilege as our provincial constitution. This corps is the keystone of our institutions, assisting the Sovereign, as

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37. LVVA 214.6.276a, 327–329.

38. LVVA 214.6.276a, 329. A motion to request that a new Diet be called within the year to examine the committee's report narrowly failed.

39. This memorandum has survived only in Russian translation: RGIA 1528.1.35, 71<sup>r</sup>–80<sup>f</sup>, Ob"iavlenie po sluchaiiu naznachennoi Komissii dlia nachertaniia predstavlenii k popravleniiu tepereshnogo ustava Seima.

40. RGIA 1528.1.35, 78<sup>v</sup>.

represented by the governor-general, in affairs pertaining to the province. . . The oldest recesses prove that the councilors, in carrying out their duties, have never depended upon the Diet but only upon one another. . . and that they have always maintained their own *esprit de corps*.<sup>41</sup>

The College's independence, von Buddenbrock (1804a, 29–31) went on to argue, was a precondition for effective performance of its intermediary function. The College was not a “state within a state,” as some members of the opposition had insinuated, and the councilors, by defending the College's prerogatives, had not been prioritizing their loyalty to the institution over their loyalty to the nobility. In fact, the College served a representative function for the Livonian nobility, but one distinct from the Diet, and one it would no longer be able to perform if it were reduced to a mere mandatory of the noble assembly. Buddenbrock's defense of the constitution, then, explicitly linked its independence to its function as intermediary, and this, in turn, to cooperation with St. Petersburg.

## 6.6 Consequences of institutionalized intermediation

A key difference between Livonia and Schleswig-Holstein was the site of intermediation between government and Estates. In Schleswig-Holstein, as we have seen, the Estates' inefficiency meant that intermediation was dependent on personalities and family networks. This could be effective, but it was also more susceptible to disruption than the *institutionalized* intermediation found in Livonia. Thus, in Schleswig-Holstein, Bernstorff's death derailed the process of negotiated reform, whereas in Livonia, the College of Councilors continued to perform its intermediary function even after its senior member, Friedrich Sivers, discredited himself by hewing too closely to the government line.

Sivers, the leader of the reformist wing of the landed elite, was ideally suited to act as broker between the Livonian Estates and St. Petersburg. He had won the confidence of his peers through his staunch defense of provincial privilege against perceived encroachments by the imperial authorities. His loyalty to the nobility was therefore unquestionable, and even his fiercest opponent at the Diet of 1803 expressed his “gratitude” for Sivers's past service.<sup>42</sup> Sivers's unauthorized communications with the tsar during the winter of 1802–03, however, alienated him from a large part of the landed class. For a moment, intermediation was lacking, and the prospects of the negotiated path uncertain. But Sivers, unlike Bernstorff, was not indispensable. As the imperial government tried to repair its strained relationship with the Livonian elite, it had to distance itself from the beleaguered senior councilor.

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41. RGIA 1528.1.35, 75<sup>r</sup>–76<sup>r</sup>.

42. EAA 909.1.3, 76<sup>r</sup>–81<sup>r</sup>, here 76<sup>r</sup>.

In May 1803 the tsar instructed the College to nominate four of its members to serve on a special Commission for the Investigation of Livonian Affairs. At the time this was seen as a concession to the conservatives, since it meant that the Diet draft would be re-examined. Siverson and Buddenbrock were among the four candidates nominated by the College.<sup>43</sup> Siverson's political opponents were furious when they learned of his nomination. On their behalf, one of the conservative leaders requested the interior minister's intervention to ensure that the tsar did not appoint Siverson, who, he explained, had "abused the boundless trust of the [noble] corporation that he formerly enjoyed" and thereby lost its confidence.<sup>44</sup> Whether because of this lobbying or not, the tsar snubbed his onetime ally, appointing Buddenbrock and another councilor instead.<sup>45</sup> At the same time, the tsar upheld the prerogatives of the College as an institution, issuing the district deputies (the continuing representation of the Diet when it was out of session) a stinging rebuke when the latter censured the College for failing to consult with them about nominations to the commission.<sup>46</sup> Siverson may well have been dispensable, but the College as an intermediary corps was not.

These concessions appear to have restored the Livonian nobility's trust in the tsar's benevolence. The conservative opponents of agrarian reform did not, for example, boycott the elections to the four district commissions tasked with drawing up new schedules of peasant obligations, and the tsar generally confirmed those candidates who received the most votes, even if they had opposed the government's proposals at the Diet.<sup>47</sup> By the end of 1805, the Peasant Code's main provisions had been implemented throughout Livonia.

The Peasant Code is the beginning and not the end of the story of serf emancipation and agrarian transformation in Livonia, but it set the tone for what followed. St. Petersburg learned that the Baltic Germans' representative institutions furnished a viable platform for cooperation even in such a divisive policy area as agrarian reform. Opposition to the government's initiatives was often considerable, but it never escalated into anything like the revolts and coups which occurred in response to some other eighteenth-century reform initiatives, nor did it bring about the lasting alienation of landed elites from the throne that we observe in Schleswig-Holstein.

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43. RGIA 1528.1.1, 6<sup>r-v</sup>, Buddenbrock to Alexander; for the results of the vote, see EAA 909.1.3, 102<sup>v</sup>.

44. RGIA 1528.1.1, 9<sup>r-v</sup>, Vietinghoff to Kochubei.

45. RGIA 1528.1.1, 10<sup>r</sup>, Kochubei to Golitsyn.

46. RGIA 1528.1.1, 454<sup>r</sup>-455<sup>r</sup>, Buxhoevden to Kochubei; 456<sup>r-v</sup>, Kochubei to Buxhoevden.

47. This conclusion is based on my comparison of the election returns, which can be found in RGIA 1528.1.1, 107<sup>r</sup>-110<sup>r</sup>, Richter to Kobuchei, with the list of confirmed candidates, 430<sup>r-v</sup>. In the exceptional cases, either the winning candidate had asked to be excused from service, or the tsar passed over one anti-reform candidate in favor of another.

## 7 Discussion

My findings have far-reaching implications for the study of early representative institutions. Recent scholarship has shown greater interest in variation among early European parliaments, recognizing that not all such institutions had the same consequences for long-run economic growth or for regime development. Doucette (forthcoming, 15–16) suggests three dimensions of variation that might account for differences in outcomes: composition, meeting frequency, and prerogatives. My concept of decision-making efficiency draws attention to a fourth relevant dimension: internal organization and procedures.

There are good reasons to believe that the efficiency of early parliaments is directly related to their capacity to foster development—not only in the South Baltic and not only in the context of eighteenth-century agrarian reform, but far beyond. “Bad” or anti-developmental property rights were ubiquitous in preindustrial Europe, but only some parliaments evolved procedures for taking property which gained broad acceptance. Notably, the norm that Parliament could take property for public use, even over the objections of the proprietors, developed early on in England (Hoppit 2011). And while it cannot be taken for granted that all complex exchanges presuppose the exact set of institutional attributes identified above, there is suggestive evidence that my claims generalize to other classes of property rights. Müller (2011), for instance, examines the Brandenburg-Prussian monarchy’s attempts to rewrite feudal land law in collaboration with the Estates, and concludes that these efforts were undermined by the limited mandate of elected deputies and their ambivalence about majority voting.

My concepts of decision-making efficiency and credible intermediation also suggest novel hypotheses about the origins of different political regimes in medieval and early modern Europe. The inefficiency of many parliaments heightened the temptation for sovereigns to circumvent them: a parliament that could not make any decisions at all was useless to the throne, whereas efficient Estates might serve the government’s interest, even if they sometimes opposed particular policies. Recognizing this, some rulers sought to strengthen the decision-making capacity of their Estates, arguing, for instance, that elected deputies should be equipped with full powers, and elevating the status of the Estates’ directorial committees. Sometimes these proposals won the support of elements within the elite which likewise stood to benefit. The point is that to understand regime variation in preindustrial Europe, we must consider not only the “strength” of representative institutions *vis-à-vis* the sovereign, but also their usefulness to the elites who populated them and to the government.

Of course, everything I have said about the institutional foundations of decision-making efficiency applies to England. Stasavage (2020) draws attention to one distinctive feature of England’s representative tradition, the absence of limited mandates for elected MPs.

He links the centralization of parliamentary decision-making to the early centralization of the English state. What he and other analysts miss is that the English Parliament was distinctive in terms of *most* of the attributes required for efficient decision-making. There were, for instance, no provincial Estates or rival corporate groups to contest the authority of Parliament. Also striking is the early adoption of simple majority voting, which, as we have seen, cannot be taken for granted in the early modern context (Asch 2001, 505–506). All of this supports Boucoyannis’s (2021) contention that strong parliaments—strong, at least, in the sense of having efficient procedures—were the product of strong and not weak states. But while early state centralization is part of the story, we still do not fully understand why early representative institutions exhibited so much variation in procedures and internal organization, even though such variation may be the key to explaining divergent regime and developmental outcomes.

Most fundamentally, my analysis underscores the contradictions found in the prevailing interpretation of the relationship between property rights, representation, and long-run development, and offers an alternative. In terms of their contribution to growth, my findings suggest, representative institutions must be evaluated not just on the basis of their capacity to “get the prices right,” but also on their ability to sustain a pro-developmental political coalition. In this capacity it is less important that representative bodies act as constraints on sovereign power than it is that they be able to adjudicate differences between interest groups, to enforce compliance with collective decisions, and to support complex exchange between groups and thereby allow the parties to capture gains from trade. My main theoretical innovation is the proposition that only some early parliaments could perform these functions effectively; performance depended upon the Estates’ internal decision-making institutions. The upshot is that scholars interested in the contribution of (some) early representative assemblies to growth should attend more carefully to those institutional attributes of the Estates which facilitated rent sharing and adjustment of property rights in a pro-developmental political equilibrium.

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# Appendices

## A Notes and sources for Table 2

I used the following sources to create Table 2:

- Estonia:** *Ehstländische Landtag’s-Ordnung* 1826;
- Kurland:** Mesenhöller 2009;
- Livonia:** LVVA 214.5.8, Landtags-Ordnung vom April 1802; von Buddenbrock 1804a; *Landtagsordnung* 1828;
- Mecklenburg:** Busch 2013;
- Eastern Pomerania:** Zitelmann 1837; Eggert 1964;
- Swedish Pomerania:** Buchholz 1992;
- Western Pomerania:** Zitelmann 1837; Eggert 1964;
- East Prussia:** Neugebauer 1992;
- Schleswig-Holstein:** Heisch 1966; Lange 1980; Fuhrmann 2002;
- Uckermark:** Müller 2011.

The efficiency index is an additive index of the five institutional attributes named in Table 2. For each, the more efficient institutional variant is coded as 1 and the less efficient variant (or variants) as 0. So, for instance, polities whose Estates elected their own speaker receive a score of 1 on the “speaker selection” variable, whereas polities in which the speaker was chosen by some other method receive a score of 0. Intermediate scores are possible for two of the five variables, “directorial committee” and “majority voting.” Polities whose Estates established a standing directorial committee for the first time during the study period (1750–1806) receive a score of 0.5 on this variable, as do Eastern and Western Pomerania for reasons explained below. As for majority voting, this was the standard practice in Kurland from 1746, but malapportionment—votes were cast by parish, despite the parishes being very unequal in size—meant that majority decisions were often contested (Mesenhöller 2009, 55, 263). Consequently, I assign Kurland a score of 0.5 on the “majority voting” variable.

The efficiency index should be taken as illustrative, not dispositive. In the absence of strong theoretical expectations about how the five component indicators aggregate, I have opted for an additive procedure, but it might be argued, for instance, that a multiplicative interaction is more appropriate. Further research is needed to clarify how the various institutional components of decision-making efficiency interact.

In **Mecklenburg**, noble landowners attended the Diet in person, but these were generally low-turnout affairs, and assemblies called general conventions (*Landeskonvente*) were of equal if not greater significance. These were meetings of elected deputies, outfitted with binding instructions by their constituents (Busch 2013, 106–119). Consequently, when calculating the efficiency index, I assign Mecklenburg a score of 0 on the “elected deputies” variable.

The Diet of **Kurland** was reorganized several times during the study period. Before the duchy’s annexation to Russia in 1795, the Diet was an assembly of elected deputies bound by instructions; however, on extraordinary occasions the landed nobility also assembled in person for so-called “Fraternal Conferences” (*Brüderliche Konferenzen*) (Mesenhöller 2009, 52–53). It was such an in-person assembly, meeting in February 1797, which overhauled the duchy’s representative institutions. The Diet became an assembly of all noble landowners meeting in person (261–263). The disadvantages of the new order soon became apparent, however, and elected Diets were restored in 1807 (331). Moreover, even during the brief experiment with in-person assemblies, the nobility gathered in person only for the first phase of the Diet; thereafter the work of the Estates was carried out, as before, by elected parish representatives (262–263). Consequently, I assign Kurland a score of 0 on the “elected deputies” variable.

Although the Estates of **Eastern** and **Western Pomerania** lacked directorial committees, each maintained a salaried official, the syndic, to act as their permanent representative (Zitelmann 1837, 42–43). The syndic did not preside over assemblies of the Estates: in Eastern Pomerania the prelate representing the cathedral chapter at Cammin served as speaker *ex officio*, whereas in Western Pomerania the senior district councilor (*Landrat*) traditionally presided (32–33). In section 2 I mentioned two ways in which a directorial committee might enhance decision-making efficiency: by exercising agenda-setting powers and by acting as a site of intermediation. The syndic, being a salaried officer of the Estates but not their member, could perform these functions only to a limited extent. For this reason, I assign Eastern and Western Pomerania a score of 0.5 on the “directorial committee” variable.

Coding for the **Uckermark** refers to the Large and Small Committees of the Estates Credit Institute (*Ständisches* or *Landschaftliches Kreditwerk*), which included representatives of the Uckermark as well as the other regions of Brandenburg. In the decades following the last meeting of the Brandenburg Diet in 1652–53, the Large Committee of

Type of reform	Livonia (1804)	Schleswig-Holstein (1804–05)
Land tenure	Hereditary, revocable by court order for non-payment of debts or poor husbandry; tenant farmers acquire testamentary rights	At the lord's discretion; however, the lord must preserve existing tenant farms in number and quality, and former serfs have the first claim on their old farm for 20 years after emancipation
Peasant obligations	Labor services and other obligations owed by each household normed to its capacity to pay, as determined by a comprehensive land survey, and recorded in special inventories	Mandatory labor service contracts, with the government authorized to impose a settlement if the lord and his subject farmers fail to reach agreement; any contract that holds subjects liable to perform "unlimited" labor services is to be deemed invalid
Patrimonial jurisdiction	Disputes between villagers entrusted to a new network of village courts; new appellate procedure (with peasant participation) instituted for resolution of lord-peasant disputes	Manorial judge must have a legal education and candidates are subject to governmental approval; once in office, the judge may not be dismissed by the proprietor
Freedom of movement	No, but peasants' daughters may marry free people and leave the estate without paying a fee, and the departure fee for peasant women marrying outside the province is fixed	Yes

Table 5: Agrarian reform outcomes in Livonia and Schleswig-Holstein.

the Estates Credit Institute took its place as the Electorate's most important supralocal representative corps. Indeed, early on the Elector had treated the annual meetings of the Large Committee essentially as substitute Diets (Müller 2011, 30). During the eighteenth century, assemblies of the Large Committee were sometimes even referred to as Diets (*Landtage der Landschaft*) (64–65).

## B Comparison of agrarian reform outcomes in Livonia and Schleswig-Holstein

The comparison of reform outcomes in Table 5 is based on the text of the relevant laws and ordinances. For Livonia, see *Verordnungen* (1804) and the Russian-language version printed in the *Complete Collection of Laws of the Russian Empire*, 1<sup>st</sup> ser., no. 21162.<sup>48</sup> For Schleswig-Holstein, see ordinance no. 114 in *Chronologische Sammlung* (1805) and nos. 37, 42, 74, and 75 in *Chronologische Sammlung* (1807).

48. The *Complete Collection of Laws* is accessible online at [https://nlr.ru/e-res/law\\_r/search.php](https://nlr.ru/e-res/law_r/search.php).

## C Alternative explanations

### C.1 Revolutionary threat

One alternative explanation for variation in the mode and incidence of agrarian reform starts from the premise that incumbent elites acquiesce in institutional change under the threat of revolution. To date this hypothesis has been tested mainly in the context of democratization (Aidt and Franck 2015, 2019), but it can also be applied to the abolition of serfdom (Finkel, Gehlbach, and Olsen 2015). In the eighteenth-century context, the revolutionary threat hypothesis suggests that landed elites are most likely to cooperate with the government to carry out agrarian reforms when the probability of rural revolt is high, but will resist reform when peasant rebellion appears unlikely.

Although my account is at odds with the hypothesis of revolutionary threat, I do not mean to suggest that the latter was irrelevant. On the contrary, rural unrest (or fear of it) was the shock that jolted many a reluctant sovereign into action—and convinced others that it was too dangerous to disturb the *status quo*. My objection, then, is more limited in scope: the relationship between revolutionary threat and agrarian reform is indeterminate. This is because the expectation of revolt could be—and was—invoked as an argument *against* emancipation, not just in its favor: when supporters opined that moderate reform would stave off rebellion, skeptics retorted that well-intentioned tinkering with the lord-peasant relationship would signal weakness, raise expectations, and embolden the tenantry to advance more radical demands. Both sides could point to evidence to back up their claims. In brief, competing causal beliefs—“mental maps of the causal relations linking alternatives to outcomes”—mean that the global impact of revolutionary threat on agrarian reform is ambiguous (Jacobs 2015, 44). However, we can try to identify its effect *in a particular context* by examining the treatment of revolutionary threat in elite discussions of serfdom and emancipation. How prominently did the argument from revolutionary threat (“reform, that you may preserve”) figure in the discourse of reform-minded elites, compared to other motives? And who was more likely to play up tensions in the countryside, reformers or conservatives?

Some proponents of agrarian change did make the argument that it was better to give up something voluntarily than to lose everything. In Schleswig-Holstein, Christian Ulrich Detlev von Eggers, hoping to stir the *Ritterschaft* to action, argued along these lines in a brochure published anonymously in 1796 (Hvidtfeldt 1963, 156–160). But fear of revolution figures only peripherally in the proprietors’ responses to the questionnaire circulated in November of the same year; these were much more concerned with the anticipated economic costs of emancipation (213–226).

As for Livonia, examining the Diet debates of February-March 1803, I found only

two cases in which supporters of the Peasant Code argued that reform would exorcise the specter of revolution. One of the two is, at best, ambiguous in terms of its implications for the revolutionary threat hypothesis, and neither persuaded the Diet majority to enact the specific reform measures advocated by its proponents.

First, Buddenbrock defended a proposal for gradual serf emancipation—a more radical alternative to the “twelve points” advanced by Sivers—by reasoning that the promise of emancipation (by 1822) would give the peasantry an incentive to remain peaceable, whereas any half-measures would lead to anger and disillusionment in the villages. “If the peasant’s expectations are dashed, if in the present Diet Recess he finds no hint of the prospect [of emancipation], then, suspicious and disgruntled, he will easily be led to extremes and in this way fall victim to his own illusions.”<sup>49</sup> Few of Buddenbrock’s colleagues were convinced by these arguments. On March 4, the Diet voted by a large margin (see Table 4) to end debate on the question of emancipation.<sup>50</sup>

Second, a protest against the Diet’s decision to require peasants to compensate their lord for the use of manorial forests (which on many manors had hitherto been provided free of charge), signed by 32 members, warned of the consequences of this infringement of the peasantry’s customary rights. At the same time, the protest rejected the conservatives’ insinuation that piecemeal reform would merely embolden the peasant to make more radical demands: “Just determinations will never (say whatever you like) serve the peasant as a pretext for riot and revolt, but these will be the inevitable consequence of regulations whereby the peasant, for example, is compelled to pay for the wood he previously received gratis for fuel and construction.”<sup>51</sup> The reasoning here appears consistent with the argument from revolutionary threat. However, this is an exceptional case inasmuch as pro-reform elites were not arguing for the dangers of the *status quo*. It was instead the *removal* of a right the serf already enjoyed that would provoke “riot and revolt.” In any event, the Diet majority was not swayed by this argument and rejected a series of motions to alter the corresponding resolution.<sup>52</sup>

Perhaps sensing the ambiguity of the argument from revolutionary threat, reform-minded landowners sometimes sought to assuage the fears of their colleagues—as with the reassuring mention of “just determinations” above. Thus, at the Livonian Diet of 1798, Otto Friedrich von Pistohlkors prefaced his comments on the draft agrarian code by stating his “firm conviction that [our] well-meant objective, so worthy of the spirit of the

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49. EAA 909.1.3, 89<sup>r</sup>–90<sup>r</sup>, Sentiment des Herrn Landrath von Buddenbrock, here 89<sup>r</sup>. The phrase “fall victim to his own illusions” implies that Buddenbrock believed such a revolt would fail, which arguably is inconsistent with the threat of revolution hypothesis.

50. LVVA 214.6.276a, Landtags-Rezeß vom Jahr 1803, 111–112.

51. EAA 909.1.3, 71<sup>r</sup>–72<sup>r</sup>, here 71<sup>v</sup>.

52. For the proceedings in plenary, see LVVA 214.6.276a, 189–195.

age, can in no way give rise to the disorders and adverse consequences feared by some.”<sup>53</sup> In the neighboring province of Estonia, the marshal of the nobility recalled how to win over opponents of agrarian reform he had been forced to confront “the prevailing prejudice. . . so powerfully refuted by later experience. . . that an uncontrollable spirit of license and insubordination runs rampant among the rural population” (von Wistinghausen 2016, 807). Reformers tried to downplay the threat of rebellion at least as often as they drew attention to it.

The writings and speeches of the conservatives, contrariwise, are replete with references to the danger of revolt. Riots on the Kauguri (Kaugershof) manor in October 1802, which were only suppressed with the help of a detachment of grenadiers, supplied ample fodder for the imaginations of conservative landowners who saw Jacobins lurking around every corner. Juhan Kahk, the doyen of Baltic agrarian history, observes that the Livonian civil governor’s report on the events at Kauguri openly sided with the conservatives and nearly convinced the tsar that it was too dangerous to forge ahead with reforms (Kahk 1999, 116). Conservative Diet members likewise opined that piecemeal reform would incite the peasant to make more extreme demands and mislead him to believe that he had been freed from all obligations to his lord.<sup>54</sup> Carl Johann von Zimmermann, for instance, warned that “the nobility’s acceptance of these proposals will lead the peasant astray and give rise to many disturbances.” Even cosmetic reforms such as replacing the designation “serf” with some other label were dangerous:

To eliminate the name, but retain the condition [of serfdom] itself, is the kind of contradiction which, among the crude, unenlightened masses, will serve merely to set in motion such a tumult that not only this province, but the whole Russian Empire will tremble. The experience of the past year has taught us, in the most lamentable fashion, that even the best instructions and ordinations may drive a crude and unthinking nation, once it has felt its own power, to wilfulness and folly.<sup>55</sup>

This last was an obvious allusion to the Kauguri uprising. A second defender of the *status quo* argued along similar lines: to replace the designation “serf” would bring no material benefit to the peasant, but the change “might well prove to be highly prejudicial to the maintenance of good order.”<sup>56</sup> The Diet majority agreed, and voted on March 6 to retain the established nomenclature (see Table 4). Another conservative Diet member

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53. LVVA 214.2.261, Landtags-Acta pro A° 1798, 218<sup>r</sup>–219<sup>f</sup>, here 218<sup>r</sup>.

54. The same claims can be found in the Livonian governor’s report to St. Petersburg. See RGIA 1528.1.2, 466<sup>f</sup>–472<sup>f</sup>, Richter to Kochubei, here 469<sup>v</sup>–470<sup>f</sup>. Arguably the conservatives were right in this regard, since peasant misconceptions about the new agrarian code caused numerous outbreaks of unrest between 1803 and 1805 (Kahk 1999, 119–121).

55. RGIA 1528.1.35, 53<sup>r</sup>–54<sup>v</sup>, here 53<sup>r-v</sup>.

56. LVVA 214.6.276a, 133–134.

contrasted the “twelve points” unfavorably with the Recess of 1798: the latter, unlike the former, would achieve the reformers’ aims “without arousing in the peasant ideas that must drive an uneducated person to excitement and insubordination.”<sup>57</sup> These examples could be multiplied.

Of course, this was not the entirety of the case against agrarian reform: its deleterious impact on manorial revenues, its baleful consequences for the nobility’s credit, and the inviolability of the proprietors’ historic rights were also common tropes of the conservative discourse. Still, the more frequent invocation of tensions in the countryside by the conservatives suggests that, at least in Livonia, revolutionary threat was more potent as an argument against reform than as a consideration militating in favor of the same.

## C.2 Size and diversity of landed elites

A more numerous landed elite, with more heterogeneous interests, should face greater difficulty in taking a binding collective decision than a smaller and more homogeneous elite. To some extent, small size can compensate for the absence of written rules: group cohesion and small size improve the quality of information about violations of norms and make the threat of punishment more credible. This would be a problem for my explanation if Livonia’s landed class were smaller and less diverse than its counterpart in Schleswig-Holstein, since the greater viability of *informal* governance and not the efficiency of the Estates’ *formal* decision-making institutions might explain why cooperation with the imperial government persisted.

In fact, exactly the opposite is true. The landed elite in the duchies was less numerous (in absolute terms, though not necessarily as a share of population) than its Livonian counterpart, and its assemblies correspondingly smaller. In Schleswig-Holstein, the annual meetings of the *Rittertag* typically drew between 15 and 25 participants (Heisch 1966, 52, 155). 25 noblemen were present at the assemblies of January 1795 and 1796 (Hvidtfeldt 1963, 141, 164). In Livonia, contrariwise, the Diet regularly counted upwards of 100 participants. Some 178 members were present for the opening of the reform Diet of February-March 1803, though many left early on.<sup>58</sup> 148 votes were cast in the largest division, and the median number of votes cast across all 24 recorded divisions is 102.5.<sup>59</sup> In this sense, Livonia is the less-likely case for negotiated agrarian transformation. The fact that cooperation between government and Estates broke down in Schleswig-Holstein speaks to the importance of efficient decision-making procedures even in a relatively small

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57. RGIA 1528.1.35, 241<sup>r</sup>–245<sup>r</sup>, here 243<sup>v</sup>; compare 49<sup>r</sup>–51<sup>r</sup>.

58. EAA 909.1.3, 37<sup>r</sup>–53<sup>v</sup>, Landtag 1803. vom 17 Februar bis 31 Ma(e)rz, here 37<sup>r</sup>.

59. LVVA 214.6.276a, 36, 101, 112, 119, 121, 131, 134, 139, 149, 158, 170, 181, 193, 223, 225, 229, 232, 245, 246<sup>d</sup>–246<sup>e</sup>, 329, 336.

and homogeneous group.

### C.3 Strength of the bourgeoisie

One prominent approach identifies the cause of eighteenth-century agrarian reform with the emerging commercial and manufacturing classes—in a word, the bourgeoisie. If, *arguendo*, landowners of bourgeois origin were indeed more favorably disposed toward agrarian reform than their aristocratic counterparts, differences in the composition of the landed elite might account for variation in the Estates' willingness to accept emancipation and other reformist agrarian policies. This would be a problem for my account if bourgeois landowners were more numerous in Livonia than in Schleswig-Holstein, or if the rules governing participation in the Estates were more favorable to bourgeois landowners in Livonia.

Both alternatives can be ruled out with a high degree of confidence. The bourgeois or non-noble element was much stronger in Schleswig-Holstein than in Livonia, and the economic position of the politically privileged corporate nobility, the *Ritterschaft*, considerably weaker. As early as 1754, commoners owned 36 of 203 “noble” estates in the duchies (17.7%), members of the *Ritterschaft* owned 78 (38.4%), nobles outside the *Ritterschaft* owned 61 (30.0%), and the ruling princes owned 28 (13.8%) (Prange 1980, 58). In 1799, *Ritterschaft* families owned 30 of the 102 estates (29.4%) in Schleswig and 64 of 113 (56.6%) in Holstein (Heisch 1966, 26). In Livonia, by contrast, in 1797 members of the *Ritterschaft* owned 561 of 874 manors (64.2%), nobles and burghers outside the *Ritterschaft*—collectively known as the *Landsassen*—owned 162 (18.5%), the crown owned 126 (14.4%), and the towns owned 25 (2.9%).<sup>60</sup> Some crown manors were leased to burghers, but even so, it is clear that the landed class in Schleswig-Holstein was far more “open” than its Livonian counterpart.

The strength of the bourgeoisie hypothesis is equally implausible when we consider the rules governing participation in the Estates. In Livonia, non-noble landowners could not attend the Diet, whereas in the duchies they had the right to participate in the corporative assemblies of the *non recepti*.

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60. My calculations from the parish-level reports collected in EAA 297.12.57, *Opisanie prikhodov Lifliandskoi gubernii* (1797). Of the 162 manors owned by *Landsassen*, exactly half belonged to families which would be admitted to the noble corporation at the Diet of 1797. Consequently, the figure given here is the most generous possible estimation of the strength of the “bourgeois” element.

## C.4 Land-labor ratio

According to the labor scarcity hypothesis, also called the Domar hypothesis, the incidence of labor coercion in agriculture is a function of the land-labor ratio (Domar 1970; Acemoglu and Wolitzky 2011; Klein and Ogilvie 2017). This implies that, all else being equal, landed opposition to agrarian reform should be relatively muted in places where the ratio of land to labor is low, since landowners can cheaply substitute wage labor for the labor services formerly supplied by their subject farmers. Because Schleswig-Holstein had a much higher population density than Livonia—my estimates for 1790 are 46.3 and 5.5 inhabitants per square kilometer respectively—it can again be considered the more likely case for negotiated agrarian change *ex ante*.<sup>61</sup> The fact that cooperation between the government and the landed elite proved more durable in Livonia increases confidence in my explanation relative to this alternative.

Evidence from Livonia suggests that, as with the argument from revolutionary threat, competing causal beliefs mean that the relationship between labor scarcity and agrarian reform is indeterminate. In other words, when conservative landowners argued that emancipation would produce an exodus to the towns, their pro-reform counterparts could reply that agrarian reform would discourage peasant flight and foster population growth. Thus, for instance, Andreas Georg von Bayer, who in 1792 proposed a new package of agrarian regulations to the Livonian nobility, explained that his plans were intended “to bring an end to [peasant] flight.”<sup>62</sup> At the Diet of 1796, similarly, Siviers defended agrarian reform as “the most effective means of peopling a sparsely populated state” (von Rosenkampff 1796, 34). Finally, in 1803, Buddenbrock sought to refute the claim that emancipation would cause an exodus from the countryside by arguing that, if the peasant were given “moderate obligations” and opportunities to increase his wealth through agricultural labor, he would be far less inclined to seek his fortune in the towns.<sup>63</sup> These arguments did not always persuade the Diet majority, but the point is that labor scarcity could be presented as an argument in favor of reform, not just against it.

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61. I computed these estimates using the HYDE 3.1 dataset, which is available at <https://www.pbl.nl/en/image/links/hyde>, and the Euratlas shapefiles: <http://www.euratlas.net/history/europe/index.html>.

62. LVVA 214.2.257, Wa- und Landtags-Acta pro A° 1792, 10<sup>f</sup>–12<sup>v</sup>, here 10<sup>f</sup>.

63. EAA 909.1.3, 89<sup>v</sup>–90<sup>r</sup>.