

## **Do institutions matter in the management of commons?**

A field-based analysis of the monitoring, controlling and sanctioning instruments in the communal villages' Obste.

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### **Abstract**

The aim of this paper is to present an Institutional overview of the Romanian communal village form of property known as *Obste* and of the difference between “the old” and “the new” Obște. The *Obste* is the entity which manages the commons held by the villagers in a communal form of property. Usually, the commons managed by the *Obste* consist of forests, pastures and common infrastructure (markets, schools, ballrooms or even the public lighting system in some cases). The type of commons over which the *Obste* has a major impact is the forest, because the incentives to exploit it in order to increase the total revenue are much more pressing. The analysis will be based on the *institutional analysis and development framework*. The analysis will be cross-temporal in the sense that all the communal villages will be analyzed over three time periods: *the old Obste* (the period until 1948) –, *the communist period (1948-1989*, when all the communal properties were transferred to state's property) and the *new Obste* (1990 – present; a significant moment in this third period was the enforcement of a new law in 2000, which opened the opportunity to re-establish the communal village's Obste). The focus of the paper will be on the effects of the monitoring and sanctioning instruments in the three periods mentioned above and on how their changes affected the CPRs institutions' robustness levels.

**Keywords:** Self-government form of property, Obste, Communal village, institutional analysis and development, design principles, monitoring and sanctioning

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## **Introduction**

In this paper I employ the Institutional Analysis and Development Framework in order to offer an answer to the question: “*do institutions matter in the management of commons?*”. Although the answer may seem obvious, in the paper I will be referring only to the 4<sup>th</sup> and 5<sup>th</sup> design principles: *monitoring* and *graduated sanctioning*. In this manner, I will refer to all the forms that these two instruments took throughout the communal villages’ evolution process.

This paper is structured in 4 sections. The first one refers to the institutions and the management of commons. There, In the first subsection present the commons’ characteristics, the tragedy of the commons and the possible solutions to the tragedy. In the second section, I present the characteristics of the *institutions* in North and Ostrom’s words. Lastly, the third sub-section refers to the Institutional Analysis and Development Framework, with an emphasis on the monitoring and sanctioning design principles. Moreover, in the second section I present the Romanian Communal Villages and their Obste. There I intend to offer the core characteristics that are needed for the paper’s economy. Furthermore, in the third section, I present the data collection methodology and procedure, while in the final section I present the results and the discussion.

### **I. Institutions and the management of Commons**

#### **a. The Commons and *the tragedy***

Ostrom et al. (1994, 6) distinguished between four classes of goods based on two characteristics: exclusion and subtractability. While the first one refers to the possibility of exclusion or limitation potential users from consuming them once they are provided by nature or by other activities, the subtractability aspect refers to the quality or quantity of the goods that remains available for other users (Ostrom et al. 1994, 6). The commons are the goods that are characterized by high subtractability and difficult exclusion (Ostrom et al 1994, 7). In other words, the commons are that kinds of goods that may be used by any person, but after his/her consumption, the quality or quantity won’t remain the same for all the further users.

The tragedy of the commons was proposed by Garret Hardin (1968). He proposed the metaphor regarding a *pasture* that had a certain surface. On that pasture, there were two herders who were bringing their cattle on. Assuming that each herder has a personal interest in getting more profit (in other words, assuming that herder is a rational actor), each of them will be interested in bringing more and more animals on the limited pasture. This action will increase the personal profit for each additional cattle brought on the pasture, while the costs will be split. Moreover, assuming that both the herders are rational and both of them know that they are rational actors, they will act accordingly: will bring every time they can more and more cattle. But, the end of their behavior is that the pastures are destroyed, because they bring more cattle than the pasture can accommodate (in order to regenerate). Thus, *the tragedy of the commons* appears. (Hardin 1968 pp. 1245-1247). Elinor Ostrom also considers that the model of the tragedy of the commons may lead to the following prediction: “*when individuals who have high discount rates and little mutual trust act independently, without the capacity to communicate, to enter into binding agreements, and to arrange for monitoring and enforcing mechanisms, they are not likely to choose jointly beneficial strategies*” (Ostrom 1990, p.183). The tragedy of the commons does not occur only in the case of pasture, but in all the cases in which we have shared goods. For example, as Ostrom et al. (1994) presented, another tragedy of the commons situation is in the case of the fish in the international seas. Hence, “*the incentives toward excessive resource exploitation, illustrated by Brixham Harbor and The Geysers, are not isolated or unique events. The temptation to overextract fish, steam or other resource units form a resource system shared with others occurs in many guises in diverse resource systems throughout time and space*” (Ostrom et al. 1994, p.4).

The tragedy of the commons was one of the most important social dilemmas over the decades, because there had not been proposed a solution without problems. When discussing about which solution is the best, we shall refer to the solution with the highest probability of avoiding the tragedy of the commons. Maybe the solving solution that easily comes into mind refers to exclusion or limitation assured by physical boundaries. For example, a solution may be a fence built on the pasture in order to stop the cattle access inside. Although in this case the costs may not be so high, referring to an example proposed by Ostrom et al (1994, 7-8), let's imagine an inshore fishery let alone an entire ocean. The costs of a fence that limits the fishermen to overextract the fish or a fence that limits the fish' banks movement are prohibitive. Hereby, there must be formulated other solutions that may be more cost-efficient and more realist.

One of these attempts was proposed by Elinor Ostrom in *Governing the Commons* (1990). She discussed and criticized the *Hobbesian solution* and the *Privatization solution*. The first one refers to the imposition of rules by a Leviathan (i.e. by the state). Thus, in the case of Hardin's pasture metaphor, the state controls when a herder may or may not bring another cattle into the pasture. Although it seems a possible viable solution, it has some problems. One of them resides in the fact that it is impossible for the State to know exactly all the details that happen in all the lands, all the time (Ostrom 1990, pp 10-11). In other words, we cannot assume that the state knows for sure all the characteristics (such as dimension, their capacity, their regeneration time, etc.) of all the pasture throughout the entire country know for sure for all the same pastures in the country. Because of these limitations, the Hobbesian solution may not be the best, because it has a low probability of avoiding the tragedy of the commons.

Another solution is that known as *the liberal solution*. This proposes the privatization of the common in order to solve the tragedy. But, this solution proposes the transformation of the good's characteristics from non-excludability to excludability. Thus, it will become a private good. Although this may seem to be a better solution than the Hobbesian, it also may arise some problems, such as the long term of imposing the new institutions and rules (Ostrom 1990, 11-12). In other words, the herders' behavior may not change as fast as the privatization, in the sense that the owners of the pasture must control and sanction all the herders that continue to bring their cattle on. Another problem may be the impossibility of dividing the pasture. If the pasture has a limited surface, but it is large enough to present flat surfaces and uphill, for example, the division made won't respect the distribution of the surfaces as no herder wants an unproductive hill.

Finally, Elinor Ostrom proposed a third solution: *local-based institution of governing the commons* (Ostrom 1990, 13-16). Hence, the community proposes and adopts itself any norms of government for the commons they own or manage. These institutions are accepted by all the members and are applicable to that given situation: the local community knows better than any other external entity which is the exploitation limit, and they may propose monitoring and sanctioning measures for the over exploiters. Thus, Ostrom advocates for local communities to adopt itself the norms of governing in order to avoid the tragedy (Ostrom 1990, 15-16). Briefly describing, *the local-based institutions* solution is represented by some *rules-in-use* devised by the community, which stand

for overcoming the tragedy of the commons. This third solution is the one which I characterize and present throughout the paper.

### **b. Institutions and New-Institutionalism Framework**

Starting from the definition regarding the institutions proposed by Douglass North, “*institutions are the rules of the game in a society, or more formally, are the humanly devised constraints that shape human interaction. In consequence, they structure incentives in human exchange, whether political, social or economic*” (North 1990, 3), Ostrom proposed a new one adapted to the context of CPRs analysis. Thus, for her, institutions are “*sets of working rules that are used to determine who is eligible to make decisions in some arena, what actions are allowed or constrained, what aggregation rules will be used, what procedures must be followed, what information must or must not be provided and what payoffs will be assigned to individuals dependent on their actions*” (Ostrom 1990, 51). These two definitions, although they are not so similar, they present the same core understanding of the *institution*. Hereby, I consider that Ostrom continued the new-institutional tradition established by North.

As previously presented, the CPR stands for *common pool resources*. When talking about the tragedy of the commons and CPR institutions, I consider that the capacity of avoiding the tragedy of the commons represents the *robustness* level of the CPRs institutions. This may be one perspective. On the other side, as Shepsle proposed the terms of *robust* or *institutional equilibrium*, there might be another reference to the robustness. For him, “an institution is essentially in equilibrium if changes transpired according to an *ex ante* plan (and hence part of the original institution) for institutional change” (Shepsle 1989, 143). In other words, as Ostrom and McGinnis presented, the rules used in a CPR context may be modified and updated over time (McGinnis and Ostrom 1992, 7).

Hereby, in this paper, I employ a new-institutional perspective, following North and Ostrom. Furthermore, I will refer to *robustness* as the avoidance of the tragedy of the commons. There is not any core difference between this understanding of *robustness*, but it is simpler.

### **c. Institutional Analysis and Development Framework**

Elinor Ostrom was interested in situations where the individuals take repeated decisions, rather than single, isolated ones. Ostrom theorized that specific problems may arise when a group of individuals are using the same resources over and over again (Ostrom et al 1994, 7). Recalling the CPRs' characteristics, Ostrom et al (1994) presented two distinct problems arose by them: *appropriation* and *provision* problems (Ostrom et al 1994, 8-13). On the one side, the *appropriation* problems are those problems which appear in the case when is a quantity of resources that is needed to be provided to the members of a community. In other words, this problem is characterized by the existence of any incentives that are targeted to individuals to appropriate more resources independently than they would if they could coordinate with the other community's members in their appropriation activities (Ostrom 1999, 498). On the other side, the *provision* problems are those which are based on the *resource facility*. In other words, as the authors presented, provision problems are related to creating a resource, maintaining or improving the production capabilities of the resource or avoiding its destruction (Ostrom et al 1994, 9).

The core assumption of the rational choice theory that is a starting point for Elinor Ostrom's approach is the personal self-interest understood as utility-maximizing. Another assumption of the same core is the common knowledge about the individuals' interest. In other words, all the individuals who are part of the system know each other's intentions. Thus, being a deductive model, the approach proposed by Ostrom starts from these assumptions and reaches an intermediary result. But, taking into account all the developments within the rational choice theory, regarding the core assumptions, such as the bounded rationality proposed by Herbert Simon (1957) or even the emergence of a new opposite domain, the behavioral economics – the predictions are not, every time, validated. As a result, the CPRs systems cannot fully avoid the tragedy. Thus, this approach needed some more characteristics and details than the rational choice assumptions in order to provide better results for the CPRs. Hereby, from the resulted data from the deductive model, Ostrom starts an inductive process of theory building (Roescu and Vlasceanu, n.d., 2) based on many empirical results. Thus, she proposed the *Institutional Analysis and Development Framework*. The IAD Framework was proposed to “*dig deeper than hierarchies and markets*” (Ostrom 2005b, 821-822).

Thus, the Institutional Analysis and Development Framework was proposed in order to identify the major types of structural variables that are present in all institutional arrangements. The values taken by these variables differ from one type of institutional arrangement to another, but they can be studied using the same approach (Ostrom 2011, 9). In her 2011 paper, Ostrom simplified the IAD framework's scheme because of the misunderstandings over the *action arena* and *action situation* terms. Initially, the IAD framework assumed that *the actor* is separated from *the situation*<sup>2</sup> in order to make much more theories compatible with the framework. But, as she mentioned, after the integration of the IAD into the socio-ecological systems, it was not possible to keep the actors so differentiated from the situation (Ostrom 2011, 9-10).

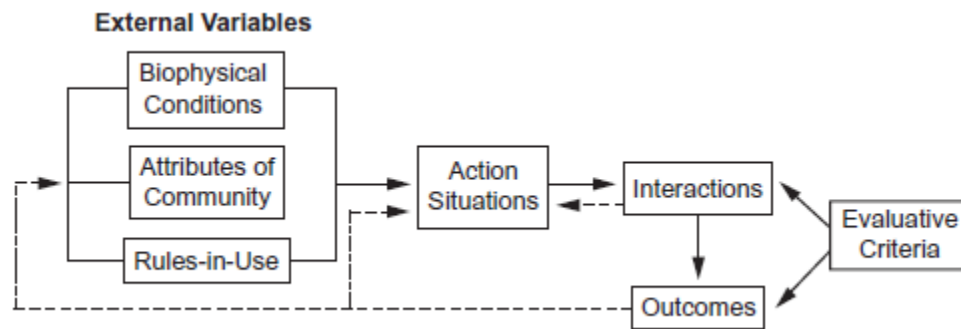


Figure 1. A framework for Institutional Analysis (Ostrom 2011, 10).

In the figure above is presented the entire framework. While the external variables are those which influence the action situation, the most important feature of the framework resides in the *action situation* and the resulting interactions and outcomes (Ostrom 2011, 10-12).

After the usage of the IAD framework in fieldwork research activities, Ostrom and her colleagues concluded that there is a set of principles that should be used in identifying successful CPR institutions (Ostrom 2005, 256-261). There is not any minimum required number of the respected principles in order to conclude if a CPR institution is robust or not, but, as the empirical results showed, there is a correlation between the number of these and the CPR's robustness level.

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<sup>2</sup> The initial scheme may be found in Ostrom et al (1994, p.37; fig 2.2).

Also, Ostrom shown that all the forms of organization that do not share the design principles tend to be fragile and dysfunctional (Ostrom 1990, 177-178). A *design principle* should be understood as “an essential element or condition that helps to account for the success of institutions in sustaining the CPRs and gaining the compliance of generation of participants to the rules-in-use (McGinnis and Ostrom 1992, 8).

The design principles that were derived from studies of long-enduring institutions for governing the commons (Ostrom 2005, 259):

1. *Clearly defined boundaries*, which means that both the boundaries of the CPR and the individuals with right to exploit in that CPR are clearly defined.
2. *Proportional equivalence between benefits and costs*. Referring to this design principle, Ostrom considers that there must be a rule that specifies the amount of a resource that an individual is allowed to consume. This consumption level must be related to all the local conditions and to other rules that specify the labor level or money inputs.
3. *Collective-choice arrangements*. It is an important characteristic that a CPR institution permits to the affected individuals to modify the rules. In other words, all the members of a community must have the possibility to change the unwanted rule.
4. *Monitoring*. The institution should permit and propose monitors, who audit the physical conditions and individuals' behavior.
5. *Graduated sanctions*. All the users that do not respect the rules-in-use should receive graduated sanctions, depending on the effects.
6. *Conflict-resolution mechanisms*. All the conflict arose within the community should be rapidly and efficiently solved.
7. *Minimal recognition of rights to organize*. There should not be any external impositions into the communities' rules. The community should be free in promoting its own institutions
8. *Nested enterprises*. “appropriation, provision, monitoring, enforcement, conflict resolution, and governance activities are organized in multiple layers of nested enterprises” (Ostrom 2005, 259).



Recalling the paper's title and its subject, I am interested in analyzing the monitoring, controlling and sanctioning instruments in the management of commons. In other words, I am interested in the institutional arrangements that are linked to the 4<sup>th</sup> and 5<sup>th</sup> design principles: *Monitoring* and *Graduated sanctions*. Firstly, the *monitoring* design principle refers to the existence of any monitors, who audit CPR conditions and participants behavior. They are accountable to the participants or even the participants may be monitors (McGinnis and Ostrom 1992, 9). On the other side, *graduated sanctions* represent the way participants are to be punished for violating operational rules. The sanctions are *graduated* in the sense that they depend on the context and on the effects that the participant's violation has had on the commons' quality or quantity (McGinnis and Ostrom 1992, 9). These sanctions may be assessed by other participants or by external representatives that have received a delegation in this manner from the participants.

## **II. The Romanian Communal Villages and Obști**

The Obște is an archaic form of property, not only in the Romanian area. Similar forms of organizations may be found also in the Russian region or in Southern and Southeastern Asia. In Romania, these associative forms of property were mainly studied by the research teams led by Dimitrie Gusti. At this time, I consider important to differentiate between Obști<sup>3</sup>: throughout the entire paper I will use different terms for describing different developing periods of the Obște. Thus, I will refer to the old Obște for describing the entire period until 1948 (the starting point of the procedure of transferring the communal properties to state's property (nationalization) or to locally collectives known as C.A.P.s). I shall refer to the new Obște in order to describe the period since 1990 until present (in this timeframe, a significant moment was the enforcement of a new law in 2000, which opened the opportunity to re-establish the communal village's Obște). The uncovered period (1948-1990) will be described as the communist period. In this time, there was not any formal existence of the associative forms of property known as Obște.

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<sup>3</sup> Obști is the plural of Obște.

The main characteristic of the Obste is its indivisible type of property which means that the property cannot be divided in pieces and sold. Moreover, the property is communal in the sense that all the members of the Obste are owners, but the property is not theirs in the common sense of private property: they have the legal right of property over a part of a communal property, but that property is shared with other owners. In that sense, the villages organized on this structure are named communal villages. The definition of the Communal village proposed by Stahl is the following: “the communal village is neither a unique household nor a simple spatial coexistence of autonomous households. The communal village is an association of family households on a common owned territory, in which the collectivity has anterior and superior rights, exercised by a leading organization named Obste” (Stahl 1958b, p.45).

Firstly, it is important to note that there existed a high number of both communal free peasants' villages and the communal villages characterized by vassalage from Moldavia and Vallachia (Stahl 1958a, p.7). Because of their number and their consistence on a mass phenomenon which comprises all the villages across the southern and eastern region of nowadays Romania, their communal property may represent a real-life problem. Following Stahl (1958a, p.15), the territorial organization of a communal village at their beginning had three main contents: a) a group of households located in the village's center; b) an area of forest and grazing ground which were free to use for every villager (Stahl notes that these types of field are known as “*commonaux in France, common-fields in England, allmenden in Deutschland and Swiss and as udmark in Denmark*”<sup>4</sup> (Stahl 1958a, p.15)). The forest was not only a provider of firewood and wild animals, but it was an area which could be used as pasture after a clearance. In other words, if in the village existed any shepherd, for example, she was free to clear a forest-eye in order to develop a new pasture for her, but in the same time for the whole village. Last but not least, c) the third part of the communal village organization were the adjacent places to the villagers' houses, a field which was only on the control of the owner (i.e. nowadays it may be recognized as private property). As Stahl described it, this third zone was the one in “which the appropriator could use production techniques which were not under the village's collective control” (Stahl 1958a, p.15)

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<sup>4</sup>Taking into account the existence of these types of communal property in other countries than nowadays Romania (added to the Slavic region and to the Southeastern Asia as I mentioned in the first section of this chapter), the communal property is not an exclusive characteristic of the Romanian archaic villages, as some scholars or even villagers are considering.

### a. Two types of Obste

In this section, I will present the two types of Obste that may derive from their communality characteristics. Throughout the paper there are many references to both *egalitarian* or *inegalitarian* Obste. The main characteristic that differentiates between these two types of Obste is the number of *rights*<sup>5</sup> that each member owns. Hereby, when talking about the inegalitarian ones, legally, each member has a number of shares in the Obste, similar to corporations. On the other hand, in the egalitarian obște, all the members are equal. One interesting remark in the case of these is that the *legality* is based on a local norm which was not previously formally stated in any statute or regulation. In Vrancea, for example, all the members are equal, and this characteristic resulted from their conception about a right. More exactly, in most interviews that I have taken in the Vrancea region, the interviewees told me that the *of Vrancea is born with its right and dies with the right* (of being a member of the obște).

For a more accurate description, I propose an example: let's assume a man and a woman, each of them being member of an Obste. In the inegalitarian obște, each of them has 1 right. If they decide to get married, the resulted family will own 2 rights in the Obste. Let's assume that this family will have 5 children. Being an inegalitarian obște, all the rights may be bought or sold or they may be transferred to the children after the parents' death. Thus, in the case of this family, after the parents' death, all the 5 children must split the rights that their parents owned. In this example, each child will have  $5/2$  rights in the Obste. On the other side, transposing this family into an egalitarian obște, each member has *equal* right (which cannot be quantifiable; *equal* does not mean 1). Hence, when children are under 18, the family has two persons with equal rights in the obște. But, in the case that all the children reach 18 years old, all of them implicitly become members in the Obste, receiving *equal* right. Moreover, if their parents die, the children will not inherit their parents' rights. This is the meaning of their internalized local norm (*the razas of Vrancea is born with its right and dies with the right*).

In the following sub-sections, I will describe the main characteristics of each Obste in which I did fieldwork and which I analyze. Thus, referring to the inegalitarian type of Obste, I will discuss the *Dragoslavele Obste*, in the Arges County. On the other hand, from the egalitarian obște family,

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<sup>5</sup> There may be different types of rights, such as *equal rights*, *dramuri*, *litre* and so on. All of them will be explained in the following paragraphs

I will discuss the following associative forms of property from Vrancea: *Obștea Năruja, Obștea Nistorești, Obștea Spinești, Obștea Nereju, Obștea Bîrsești, Obștea Herăstrău, Obștea Poduri, Obștea Poiana (Mușa, Vetrila and Hârboca), Obștea Topești, Obștea Valea Sării, Obștea Colacu, Obștea Ruget, Obștea Mare Vidra, Obștea Mică Vidra, Obștea Viișoara, Obștea Spulber, Obștea Muntele Frumoasele (Vrâncioaia), Obștea Păulești, Obștea Tulnici, Obștea Coza, Obștea Hăulișca, Obștea Negrirești, Obștea Vîlcani, Obștea Prahuda, Obștea Condratu, Obștea Paltin.*

In opposition with the obști from Arges County, the Obști from Vrancea have some core characteristics that show a need of analyzing them in a different manner. Firstly, the Obști from Vrancea are situated in the area known as *Țara Vrancei (Vrancea's Country)*. The name of Vrancea was given in the 15<sup>th</sup> century. Considering that the entire zone is closed by mountains, the name of Tara Vrancei appeared<sup>6</sup>. This characteristic of being closed is important when discussing about the rules, the institutions and about the possibility of modifying the local-based norms.

Another common characteristic of all the organization forms known as Obști from Vrancea region, their wealth was represented by the forested areas of the mountains that they controlled. Geographically, the area of Tara Vrancei occupied 135.000 hectares which represents almost 40% of the whole surface of the County's surface.<sup>7</sup> According to the table proposed by Gerogescu (1937) and adapted by Cherciu (2015, p.35), the surface of Tara Vrancei was divided as following:

Owners	Forest	Empty surfaces in Forest area (meadows, pastures)	Total (ha)
Obști	53.255 ha	8.264 ha	61.519 ha
Private owners	11.082 ha	18.08 ha	12.890 ha
Churches	630 ha	70 ha	700 ha

<sup>6</sup> Dimitrie Cantemir described in *Descriptio Moldaviae* the Vrancea Country as “*Vrancea – undique asperrinis circumdata montibus*” – Vrancea which is circled by wild mountains (1716, apud Cherciu 2015, p.25).

<sup>7</sup> Historically, the Vrancea County was firstly named Putna County because of the passing river.

Wasted terrains of Obsti	15.300 ha		15.300 ha
Village's property (Vatra Satului)	44.591 ha		44.591 ha

*Adapted after Gerogescu (1937) apud Cherciu (2015, p.35).*

In the same time, the people of Vrancea County were known as wood and timber exporters within or outside Romania. For example, in 1869 the forest of Vrancea produced 2900 cubic meters (mc) of square timber; 7600 mc of timber; 32999 mc of deal board; 25600 mc of chip and 130000 pieces of shingle. (Ionescu de la Brad 1869, apud Cherciu 2015, p.32). Furthermore, the pastures and meadows were exploited by herders who paid to the owners of land an annual tax for using it.

On the other side, another core characteristic of the Tara Vrancei is its egalitarian communality. As previously presented, all the members of the Obste from Vrancea are equal. In other words, the Obsti in this region are not organized as a corporation, the members are not shareholders who are interested in maximizing their number of shares. .

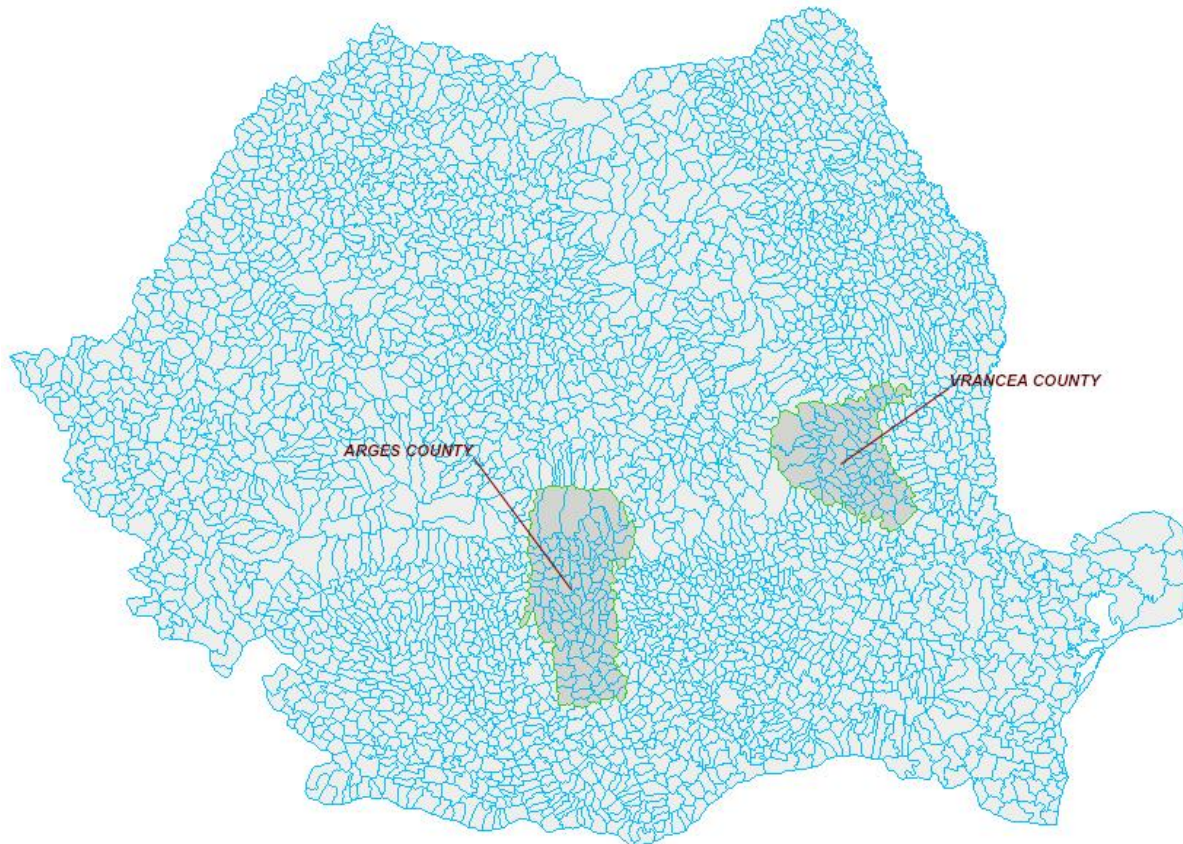
### **III. Methodology**

From a methodological perspective, the data presented in this paper are resulted from a qualitative approach. The instruments within this approach that have been used are *the in-depth interview, the group-interview* and *the document analysis*. As Creswell states (2003), the qualitative research takes place in the natural setting, this characteristic being a must for any researcher because of the possibility of developing and understanding a “level of detail about the individual or place and to be highly involved in actual experiences of the participants” (p. 181). Fundamentally, the in-depth interviews are the instruments that refer to a set of discussing issues in which both the interviewer and the interviewee must be sincere and implied (Babbie 2010, 420). The interviewer, following Steinar Kvale (1996) can be described metaphorically either as a miner or as a traveler: the interviewer is the person who digs for accurate information or is interested in general information regarding some issues or phenomena (1996, 3-5). In this paper, my approach was first of all that of a *traveler*, searching for the general description of the *Obște*, following the digging process with the key interviewees. Moreover, broadly describing, the interviews (one on one, in-person interview) and group interviews (when the researcher interviews participants in a group) have both advantages and limitations. The main advantage is that the interview can be

employed when participants cannot be observed directly and when they can provide historical information. On the other hand, the researcher's presence may induce biases (Creswell 2003, 186). Another limitation<sup>8</sup> is the “indirect information which is filtered through the views of the interviewees” (Creswell 2003, 186).

One of the advantages of the method of documents analysis is that it “presents data that are thoughtful, in that participants have given attention to compiling” (Creswell 2003, 186). In addition, the documents analysis represents, in my opinion, one of the few ways to discover the details of the phenomena, for example in the present case in-depth information about the historical periods in the evolution of Obște. All information resulted from the in-depth and group interviews may be checked by appealing to the information resulted from the documents analysis and vice versa. A disadvantage of this method is that the analyzed materials may be incomplete or the documents may not be accurate or authentic (Creswell 2003, 187).

From a procedural standpoint, the collection process of the involved data in this paper is represented by periods of time of field research activity. Before presenting each fieldwork activity,



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<sup>8</sup> even though Hyman argued that the *universal* research method in social sciences is the interview (1975, 1)

let me remember the distinction between three periods in the *Obște's* activity: *the old Obște* (the period until 1948), *the communist period* (1948-1989, when all the communal properties were transferred to state's property) and *the new Obște* (1990 – present; a significant moment in this third period was the enforcement of a new law in 2000, which opened the opportunity to re-establish the communal village's *Obște*). In this case, I tried to discover through interviews the details and characteristics of the second and third periods of time from persons that lived in this period. Regarding the period of the *old Obște*, although in the interview grind there were questions referring to the period between the moment of the official foundation of the *Obște* and 1948, those responses' validity is tested by matching the information resulted with all the existence information in the analyzed documents.

Chronologically, the first fieldwork activity is represented by the 10 in-depth interviews and the 2 group interviews conducted by me and Adelin Dumitru in the Dragoslavele Communal Village. The second fieldwork activity is represented by 26 in-depth interviews with *Obște* Presidents, 23 interviews conducted with interested members of the *Obște* and 73 questionnaires realized in the historical region of Vrancea known as *Țara Vrancei*.

In the Dragoslavele Communal Village the interviews were conducted in the first week of February 2016 and all the interviewees were part (i.e. members) of the Dragoslavele Communal Village organization. Each interview had a maximum duration of 130 minutes and a minimum of 40 minutes, because we have asked all the respondents only the questions related to the information that they said they know to answer. As we presented in the paper resulted from that fieldwork (Diaconu and Dumitru, 2016), there were some respondents who did not know all the information related to the *Obște*, an example might be the legal form of the nowadays *Obște*. Similar to those in-depth interviews, one group interview was conducted with three elder members of the community, while the other one was conducted with workers of the Dragoslavele Village Hall. The documents analysis method in the case of the Dragoslavele communal Village was the analysis of the two monographs regarding this subject. One of them was written in 1937 by Ioan Răuțescu (Rautescu 1937) – the local Priest who was also implied in *Obște's* activities. The other one has as authors the members of the *New Obște* Administration Council (Mogos et al 2010). We examined also maps and documents which were presented on the Communal Village's website or in these monographs.

Regarding the second fieldwork activity, the one in Țara Vrancei, the interviews and questionnaires were conducted in the first two weeks of August 2016 (1 August 2016 until 15 August 2016). A part of the interviews was conducted with Obște's Presidents – 26 in-depth interviews. Those interviews were unstructured, but in all the case I have tried to answer the questions in the Interview Guide presented as Appendix 2. I have adopted this way because I was part of the team led by Monica Vasile<sup>9</sup> in their research activity on Vrancea County. We used to interview each questionnaire respondent about additional details. After answering the questionnaire and additional questions, I completed for each of them the interview guide (Appendix 2) with the appropriate answers. Like the research from the Dragoslavele Communal Village, all the discussions had been held in Romanian because the native language of the respondents. As previously mentioned, this interview guide presents some differences in opposition with the first one. In that sense, I have added more questions about the political and economic institutions, the possibilities of implying in the *Obște's* activity for the members or about the interest that each member has in the *Obște* she appertains



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#### **IV. Results and discussion**

The results will be split into the three periods of the Obste: *the period of the Old Obste*, *the communist period* and *the New Obste*. In this section, I will be referring to the monitoring and sanctioning instruments in the analyzed communal villages' obste. Furthermore, in the last section of the paper, I will discuss the effects of each arrangement on the CPR institutions' robustness.

Firstly, I will present the results regarding the monitoring and sanctioning processes that existed (and even exist nowadays) in the case of Dragoslavele. As I previously presented, the Dragoslavele communal village is characterized by an inegalitarian communality. Even though there are members that own much more *dramuri*<sup>10</sup> than the others, we did not find that there were any differentiation between the monitorization capacity or the sanctioning instruments depending on the number of dramuri. In other words, there was not any case in which a member who owned a large part of the Dragoslavele Village was not monitored or sanctioned.

Regarding the period of the old Obste (prior to 1948), there were two distinct cases of the management of the commons: the case where the Obste managed the resource (for example, the forest. The Obste managed all the forest and it was responsible for monitoring and sanctioning), and the case where the Obste externalized these services to those who won public auctions (for example, auctions for mountain pastures) (Diaconu and Dumitru 2016, 25). In the first case, every person who was member of the Obste had revenues depending on the quantity of timber that he/she exploited. Thus (similar to Hardin's pasture), the personal interest of over-exploitation clashed with the collective interest of keeping the forest for all the members and for their kids. This meant that the monitoring and sanctioning instruments were very important. Moreover, taking into account the outcome of not being well monitored and sanctioned, these instruments may have evolved through time in order to keep the CPR institution robust. One of the main characteristics of the old Obste resides in the economic activity. All the villagers were part of it. Each one had his or her role in the Obste's economic activity. Hence, at every exploitation from the forest there were so many villagers that the monitoring process was made by everyone. Every member contributed to this action. So, each villager was in charge of monitoring the forest's quality. In the situation of

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<sup>10</sup> *Dram* is an archaic measurement unit. It is similar to a *share* in the nowadays' corporations.

exploiting more than the Obste permitted, there were some probable sanctions. In the fieldwork activity in Dragoslavele, there was not any interviewee, or any reference into the analyzed documents regarding specific cases of thieves or of villagers who appropriated more than the Obste permitted. In the same time, in both cases (interviewees and in Rautescu's social monograph (Rautescu 1937)) the sanctions were specified. Thus, there were at least three levels of sanctions: light, medium and severe. An example of light sanction is represented by admonition. A medium sanction may have taken the form of a curse proposed by the priest, while the severest sanction was the ostracization from the village (Diaconu and Dumitru 2016, 25). Thus, these sanctions are *graduated*.

On the other side, regarding the public actions that the Obste organized, for a period of time – usually about 4 years), the highpasture was transformed from a common to a private good. In other words, the winner of the auction – who received the name of *master of the mountain* (Diaconu and Dumitru 2016, 25-27) – was the only in charge with monitoring and sanctioning instruments on the highland that he/she administered. Concluding the monitoring and sanctioning results for the *old Obste* of Dragoslavele, both 4<sup>th</sup> and 5<sup>th</sup> design principles were respected.

On the other side, regarding the next period – the *communist period* – The Dragoslavele Obste was dismantled in 1948, when the collectivization and nationalization process had started in Romania. Thus, all the properties became state-owned. Thus, all the goods (*forest, meadows, pasture, highlands*) that were previously owned and administered by Dragoslavele Obste became *private goods*. Although their owner was the State, the good was not *public* (non-exclusive and non-rivalrous). In this period, the State managed the forest, being in charge with sanctioning and monitoring through the State's Forest Ranges and Police.

Last but not least, referring to the period of the New Obste of Dragoslavele, the Obste was established in 2000, after the enforcement of the law 1/2000. It received all the forested surfaces that it previously owned and all the pastures and meadows. In the same time, all the obste must respect the old *statute*. That means, the rules and norms – the institutions – of the Old Obste must have been preserved. With some amendments: the monitoring and sanctioning instruments. After the imposition of the communist regime, there were proposed Forest Ranges that had the role of monitoring the timber thefts from the forest. At that forest ranges, many villagers were employed. Starting with the transition's Forest Laws, all the forest ranges had been kept. Thus, nowadays,

every forest property, even private, owned by an Obste or owned by the State is monitored by a Forest Range. It is compulsory to have a monitoring contract with a Forest Range. On the other hand, the Law permits to all the owners that have more than a certain number of hectares to propose (and form) a Private Forest Range. This is also the case of Dragoslavele Obste. Hereby, the Dragoslavele Obste has a Private Forest Range which is monitoring its Forested areas. Even though the monitoring instruments remained at the Obste – with some limits imposed by the Law – the sanctioning instruments are not in the administration of the Obste. For example, if the employees of the Forest Range find some stolen timber, they are obliged to contact the Police in order to sanction the thieves. This measure may be considered a part of a *leviathan solution* – the State is the only entity which can sanction persons, even though they are part of a communal villages that was formed on local-based institutions.

Concluding the Dragoslavele Communal Village's Obste, the New obste cannot impose its sanctions upon the members or the externals who, for example, steal timber from the communal forest. Thus, I consider that nowadays, the CPR Institution robustness level is lower than the *old Obste's*.

On the other hand, regarding the other fieldwork activity – in Vrancea Country, the institutions are similar to those presented above, but with some core differences. The main difference is the *egalitarian* perspective. In the case of Vrancea, all the members are equal. There is not any case in which a member may receive larger benefits than others. Although I took interviews in 26 Obste, I will refer to all the Obste from the Vrancea area as one. I consider that the 4<sup>th</sup> and 5<sup>th</sup> design principles that characterize the CPR institutions from these egalitarian obste, took similar forms in all the cases. The differentiation between the obste resides not in the monitoring and sanctioning instruments, but in other spheres that are not the subject of this paper.

Hereby, it is important to mention again that all the Obsti from Vrancea were egalitarian in both the periods of the *old* and *new* obste. This characteristic is important because all the benefits that the members had (or that the members have nowadays) must be equal between all the villagers. In other words, the personal interest that may arise in the case of an inegalitarian Obste in buying more and more rights (such as Dragoslavele), does not exist in the egalitarian cases. Another important differentiation between the Obste of Vrancea and the Dragoslavele Obste resides in their owned surfaces. With the exception of Obstea Tulnici, all the other Obste from Vrancea own less

hectares than the Dragoslavele Obste, and less than the needed limit for proposing a Private forest range.

Regarding the period of the Old Obste, all the villagers used to exploit from the common forest – owned and managed by the Obste – in order to sell or change the timber with other goods. As an example, if all the villagers tried to sell more timber, the end would have been the *tragedy*. But, similar to the Dragoslavele case, all the villagers were monitors. Moreover, all of them were in charge with sanctioning if any member appropriated more than the Obste allowed – more than the forest needed in order to regenerate. The sanctions were also graduated, depending on how costly was the appropriated goods. Until this point, the two types of Obste are not differentiated by monitoring and sanctioning institutions. Being an egalitarian Obste, any case from Vrancea should have accommodated and limit an exploitation quota for each member because all the members have had the right of entering the forest and exploiting timber. On the other hand, in the case of an inegalitarian Obste, the pressure was lower – there were not all the members who had that right, but only the members that owned *dramuri*. In other words, I consider that in the case of an egalitarian obste, the monitoring and sanctioning instruments must be more efficient, because there are many possible thieves (represented by all the villagers, because all of them are members in the Obste).

In the communist period, there was not any difference between the Obsti from Vrancea and the Dragoslavele Communal village. All the surfaces were either collectivized or nationalized, being administered by the State or by a State's organization. Thus, good's characteristics were transformed into excludable and rivalrous.

Lastly, regarding the period of the new obste, in the case of Vrancea all the communal villages were established after the enforcement of the law no.1/2000. As I previously mentioned, another difference between these obsti and Dragoslavele resides also in the *property's surface*. Taking into account that the Obste of Vrancea (excepting only one – Obste Tulnici) do not own a total of forested areas larger than what the Law states in order to build a Private Forest Range, the obsti have had two possible solutions. The first one is represented by keeping the contract with the State's Forest Range proposed in the communist period. This solution remains as a *leviathan solution*, which has some problems. Moreover, I consider that all these problems are more important in the case of an Obste than in any other case, because initially, the Obste had local-

based institutions that were accepted by all the members. After a while, an external imposition changed all the institutions. Thus, after the re-establishing the new obste there is an understandable reticence of keeping the institutions proposed by an entity that took all your property some decades ago. Hereby, for all the obste that did not have the minimum needed forested areas in order to propose a Private Forest Range, there was another solution: the associations. In order to manage their commons in a similar manner as the old obste did, the Obste of Vrancea associated into three *obsti assemblage*. These assemblages were based on the location criteria: all the obste that have the forest in the same location and which are neighbors, associated in order to provide a Private Forest Range. Thus, even in this case, the monitoring instruments remained at the local level. Although they found this breach, there is an institutional difference between those Private Ranges and the Dragoslavele (or Tulnici) Private Range. The control that the obste has over the monitoring process is higher in the case of Dragoslavele or Tulnici, because all the Forest Range's employers are committed to that Obste. The case is not the same for the *obsti assemblages' forest ranges*, because in a situation with 8 or 10 obste into one association, each obste cannot fully control the monitoring process in its own surface. These CPRs institution in the case of assamblages' should respect a second order collective action dilemma. The first institutions proposed by the old Obste were not proposed to solve this kind of collective action dilemmas.

On the other hand, the sanctioning instruments are the same to all the other organizations throughout the country – the state is the only agent that has the possibility to sanction all the persons that commit thefts.

Hereby, in conclusion, I consider that the robustness level – understood as the capacity to avoid the tragedy of the commons, referring only to the two monitoring and sanctioning design principles – is decreasing with the degree of external interference. Moreover, although both inegalitarian and egalitarian obste should have had a consistent avoiding tragedy of the commons capacity, because of the *communist period* (which may be understood as a *critical juncture* (Acemoglu and Robinson 2013 apud Diaconu and Dumitru 2016, 35) their robustness level decreased. Finally, trying to answer the research question, “*do institutions matter in the management of commons?*”, I argue that the monitoring and sanctioning design principles are sensible to any external stimulus. Moreover, the effect of such stimuli is a decreasing of the robustness level – understood as previously detailed.

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Appendix 1 - **Interview guide (Diaconu and Dumitru 2016).**

1. How can you describe Dragoslavele?
  - a. When was the *obște* founded?
2. What status do you have in the *obște*?
  - a. When did you become a member?
  - b. Were your parents or grandparents members of the precommunist *obște*?
3. What resources does the *obște* possess?
  - a. Does its sell the resources?
    - i. Do the members know the procedure of selling the resources?
  - b. Have there been any thefts in the *obște*?
    - i. If there have been, have these cases been sanctioned? How? Could you give us an example?
4. Regarding membership in the *obște*, is it associated with any obligations?
  - a. Do you pay membership taxes?
    - i. If yes, what do they receive for this payment?
    - ii. If yes, are there any sanctions if those taxes are not paid?
  - b. Do members contribute with other things to the *obște*?
    - i. If yes, are there any sanctions if those obligations are not respected?
  - c. Who is responsible for monitoring the resources of the *obște*?
    - i. Who is the sanctioning authority?
5. What is the state of the *obște* now compared with the previous periods?
6. What are the differences between the pre-communist period, the communist period and today?
7. How much time do you dedicate to the activities of the *obște*?
  - a. What type of activities are those?
8. Regarding the resources that the Obște has or had:
  - a. What was the state of the resources before the communist period?
    - i. Were there enough resources for all members?
    - ii. Was there any situation in which the resources were not enough for all?
      1. What happened in that situation?
      2. How were the resources divided in those situations? (do you know what criteria were used?)
  - b. What about nowadays? (the same questions as above)



- c. Were there any cases of members who obtained more resources than they deserved?
    - i. How did they proceed?
  - d. Are resources received by members only for personal needs?
    - i. Are there members who are shepherds or woodworkers?
9. Choice rules
- a. Which is the voting procedure for deciding which activities are going to be undertaken by the *Obște*?
  - b. Which is the voting rule in the Administration Council of *Obște*?
  - c. How are the leaders elected? (what is the procedure?)
  - d. Are there any differences between the voting rules used today and those used before the communist regime?
  - e. Why were the present rules selected?
10. What is the relationship between the *Obște* and the Village Hall?
11. Are there rules associated with being a member of the *obște*?
- a. Do you think those are correct?
  - b. Would you change any of them?

## Appendix 2

### interview guide for **Vrancea County**

*This interview guide is an extension of the one used in the Dragoslavele Communal Village, thus, I will present the questions that were added to the previous one*

1. Institutions
- a. What's your opinion over the way that *the Obște* is led?
  - b. If you want to take part in *Obște's* economic activities, are you accepted?
  - c. What's your opinion over the level of equality (or inequality) among the members of the *Obște*? Are all the members equal?
    - i. What about the Administration Council? Do they have more rights than regular members?
  - d. Are all the members of the communal village integrated into the economic activity of *the Obște* nowadays?
    - i. What about the period of *the Old Obște*
  - e. As far as you know, in the case of the old *Obște* was each member part of an economic activity that best suited her? (for example, I would like to know if there exists some persons who had talents and if their talents were or not encouraged or/and respected)

- f. Do you think that all the members of your Communal Village Obste have equal voices regarding the way that the Obste is governed?
  - i. Is there anyone whose opinion weights more than others?
2. Scott-Popkin debate questions
  - a. In your case as a member of a communal *Village Obste*, it is more important the individual interest or the global interest (of the all *Obste*)?
  - b. Do you consider that the *Obste* must be in charge of the wealth of each family, or each person for their own?
  - c. Does there exist any villagers (members of the *Obste*) that contribute less than you to *the Obste* activities but they have the same benefits as you have?