
Count L. N. Tolstoy, Peace Arbitrator 1861-1862

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The 1861 emancipation of more than 23 million privately-owned serfs was a political watershed in which Russians at all levels of society were invited for the first time to negotiate the terms of their social and political relationships at the lowest level.¹ At mid-century, the "peasant question," in one form or another, dominated the conversations of intellectuals, court dignitaries, provincial landowners, and even serfs. For most educated Russians, however, the emancipation was an intellectual puzzle, far removed from the muddy fields of the provinces. Not so for the young Lev Nikolaevich Tolstoy. In 1861, the thirty-three-year old writer had turned his back on the literary world to embrace the life of country squire at Iasnaia Poliana. With his characteristic energy, he set out to improve the lot of Russia's humblest subjects in the most intimate way he could by establishing schools, founded on practical principles, within which he himself would serve as the primary teacher and director. At the same time, Tolstoy's determination to grapple personally with the consequences of emancipation led him to accept a controversial nomination to the position of peace arbitrator [*mirovoi posrednik*], a new post charged with overseeing the complex negotiations required to sever the bonds of obligation between former master and serf. Other than his military service, it was the only official position Tolstoy ever held.²

As peace arbitrator, Tolstoy found himself at the centre of a maelstrom. The emancipation, for all its years of careful preparation, pleased almost no one in the provinces. Although the serfs were freed with land, legal allotments fell far short of what they had hoped for and believed they de-

served. Landowners, forced to relinquish land and labour in the aggregate, scrambled for advantage by not-so-subtle manipulations of the law. They assumed that the peace arbitrators would overlook such lapses in the spirit of noble solidarity. In no way were the landowners prepared for Tolstoy as peace arbitrator. In the context of what many Soviet historians have termed a "revolutionary situation," Tolstoy succeeded in alienating nearly all of the landowners of his district. The bitter battle, waged by means of threats, complaints, and social snubbing, caused Tolstoy to quit his official position in less than a year. But the striking background of emancipation in the provinces threw into high relief qualities and attitudes that became the ideological hallmarks of the mature Tolstoy—his disdain for parlour liberalism and empty formalism; his contemptuous pity for the small-minded landowning nobility; and, above all, his sympathy for and identification with the *narod*. Yet what little we know about Tolstoy in the critical years 1861-1863 floats in a vacuum of neglect of the particularities of his brief engagement with the major institutions and social formations of the reform era.

The "peasant question" occupied Tolstoy early in his life. In April 1856 he visited the home of the historian and imperial tutor Konstantin Kavelin, who had recently drafted "Notes on the Emancipation of Peasants in Russia" (1855). Tolstoy was impressed with Kavelin's "fascinating" arguments in favour of a landed emancipation with adequate compensation for landowners (*PSS* 47: 69). He determined that he might write a plan of his own for the serfs on his estates. In his "Proposals for the Enserfed Peasants and House Serfs of the Village of Iasnaia Poliana," Tolstoy proposed to free the peasants from "corvee [*barshchina*], table service, domestic service, quitrent [*obrok*], or any other kind of obligations." In addition, the peasants would receive their farmstead land and one-and-a-half *desiatinas*³ per peasant family (two to three workers). The peasants would be required to redeem this land at five rubles per year for each *desiatina*, "so that in thirty years you will pay me no more, and the land will be yours" (*PSS* 5: 243-245).

Tolstoy later expanded this land allotment to include all of the land then in peasant use. He allowed for a 24-year loan, which could be paid via 3 barsh-

china days per week or 26 rubles of obrok per family (*PSS* 5: 248).⁴ Tolstoy was convinced of the prudence of his plan; in January 1858, he noted in his diary, "The peasants will rise up in two years time, if they are not wisely freed before then" (*PSS* 4: 109).

To Tolstoy's surprise, the Iasnaia Poliana peasants flatly refused to accept these conditions. Each male soul currently worked 2.8 desiatinas of land, far more than the paltry 1.5 Tolstoy offered per household.⁵ But Tolstoy saw the roots of the peasants' refusal in the belief that on the day of Alexander II's coronation (September 1856) they would receive all of the land. Tolstoy noted that they had only "the vaguest understanding about land ownership" (*PSS* 5: 255-56). More than this, he realized the enormous gap that lay between his own understanding of emancipation and theirs. Noblemen like himself were "accustomed to talking about emancipation behind closed doors, in French. . . . As I had studied the matter in detail and saw its application, I shamefully recall what nonsense I said and heard from all the intellectuals in Moscow and St. Petersburg on emancipation" (*PSS* 60: 89). In fall 1857 Tolstoy simply transferred all of his serfs from barshchina to obrok. He also freed his house serfs, though "what will happen to them—God knows. But to do better for people, even without their gratitude, stilled something in my soul" (*PSS* 47: 153-54). It was an unsatisfactory ending to Tolstoy's high hopes. "The only foolish thing I did or did not do was that I did not relocate the peasants as I was advised to do, and I left the pasture for their use. In general, I did not then display any kind of unselfish feelings on the matter" (quoted in Biriukov 203). While he might comfort himself with the thought that he hadn't moved the peasants to poorer land or given anything away for cold cash, he believed that in accepting obrok he had stained his soul with sin (Makovitskii 611). Although he continued to experiment with new crops and machines as well as cooperative associations of peasant workers, he remained unconvinced of the success of his program. In the following few years he turned his attention to peasant education, which, he hoped, might allow another and better way of connecting elite ideas with real peasant life.

The peasant question arose again in Tula province in September 1858 in connection with the Tula Committee on Peasant Affairs. Such committees were formed across the empire at the urging of the Secret Committee on Peasant Affairs in Petersburg. Reformers in the capital, stymied by a lack of information on local affairs, invited unprecedented elections to provincial noble committees that might discuss issues related to an eventual state-approved emancipation.⁶ Along with 414 other Tula landowners, Tolstoy participated in the noble assembly that convened to elect the committee. The assembly, though it was authorized only for elections, quickly moved to draft an opinion on how emancipation might be achieved. One hundred and five members voted for emancipation with land, "honest monetary compensation" for the landowners, and abolition of any form of "obliged relationship." Tolstoy, the writer I. S. Turgenev, and the Slavophile A. S. Khomiakov were included amongst the signers (Iablochkov 74-75; Krutikov, *Otmena* ch. 3). But the 105 were challenged immediately by two other ad hoc blocs—the first, under the leadership of future provincial marshal of the nobility V. P. Minin, charged that the plan was too generous to the peasants; the second, led by V. A. Cherkasskii, found the plan too stingy. Minin's point of view, Tolstoy believed, was an "attempt to preserve noble privileges, hidden by phrases about 'emancipation'" (Krutikov, "Tul'skii" 32).

In the end, the assembly sent three opinions forward, and Tolstoy was disgusted. "There were elections," he noted in his diary on 4 September, "I made myself the enemy of our whole district. Cherkasskii's faction is as much rubbish as their opposition, only [Cherkasskii's] rubbish is in French" (*PSS* 48: 16).

Not surprisingly, the Tula project that emerged from the Provincial Committee on Peasant Affairs called for the serfs to redeem not only the land but also themselves from the landowners. Only noblemen could own land, though peasants might have the use of it; for this the peasants must continue their obligations for an unlimited period of time (Krutikov, *Otmena* 54). While Tolstoy's ideas on emancipation may have endeared him to reformers in the capital, his generosity toward the peasants

already earned him the enmity of his fellow Tula landlords.

Tolstoy's troubled relationship with his fellow Tula landlords intensified when the great legislative act of emancipation was implemented there. The political climate in 1861 was seething with a confusing mix of liberal hopes, bewilderment, and insult from the side of the provincial nobility, faced as it was with the bureaucratic expropriation of its property, labour, and local authority; peasants, too, dreamed hopelessly of emancipation with all of the land and an end to their onerous obligations. The nobility made its complaints and expectations known within official channels, such as declarations made by the noble assemblies, as well as unofficial ones, such as redrawing land divisions and usage on their estates to their own future advantage. The peasantry, lacking legal channels, resorted to petitions, rumours, work stoppages, flight, and violence to articulate their interests and objections. Such a clash of interests and expectations did not bode well for a negotiated settlement in the villages when emancipation was finally announced. A new institution was required. The institution of peace arbitrator was carefully crafted to maintain an impartial peace and to insure the smooth implementation of the complicated legislation, but it was destined to absorb a large part of the universal discontent and confusion in the vast project of noble expropriation and peasant emancipation. Tolstoy accepted the appointment to be a peace arbitrator and thus put himself personally in the line of fire between all sides at the most local focus.

The institution of peace arbitrator was a hybrid of traditional imperial bureaucracy, local corporate administration, and elective public service.⁷ It was established as the main administrative, judicial, and police authority during the crucial years following implementation of the emancipation legislation. The statutes of 1861 provided that all privately owned serfs would receive immediate personal freedom. For house serfs [*dvorovye liudi*] and serf labourers the emancipation went no further than this. Field peasants [*krest'iane*] were also entitled to an allotment of land. Within a state-specified minimum and maximum, the landowner [*pomesh-*

chik] and his former bondsmen were urged to negotiate the specifications of the land allotment and the obligations required for it. These terms were codified in a legal land transfer charter [*ustavnaia gramota*]. The state financed the purchase of the land on behalf of the peasants, who were required then to repay the government advance, with interest, over the next forty-nine years. Until the peasants redeemed the land, however, they remained temporarily obliged for two years, during which time they provided obrok or barshchina in accordance with the size and value of the land allotment.

The void left by the landowner's judicial authority was replaced by state institutions, in a scheme much like that of the state peasants. Peasant villages combined to form the township [*volost'*], containing 300 to 2,000 peasants. Each village assembly elected a village elder [*starosta*] for the collection of taxes and other duties and the maintenance of public order. A duplicate official [*starshina*] was created at the township level, who served at the head of a township board [*pravlenie*] and assembly [*skhod*]. The township board was composed of the starshina and the village elders. It was entitled to handle township funds and personnel, to collect on peasant debts, and to record all peasant business at the township level. The township assembly, made up of representatives chosen from every ten households, decided general township issues, such as schools, roads, and grain stores. It also elected court officials to adjudicate peasant petty crime and civil suits. Both village and township authority was confined exclusively to peasant affairs.⁸

The peace arbitrator was invested with unprecedented authority, supervision, and verification of the land transfer contracts between landowners and their former serfs, the establishment and supervision of the new organs of peasant self-administration, investigation and resolution of disputes and misunderstandings arising from the emancipation, the prosecution of petty crime, and general maintenance of the peace. The peace arbitrator stood in the nexus of the old corporate institutions of the landowning nobility and the new peasant village institutions.

The peace arbitrator acted informally, as ground zero in the implementation phase of emancipation. This was a state institution, but it was purposefully created with some independence from the state as well as the institutions of the rural social estates [*sosloviia*]. Supervisory authority over the decisions of the peace arbitrator rested in an assembly [*s'ezd*] composed of all of the arbitrators in a given district [*uezd*], which coordinated policy and addressed complaints and appeals. The district marshal of the nobility led the assembly, while the provincial governor named a representative of the state. The emancipation legislation also created a third instance, the provincial office on peasant affairs [*gubernskoe prisutstvie po krest'ianskomu delu*], to review decisions made by the district assembly of arbitrators. The provincial office included the governor, the provincial marshal of the nobility, the chief of the bureau of state property, the provincial procurator, and four noble representatives. The provincial office could overturn individual decisions made by either lower instance, but the removal of an arbitrator required bringing suit before the imperial Senate. Thus the abolition of serfdom provided for a degree of "separation of powers" nearly unprecedented in Russian institutional history.

The wide jurisdiction of the institution of peace arbitrator, and its delicate role as impartial intermediary between the two rural *sosloviia* and their institutions, new and old, necessitated special staffing procedures. Ideal candidates for peace arbitrator were hereditary noblemen with landholdings of at least 500 *desiatinas*, though formal education could partially substitute for the property requirement. The district noble assemblies were required to draw up a list of eligible candidates and recommend candidates to the district marshals. The provincial marshal of the nobility compiled these lists and submitted them to the provincial governor for appointment. In consultation with the marshal, the governor chose the requisite number of candidates for verification by the Imperial Senate. But lest the arbitrators become the exclusive partisans of their own noble estate, Minister of Internal Affairs S. S. Lanskoi demanded a less tangible qualification in a special memorandum to the provincial governors.

Because "on the appointment of these people will largely depend the success of the imminent government reform," Lanskoi directed,

their duties cannot be successfully fulfilled by people who from their former social activity or generally by their way of thinking declare themselves biased and exclusive partisans of the interests of only one estate, nor still less by the usual seekers of a state position. . . . In the present great epoch, so important for the future of our fatherland, it is necessary in every way possible to try to attract to the newly opening positions people who are unbiased, educated, and sincerely devoted to the holy task put forward by our merciful sovereign. (*Sbornik* 111-15)

Lanskoi appended to the memorandum the names of those noblemen in each province who were known to view the emancipation with appropriate sympathy. Few governors refused such "suggestions." For Tula province, Lanskoi indicated to governor P. M. Daragan the name of Count Lev Tolstoy.

Near the centre of European Russia, Tula was included on the northern edge of those lands called "black earth." In 1858, less than one percent of the province's population (some 4000 landowning noblemen) controlled the lives of more than 800,000 serfs (70 percent of the population). Each noble estate was divided into land worked by the serfs for themselves, and land they worked on behalf of the noble landowner. The average size of the total peasant allotment per estate in Tula was 248 *desiatinas*, or 2.8 *desiatinas* per male soul. In exchange for the use of this land, peasants were obliged to provide *obrok*, *barshchina*, or both. Given the profitability of the soil in Tula, the landowners there overwhelmingly chose *barshchina* over *obrok*: 74.6 percent. The number of days for which the peasants were expected to provide labour in the masters' fields varied widely, but peasants commonly complained of landlords who required four days of labour per week. In addition to labour obligations, peasants also were required to provide garden vegetables, transportation, guard duties, and the like, according to tradition. On his own estate, the landowner acted with full administrative authority in investigating complaints and petty

crime, in ruling on these matters, and in punishing those he found guilty. The convicted peasant was subject to flogging, incarceration, fines, exile, and/or military conscription (Krutikov, *Otmena* 10-19).

As in the other provinces of the empire, Tula peasants protested the terms of their enslavement in the years prior to emancipation, by means of petitions, work stoppages, flight, and, more rarely, arson and violence. Of the 68 peasant disturbances requiring military intervention in the period 1840 to January 1861, 29 occurred in the last three years of the period, those immediately preceding emancipation. More ominously, there were 23 cases in the province that involved either the attempted murder or actual murder of a landowner. Police observers attributed the increase in these incidents to the impending emancipation. For the peasants, disturbances such as these were the most visible way to make their interests and objections known; many landowners, spurred by the same hopes and fears about emancipation, began to reorganize their estates so as to save the best lands for themselves and to squeeze from the peasants the maximum amount of obligations in the time remaining before the reform. The actions of each of the two traditional social estates caused a parallel reaction in the other, and as 1861 approached neither seemed in a mood for negotiation or reconciliation (Krutikov, *Otmena* 33-35).

In Odoevskii district, the serfs of the landowner Skorobogach complained in 1857 that, despite their hard work in the master's field, they were beaten daily, and suffered from the master's lechery. In the summer, a crowd gathered to convey these complaints to the governor in person. The governor promptly arrested three of the peasants, and ordered the rest to return home. Nonetheless, he advised the district marshal of the nobility "to investigate the validity of the complaints and to take all necessary measures to strengthen the landowner's authority." The official duly called for a peasant assembly and ordered them to return to work; the crowd refused. Now the marshal called for military assistance, and conducted the investigation at bayonet point. Peasants complained that they were allotted insufficient land for subsistence, but the marshal concluded that no surveyor could

be found to document the complaint. As for the accusations about unjust punishments and lechery, no acceptable proof was forthcoming. Ten peasants were flogged, and four arrested. But in the autumn the same peasants submitted another complaint, this time to St. Petersburg. They charged that the investigation of their complaints by provincial officials "was carried out with bias, given their acquaintance with our landlord, and with various threats against us. They didn't save us in any way from undergoing torture." At the request of the Ministry of Internal Affairs, the governor ordered a new investigation. This time, the peasants' complaints were substantiated. But nothing was done to hold Skorobogach accountable. The disturbance continued for two years, until at last the governor placed the estate under the wardship of the state, due to the landowner's "misuse of authority" (Krutikov, *Otmena* 41).

From a landowner's point of view, such disturbances indicated willful insubordination. The Tula landowner Klopov reported to the governor in 1858 that the peasants, "in the course of the summer, hoping for some sort of freedom, completely changed their performance of obligations. They have stopped fulfilling their fixed obligations, expecting that the landowner must now pay them daily in silver rubles. They intentionally go on strike and damage things" (cited in Krutikov, *Otmena* 42). The peasants of landowner Viazemskii were more explicit in their demands. When Viazemskii proposed their resettlement to poorer plots on the estate, the peasants argued that "they belong to the prince, but the land belongs to them, and that none of them, for any reason, will allow resettlement. They can subject them to any sort of punishment, exile them to Siberia, but they will not be resettled" (Krutikov, *Otmena* 43). Reports of similar peasant protests were common across the empire, heightening fears that the implementation of emancipation would not, to say the least, be easily accomplished.

News of emancipation reached Tolstoy while he was abroad in February 1861. His opinion of the Manifesto and subsequent statute was not positive. On 26 March, he wrote to the émigré publicist Aleksandr Herzen,

How do you like the Manifesto? I read it today in Russian, and don't understand for whom it was written. Muzhiks won't understand a word of it, and we won't believe a word. I also don't like that the tone of the Manifesto is that of a great boon done for the peasants, when the reality is that even to a learned serf it is nothing but promises. (*PSS* 60: 374)

A few days later, Tolstoy offered his view on the statutes:

Have you read the detailed legislation on emancipation? I think it's totally useless chatter. I received two different letters from Russia that say muzhiks are totally dissatisfied. Before they had the hope that tomorrow would be splendid; now they truly know that for two more years it will be bad. It is clear to them that all is postponed, and that the "masters" have done all of this. (*PSS* 60: 377)

Already Tolstoy rejected solutions that emerged from the rarefied atmosphere of state circles in St. Petersburg, however well intentioned their authors.

News from Tolstoy's own Iasnaia Poliana was indeed not good. On 12 March, Tolstoy's brother Sergei oversaw the reading of the Manifesto to the assembled peasants. "The people still sensed nothing pretty in it. It is impossible to judge how many more were dissatisfied than satisfied, but in the main the people don't understand anything written there and seem very indifferent to its contents. I suggested ... that I explain some things to them, but no one wanted this." As one peasant responded to his suggestion, "There is nothing to interpret about trifles, and we'll know what will be from the priest or the tavern keeper, but from you, besides trifles, we expect nothing" (quoted in Krutikov, "Osvobozhdenie" 380).

What made such a reception more ominous was the outburst of peasant disturbances all over Tula in the wake of the announcement, including a serious altercation in Krapivna district. In May, the peasants of Dudyshkino refused to perform three-day barshchina obligations. Several were arrested, but a crowd armed with stakes demanded and ultimately secured the prisoners' release. Upon his arrival at the scene, the district police chief noted

that the crowd was "completely stirred up" and that one of the peasants responded to his call to return to work by "bursting out laughing at the top of his lungs. After this, everyone answered his questions with extreme impudence." Several more peasants were arrested, and the dispute continued to boil throughout the summer (Krutikov, *Otmena* 83-84).

For all provincial officials, the feared crisis of authority that inspired the creation of the institution of peace arbitrator seemed to have arrived. The most urgent task was to name the arbitrators and send them at once into the field to resolve these misunderstandings and disputes. The district noble assemblies of Tula duly convened to draw up lists of candidates for peace arbitrator and to determine the number of arbitrator precincts. At the assemblies, landowners continued to express their dissatisfaction with an emancipation that bore little resemblance to their opinions of 1858. In particular, the landowners complained that the Ministry of Internal Affairs had abrogated noble rights to local self-administration. So much the worse insult when the assemblies learned of the Ministry of Internal Affairs' "suggestions" for peace arbitrator candidates, which the landowners insisted fell within their elective privilege. The Minister of Internal Affairs called such presumptions unwarranted. The nobility "is not given exclusive right to elect arbitrators, nor even an advantaged participation in the matter" (GATO, *f.* 90, *op.* 1, *d.* 40759, 125).⁹ Work on compiling lists of potential peace arbitrators thus began in May with the Minister's stern reminder and finished uneasily in June.

For the troubled Krapivna district, fourth arbitrator precinct, the nobility suggested V. I. Mikhailovskii. But Governor Daragan crossed out Mikhailovskii's name and replaced it with that suggested by the Ministry of Internal Affairs, Count L. N. Tolstoy (GATO, *f.* 90, *op.* 1, *d.* 40759, 116, 139).¹⁰ Daragan's substitution met with immediate protests from the Tula landowners. On 17 May the Krapivna marshal of the nobility D. M. Shchelin complained to provincial marshal V. P. Minin about the substitution. Minin forwarded his complaint to the new Minister of Internal Affairs, P. A. Valuev, and demanded that the list of peace arbitrators remain as submitted by the as-

sembly. "Knowing the Krapivna nobility's lack of sympathy toward [Tolstoy] due to the administration of his personal estate, the marshal fears that the assumption of duty by the Count in this post will be met with some kind of unpleasant conflict that could harm the peaceful settlement of so important a matter" (GATO, *f.* 90, *op.* 1, *d.* 40759, 138-139). Valuev consulted with Daragan about the inclusion of Tolstoy. Daragan's response was unequivocal:

Knowing Count Tolstoy personally to be an educated person passionately sympathetic to the peasant matter, and having received several memoranda from Krapivna landowners wishing to have Tolstoy as peace arbitrator, I cannot replace him with another person unfamiliar to me. Moreover, Count Tolstoy was pointed out to me by Your Excellency's predecessor, along with several other people, as one enjoying the best reputation. (Quoted in Biriukov 204)

Daragan then forwarded the names of 36 new arbitrators, including Tolstoy, to the Imperial Senate for confirmation. The Senate duly named Tolstoy peace arbitrator by decree on June 28 (GATO, *f.* 90, *op.* 1, *d.* 40759, 129).

Tolstoy received the news of his "unexpected" appointment while he was abroad. He was aware that his reputation among the Krapivna nobility was somewhat less than favourable, given his schemes to free his own serfs prior to emancipation and his attempts at "enlightened" agriculture. Still, Tolstoy could not refuse, "before my conscience, and in spite of the terrible, crude, and cruel nobility, who were sure to eat me up if I became an arbitrator" (PSS 60: 436). He arrived at Iasnaia Poliana in early May and began his arbitration duties immediately, even before Senate confirmation of his post. Krapivna district hosted three other arbitration precincts, filled by N. G. Ignat'ev, A. B. Miasnov, and Iu. E. Fere. Together with district marshal of the nobility D. M. Shchelin and a state representative, this group comprised the district assembly of arbitrators. From the first, there was little camaraderie amongst the five. Tolstoy was convinced that his colleagues were the stooges of the landlords, to the detriment of peasant interests.

"If one could print what my dear comrade peace arbitrators are doing here," he wrote to Mikhail Katkov in June, "all the public's hair would stand on end" (PSS 60: 395).

Summer of 1861 found Tolstoy in excellent condition. He was fully engaged in the task at hand, whatever his misgivings on the emancipation legislation and the character of his colleagues. With some satisfaction he reported to his aunt Aleksandra Andreevna Tolstaia that "after a year's freedom, I feel, not without some satisfaction, the horse collar of 1) estate management, 2) the school, 3) the journals, and 4) arbitration. I don't know if it will turn out good or bad, but I intend to pull diligently and persistently, so long as my life and strength suffice" (PSS 60: 389). D. Obolenskii reported on Tolstoy's vigour in his memoirs. "In the year of emancipation . . . I began to visit the count often, and later in the fall went hunting with him occasionally in some distant field. What wonderful times I spent there! Who now could recognize in the venerable philosopher that dashing hunter, for whom it was nothing to jump over ravines and ditches and work the estate a whole day?" (Obolenskii 260-61). Having turned his back on the literary circles of the capital, Tolstoy appeared to relish the role of rustic country squire. "Lev Nikolaevich was hardly a flashy dresser then. I recall that he had only one frock coat, in which he went to the arbitrator assembly. This had sleeves that were too short, and the waist rode up; his coat was even bursting its lining, and the wadding was coming out. . . ." (Peterson 258-59). Never entirely comfortable in fashionable society, Tolstoy elected to flout its conventions at home in the provinces. In his dealings with the landowners his tone was brusque, even rude; his refusal to observe convention did little to endear him to neighbours already suspicious of his class loyalty.

Arbitration required not only social tact, but also a great deal of paperwork. Tolstoy, like all arbitrators, was expected to keep a journal containing protocols of his activities in the field. In addition, all official documents—agreements, land charters, redemption contracts, complaints, judicial proceedings, correspondence, to name a few—required notarization, and many had to be prepared

in multiple copies. The minutiae of bureaucracy had never been Tolstoy's interest or talent. The first land charter he sent to the provincial office, penned by a literate house serf and signed by Tolstoy, contained no specific data whatever: "On this land charter, at the request of so-and-so, such-and-such a house serf participated..." Apparently, the house serf wrote Tolstoy's words exactly as dictated, and the absent-minded arbitrator ratified the document without reading it first (Obolenskii 261). Similarly, Tolstoy submitted charters without land surveys, neglected to obtain necessary witnesses, miscalculated land and population figures, misspelled or misnamed participants, and used inappropriate formats (Uspenskii 104-105). Worse, to one landowner, was Tolstoy's "inexcusable negligence" in the presentation of his paperwork, which often appeared on "ragged scraps of grey paper" (cited in Uspenskii 81). The formalism of his office obviously failed to impress a Tolstoy ready for action.

Despite his impatience with bureaucracy, Tolstoy's first attempts at negotiating a land charter proceeded, if not without disagreements, at least cordially and with respect for the mediation process. Such was the case on the estate of P. V. Marsochnikova, administered by her son-in-law Count Bibikov.¹¹ Tolstoy arrived on the estate on July 9 to verify Bibikov's draft of the charter. Tolstoy assured himself that the negotiations were honest and that the peasant allotments were of good quality and sufficient quantity. Tolstoy noted that the arable land in the peasant allotment was somewhat better than that left to Marsochnikova, but that the landowner opted to keep meadowland in exchange. But the peasants refused to sign the charter that day, despite Tolstoy's insistence that the trade was a fair one.

A week later, Bibikov notified Tolstoy that the peasants had decided to accept the land exchange. Now Bibikov wondered, however, whether two house serfs might also be given allotments, at their request, and with Marsochnikova's permission. Tolstoy promised to find out. In the meantime, the peasants confirmed their willingness to accept the allotment, but now found that land was inappropriately included for a widow with a young son, who

could not work the land, and a person who had died since the last census was taken. Did the mir have to take on this extra land and the obligations associated with it? Tolstoy reminded the peasants that they had already agreed to the allotment. Bibikov, sensing a threat to the peaceable negotiations, quickly offered to assume responsibility for the dead person's obligations if the mir would shoulder responsibility for the widow. Further peasant grumbling about the use of customary forestlands was resolved amicably by tacking on nominal obligations for their use. In the end, Tolstoy was gratified by the willingness of both sides to reason out their differences, and by his own good advice to both (GATO, *f. 74, op. 3/3, d. 82, 1-4; PSS 60: 482*).

In keeping with his charge to act impartially, Tolstoy did not turn a cold shoulder to what he perceived as genuine concerns of the landowners. On 23 May 1861 a fire erupted on the estate of A. V. Osipovicha. The fire destroyed seven peasant farmsteads, three of which were dangerously near the landowners' outbuildings (GATO, *f. 74, op. 4, d. 9, 72-74; Vladimirov 701-706*). According to the legislation, the landowner had the right to resettle the peasants on new farmsteads without their consent if their present buildings were closer than 50 sazhen¹² from estate buildings (the so-called "50-sazhens rule"). But the landowner was also obligated to rebuild the farmsteads at the new location, or at least to provide the funds for the peasants to rebuild. In either case, the resettled peasants could not be expected to provide obligations for at least three months while they constructed their new farmsteads. Osipovicha simply could not afford to build new farmsteads for the peasants, to fund their own rebuilding, or to release them from obligations. Through her husband, Osipovicha proposed for compensation a lump sum of 50 rubles per farmstead. The peasants suspected that Osipovicha coveted the richer plots of their former homesteads. Moreover, the site she proposed for resettlement was already seeded with peasant grain. The peasants refused the offer, demanding a minimum of 500 rubles for the homesteads and 200 pieces of lumber for rebuilding.

Tolstoy was called upon to arbitrate the matter. He found immediately that "both the peasants and

the landowner are in the most grievous state" and asked both the governor and the provincial office "if it wouldn't be well to give an allowance to Osipovicha's peasants in such measure as was made for the state peasants" (Uspenskii, "Arkhivnye materialy" 90; *PSS* 60: 481). Given Osipovicha's financial difficulties, Tolstoy feared that without state assistance it would be impossible for the burned out peasants to pay their taxes or fulfill their landowner obligations. But the provincial office could find no legal basis for such use of state funds, and recommended that Tolstoy consult the district marshal of the nobility for charity (*PSS* 60: 481). The arbitrator assembly, meanwhile, ruled that because the peasant buildings were destroyed at a loss to Osipovicha, and because they would have been moved according to the "50 sazhen rule" anyway, Osipovicha was not required to provide any kind of relief to the peasants. The peasants should "accept what was done by Osipovicha for them, the voluntary assistance of 50 rubles per household, with thanks for her kindness."

This ruling infuriated Tolstoy (*PSS* 60: 482-87). While he appreciated the inability of Osipovicha to fully compensate the fire victims, he believed the peasants' situation was far worse. That a legal loophole should decide their fate was not consistent with the spirit of the law, which intended to protect the peasants from disadvantageous resettlement.

This time, however, Tolstoy's appeal to the provincial office was unsuccessful. It upheld the decision made by majority in the assembly, a session at which Tolstoy was himself present (but from which he left in a temper). Osipovicha had provided the ruined peasants with some monetary assistance, later supplemented by a Ministry of Internal Affairs grant of 45 rubles per household. She had also allowed them three months off work. Now Osipovicha, herself poor, had the right to their obligations. Tolstoy was ordered to implement the decision (Uspenskii 94).

If Osipovicha's motives in resettling the peasants on her estate were ambiguous, landowner E. A. Brand's machinations to secure her own advantage at the expense of the peasants were plain. According to a complaint by Brand's peasants, in

summer 1860 the landowner had ordered them to ignore all customary divisions of land between pomeshchik and peasant in planting the winter rye. The peasants agreed to do so only on the promise that they would share the harvest similarly by halves. Brand insisted that they plant the best plots of land, those customarily in peasant use as well as her own plots, with her seed. After emancipation, however, Brand refused to share half the grain with the peasants. Instead, she forced the peasants to gather for her own use all of the crops planted with her seed. The remainder, or that planted with peasant seed, would be the peasants' portion of the harvest. Beyond securing a larger harvest for herself, Brand plainly hoped to influence the emancipation land settlement. Without abrogating the terms of the emancipation allowing for peasants to receive allotments of land customarily in their use, Brand could now claim the best plots for her own property after emancipation; these had, after all, been planted with her seed with the full agreement of the peasants.

Tolstoy would not tolerate such a settlement. Twice he ordered Brand to honour the 1860 agreement, "not to prevent the peasants from taking the half due them from all the land under winter seed, without exception" (*GATO*, *f.* 74, *op.* 3/3, *d.* 77, 12). Brand complained to the arbitrator assembly that Tolstoy refused to consult her about the terms of the agreement, relying instead on peasant testimony alone (*GATO*, *f.* 74, *op.* 3/3, *d.* 77, 15-16, 34, 43-46). The peasants could not prove the terms of the 1860 agreement, and Brand thus prevailed in the arbitrator assembly (*GATO*, *f.* 74, *op.* 3/3, *d.* 77, 28). Tolstoy complained to the provincial office that the decision on the Brand case had been made in his absence, "such that when the peasants' complaints resumed I found it very difficult to resolve them" (*GATO*, *f.* 74, *op.* 1, *d.* 7, 1). Furthermore, the assembly's decision violated Tolstoy's legal discretion in resolving disputes. Tolstoy asked the provincial office to issue an order "that would save me from future illegal meddling by the arbitrator assembly in the affairs of my precinct" (*GATO*, *f.* 74, *op.* 1, *d.* 7, 1). The provincial office again upheld Tolstoy's decision. Brand was forced to share the harvest by halves with the peasants (*GATO*, *f.*

74, *op. 3/3, d. 77, 61*). This small victory, however, merely increased the already strained relationship between Tolstoy and the arbitrator assembly.

Troubles on the Brand estate were far from over. Tolstoy again appealed to the provincial office in defence of his decision to free Brand's house serf P. E. Erukhova. According to Tolstoy's investigation, Erukhova had been living in town for some years, and had paid no obrok (GATO, *f. 74, op. 3/3, d. 77, 17-18*). Brand insisted that, even though the obrok of one serf was "of course nothing to me," Tolstoy's actions were so arbitrary and high-handed that she could not allow them to stand without challenge (GATO, *f. 74, op. 3/3, d. 77, 43-46*). Erukhova had been issued only a temporary passport to stay with her mother in Tula, and was too young at the time to be held responsible for obrok. Tolstoy "did not want to hear these circumstances from me, and on the basis of Erukhova's testimony alone issued her free papers without my agreement" (GATO, *f. 74, op. 3/3, d. 77, 43*). Both Brand and Tolstoy pointed to the legislation for support, but the undeniable fact was that Erukhova no longer lived on Brand's estate. The provincial office rebuked the arbitrator assembly for overstepping its legal authority against one of its own members (GATO, *f. 74, op. 4, d. 9, 425*).

Brand tried a final time to minimize her emancipation losses. When Tolstoy appeared in Baburino in March 1862 to verify the land charter, he found that Brand had underestimated the amount of land in peasant usage prior to emancipation by 56 desiatinas (GATO, *f. 74, op. 3/3, d. 77, 69*).¹³ When Tolstoy corrected the charter, Brand's husband appealed directly to the provincial office: "The description of land in peasant usage was created by Count Tolstoy according to one bit of testimony by the peasants of the village of Baburino; my objections were noted briefly in the protocol, and then only with the goal of making a decision on behalf of the peasants." In face of such "unjust and pretentious" behaviour, Brand refused to communicate further with Tolstoy at all, whether informally or in writing (GATO, *f. 74, op. 3/3, d. 77, 15-16*).

Tolstoy's experience with the clumsy deceptions of landowners like Brand may have contrib-

uted to the abruptness with which he dealt with other, more legitimate landowner complaints. A complex series of disputes arose between Tolstoy and M. A. Mikhailovskii in August (*PSS 60: 399-402*). According to Mikhailovskii, the peasants on his wife's estate set out to mow a nearby meadow. Upon arrival, however, the peasants loosed their horses onto a neighbouring field to graze, reportedly declaring, "While it's the master's work, so it should be the master's fodder" (*Uspenskii 86*). Over the course of several days, the horses destroyed the seedlings planted in the field. When Mikhailovskii demanded that the rural elder stop this destruction, the elder rudely replied that he belonged to the mir, not to the master. Mikhailovskii sent for Tolstoy, who arrived immediately. Instead of speaking to the landowner, Mikhailovskii charged, Tolstoy first asked the estate steward to forgive the peasants' financial retribution for what was, after all, an accident. After the steward refused this "strange generosity with another's property," Mikhailovskii calculated the cost of the damage to the field at 80 rubles silver. Tolstoy curtly replied that only the arbitrator could assess the damage, with the help of "honest peasant witnesses" [*dobrosovestnye*]. Moreover, if Mikhailovskii refused to forgive the peasants this incident, the peasants could not forgive the money owed them by Mikhailovskii for forcing them to perform illegal obligations since emancipation. Tolstoy appeared with the witnesses to assess the damage. The peasant witnesses suggested damages of 30 rubles silver. But Tolstoy, Mikhailovskii alleged, corrected the witnesses by declaring that the total damage amounted to no more than 15 rubles. Such an agreement was obtained by first plying the witnesses with vodka. Naturally the peasants were pleased with his decision; "they got off scot-free and were happy to please him in the same way in future." Mikhailovskii trusted "that a just government, concerned for the 'improvement of the peasants' way of life' will not tolerate the enrichment of the peasants by such means as suggested by Count Tolstoy" (*Uspenskii 87*).

Mikhailovskii's complaint pointed to further offences committed by Tolstoy. Tolstoy issued free papers to four of Mikhailovskii's house serfs,

along with a "cryptic" accounting of what salary they were due for continued service (Uspenskii 81). Mikhailovskii, perplexed, asked how much the four were owed. Tolstoy angrily insisted that he alone could calculate this. Since some of the serfs were disabled by illness, their salary was limited; others were owed partial salary in accordance with their former duties (PSS 60: 401-402). Mikhailovskii protested Tolstoy's determination of who was ill and who was not; many house serfs, "previously enjoying excellent health," suddenly became ill when faced with the pleasant prospect of salary for no work. Even when Mikhailovskii paid the house serfs as ordered, thus "freeing" himself from "a painful correspondence about these people with Count Tolstoy," the latter insisted on recalculating and including several ineligible serfs (Uspenskii 82-83). The final blow was Tolstoy's refusal to remove the rural elder [*starosta*] Ivanov from his post; instead, Tolstoy recommended that the lazy and insubordinate Ivanov be appointed to district elder [*starshina*] (PSS 60: 488). The result, wrote Mikhailovskii, was that his wife's estate was "in anarchy." Apparently without irony, Mikhailovskii concluded that Tolstoy had "destroyed the patriarchal relationship" between his wife and her serfs. By pandering to their base complaints, Tolstoy "convinced the peasants that their digression from the demands of the law would be supported" (Uspenskii 85).

This time, the arbitrator assembly requested of Tolstoy a full defence of his actions. Tolstoy believed he acted correctly: he heard the complaints, substantiated them in the field, applied the relevant articles of the statute, and submitted his findings. That Mikhailovskii was offended by his general mien, his threats of further penalties, or his equation of peasant concerns with those of a fellow nobleman, Tolstoy considered immaterial.

The Mikhailovskii dispute may have displayed Tolstoy's characteristically haughty independence, but it also showed his genuine sympathy with the concerns of the peasants and perhaps an appreciation of their customs. What Mikhailovskii saw as buying peasant testimony for the price of a drink, for example, was likely Tolstoy's understanding of the customary peasant ritual in concluding business

affairs. Mikhailovskii, Tolstoy countercharged, had been less than polite himself, so much so that Tolstoy was forced to remind him, "All people having business with the peace arbitrator must treat him with respect, and thus should not say impolite things in his presence nor, still less, write him impolite letters on business matters. Otherwise, the guilty will be subject to a fine." The arbitrator assembly would receive no further information from Tolstoy on the Mikhailovskii matter. The provincial office similarly considered the matter closed (Uspenskii 88).

Many landowners in Krapivna district simply could not accustom themselves to the fact that, in their relationship to their former house servants, they were now employers rather than masters.¹⁴ In July, the landowner Artiukhova called on Tolstoy to resolve a dispute with her house serf. As had become his custom, Tolstoy first approached the peasant elders at Artiukhova's estate. There he learned the complaint of Mark Grigor'ev, who since the age of ten had occupied the post of gardener on the estate. Grigor'ev had now reached his majority and married Artiukhova's housekeeper. He argued that despite his birth as a field serf, he and his wife should not be required to accept a land allotment and the two-year obligations connected with it. It seemed a simple matter: the law did not require house serfs to accept land. Tolstoy thus issued the pair free papers, which meant that the Grigor'evs were not required to fulfill their former household duties on the estate. Tolstoy further demanded that Artiukhova recompense the pair for the salary they should have received for their work since the announcement of emancipation (three-and-a-half-months). Finally, Tolstoy credited the accusation that Artiukhova had illegally beaten Grigor'ev's wife, for which an additional fine was due (GATO, f. 74, op. 4, d. 9, 226-231). "Mark may immediately, by my order, leave with his wife wherever he desires.... If you don't care for my decision, you have the right to appeal it to the arbitrator assembly and to the provincial office," Tolstoy informed Artiukhova. "I will not consider this subject further" (Uspenskii 77; PSS 60: 397-99).

Artiukhova indeed protested to the assembly, on the grounds that Grigor'ev was born a field serf,

his family members were all field serfs, and his wife became a field serf upon her marriage. Both were thus obligated to serve her as before until they contracted to receive an allotment. Artiukhova was outraged that Tolstoy had not consulted her about the truth of the peasants' allegations. Tolstoy "interpreted the law as he pleased, incomprehensibly for her, and took on an unauthorized role as judge over her. . . ." Grigor'ev's wife was her housekeeper, one who "enjoyed her trust and love," and whom she would never think to harm (Uspenskii 77). The arbitrator assembly was sympathetic to Artiukhova's bewildered complaint, and overturned Tolstoy's decision. Tolstoy did not "guard the rights of both sides," and ought to have considered Grigor'ev's family status as a field serf. On the charge of beating her housekeeper, the assembly exonerated Artiukhova for lack of evidence (Uspenskii 78).

Ultimately the provincial office upheld Tolstoy's decisions, though on procedural and jurisdictional grounds rather than the merits of his legal argument (Uspenskii 80). But his attentiveness to peasant complaints and uncompromising instructions to landowners did little to endear him to his noble neighbours. "Arbitration is interesting and absorbing," he wrote to Alexandra Andreevna in early August, "but it isn't good that all the nobility have come to hate me with all the strength of their souls, and constantly poke sticks in my wheels" (PSS 60: 405). Artiukhova, for her part, simply refused to pay the fines, without consequences.

Landowner N. A. Kostomarov tried to argue exactly the opposite point than had Artiukhova. Two field peasants complained that they had been transferred to house service since the practice was made illegal (2 March 1858). "They have a right to an allotment of land commensurate with the field peasants," wrote Tolstoy, "and thus you cannot take it from them" (GATO, *f. 74, op. 1, d. 6, 17*; PSS 60: 396-97, 409). Kostomarov complained to the arbitrator assembly, which ordered another arbitrator to investigate. Tolstoy was incensed. Not only had the assembly ignored his ruling, but it had appointed another to check up on his work without informing him. Even though the second arbitrator confirmed Tolstoy's decision, the assembly ordered

the police seizure of the house serfs in question, "and for what—it was unclear to them and to the rural elder." The serfs told Tolstoy that they were jailed for three weeks "without a piece of bread, and we had to sell the clothes on our back to feed ourselves." Even after their release, Kostomarov ordered them to return to his service. "I thus find myself confused about what this means," Tolstoy wrote, this time directly to Governor Daragan. "Is this a legal prosecution of the accused, or arbitrary force at the hands of bribed police?" (GATO, *f. 74, op. 1, d. 6, 3*; PSS 60: 493-94). In his defence, Kostomarov argued that the two men had married into the field peasantry but were themselves house serfs. With emancipation, the two wrongly declared themselves free of all obligations and moved in with their field peasant father-in-law. Kostomarov claimed that he asked Tolstoy for a fuller investigation, but received only a laconic reply from Tolstoy's assistant. The two peasants had been jailed only because they refused to recognize the arbitrator assembly's ruling that categorized them as house serfs. "We will become house serfs only when our peace arbitrator says so," the peasants allegedly stated. Kostomarov begged the assembly to "put an end to the tyranny of Tolstoy, who, as is obvious from the present matter, doesn't recognize any kind of legality or give any sort of weight to the decisions of the assembly. With his orders he only encourages people already under criminal investigation for disobedience to the police to new and still greater resistance. He acts so arbitrarily that landowners cannot have any sort of dealings with the arbitration institutions." But despite the arbitrator assembly's obvious sympathy toward Kostomarov, the provincial assembly once again concurred with Tolstoy's ruling (GATO, *f. 74, op. 1, d. 6, 7-8*).

Tolstoy's suspicion that the local police were in league with the landowners and the arbitrator assembly made it difficult for him to enforce his decisions. In October, Tolstoy wrote to the provincial office about unpaid fines for the illegal beatings of former serfs (GATO, *f. 74, op. 1, d. 48, 3-4*; PSS 60: 500-501). Mikhailovskii's steward beat several peasants in sight of numerous witnesses, but flatly refused to pay the fine to the mir. G.

Pertsev, accused of beating his house serf, refused to meet personally with Tolstoy to answer the charge, and found it "inconvenient" to write a letter. The house serf was left without satisfaction. A land surveyor openly admitted to beating his peasant assistant and agreed to pay the fine, but several months later had yet to do so. It was becoming clear to Tolstoy that the landowners and even his arbitrator colleagues could stonewall virtually any decision he made.

Tolstoy owned up to mistakes when he made them. For example, on the Zaslouina estate, Tolstoy issued free papers to a house serf, who then disappeared to parts unknown. Zaslouin demanded to know on what basis his wife was denied the serf's obligations, and feared that such rulings by Tolstoy might encourage wholesale desertions from her estate. At the arbitrator assembly, Tolstoy realized he had simply forgotten to calculate the holdings of Zaslouin and his wife separately. The assembly nonetheless forwarded Zaslouin's request to the provincial office about having his wife's estate moved to another arbitrator precinct. A member of the provincial office noted on the document, "Purely carping on Tolstoy. He honestly admitted his mistake and made good on it" (Uspenskii 88-89). The provincial office refused to allow the appointment of another arbitrator for Zaslouin's estate (GATO, *f. 74, op. 4, d. 9, 302*).

Tolstoy returned the assembly's hostility in kind. As he reported to the provincial office, "The arbitration assembly's ruling no. 52 for 5 August is written so incomprehensibly and so rudely that I did not find it necessary to respond. I humbly ask the Krapivna marshal of the nobility to deal with me on the Zaslouina matter, if he finds it necessary, in a more polite way" (Uspenskii 89; PSS 60: 489-90). Bitterness on both sides persisted. When the Zaslouins drafted land charters that inaccurately described both pre-emancipation land usage and the current boundaries of the land allotment, Tolstoy simply refused to sign them (Uspenskii 103).

Tolstoy moved in November to break completely with the arbitrator assembly. "Participation in the assembly is completely useless, and only

endangers my honour," he wrote to the provincial office (PSS 60: 496). Twice he submitted an official query on whether an arbitrator could refuse to attend assembly sessions. The provincial office replied that though the arbitrator was not legally obliged to attend all sessions of the assembly, neither could he declare himself officially removed from it. Tolstoy sharply responded that his "absence from the arbitrator assembly is not occasional or temporary, but founded on my conviction of the uselessness of my participation in it..." Did such a declaration, he asked the provincial office, now mean that he was relieved of duty as a peace arbitrator? The provincial office did not respond (PSS 60: 704-706).

Already in August 1861 eighteen Krapivna landowners (all present at the district noble assembly) had sent a group letter to marshal Shchelin about "the embarrassing situation" they found themselves in as a result of Tolstoy's "incorrect and arbitrary actions." They found that in his decisions Tolstoy "forgets the main duty of the peace arbitrator to act as impartially as possible," thereby generating in the peasants a "hostile inclination toward the landowners." Tolstoy's activities as peace arbitrator were "insufferable and insulting" to the nobility, resulting in "enormous losses to their dignity." They insisted that their affairs be turned over to another arbitrator, since these intolerable conditions were limited to their precinct alone. The Krapivna landowners also entrusted Shchelin to represent them at the provincial noble assembly in December 1861 in demanding Tolstoy's removal (Gusev, *Letopis'* 133-34). Shchelin duly presented a complaint to the governor, arguing that Tolstoy's activities "have a very poor effect on the timely and peaceful course of business in the whole district." Were Tolstoy not removed, Shchelin could not insure the "peaceful attitude of the peasants in Krapivna district" (Gusev, *Letopis'* 136).

Anecdotal and statistical evidence suggests that Tolstoy did not pander to the interests of the peasantry contrary to the law. One observer reported an incident in which the peasants came to Tolstoy to negotiate a piece of contested land. Tolstoy could see no legal grounds for the peasants' claim to the meadow, and told them so.

"Little father, do something, help us. The landowner has enough land."

"But friends, it isn't possible. The meadow is the landowner's property, and we have no right to take it from him."

"You can, if you want to. Little father, arrange it for us! Then we'll have a good commons—even and smooth, with no weeds!"

"But friends, think, it is nevertheless quite impossible. This piece isn't enough for you. Besides, you can't drive your cattle there. What do you want it for?"

"But it ought to be ours!"

"But why, if you can't do anything with it?"

"You'll build us a road there, little father."

"No, I can't do a thing," repeated the count.

"Somehow, little father."

Evidently Tolstoy had enough. He crossed himself. "I swear to God, neither I nor anyone can give you that field!" Turning away, he muttered under his breath, "It is easier, like Amphion, to move mountains than to convince a peasant of anything" (cited in Ostrovskii 240). Statistical data support the anecdotal evidence. The quantity of land allotted to peasants in Tolstoy's precinct fell well within the provincial norm, at 2.4 desiatinas of land per male soul.¹⁵

What the evidence does not quantify is the number of cases in which Tolstoy insisted on the letter of the law, in cases where another arbitrator might have simply looked the other way. For example, Tolstoy found that the description of land allotted to peasants was misrepresented in the land charters for the estates of I. M. Esipov, I. D. Zuparevka, and G. N. Detysheva. Upon peasant complaints that the land charters did not accurately reflect real usage or measurements, Tolstoy insisted in each case that the charters be corrected before their implementation. For an arbitrator to change the land charter on the basis of peasant complaints was somewhat rare in Tula province. In Tolstoy's district alone, peasants complained in twelve separate cases that the land specified in the charter did not reflect their pre-reform land usage. Only in one other case did the arbitrator correct the land charter (Krutikov, "Iz istorii" 162). To Tolstoy, the law plainly granted peasants the same right to act as plaintiffs as it did noblemen.

Whether or not Tolstoy actually defended peasant interests at the expense of noble ones, peasants were as convinced as the landowners that he was the sole defender of peasant rights. "I've heard that you are a peace arbitrator," wrote Ivan Aksakov, "and heard from people you don't even know that the peasants of your precinct are 'in rapture,' as someone expressed it to me" (quoted in Gusev, *Molodosti* 395). One peasant elder "never tired of praising the count" and offered effusive "hymns of praise" to Tolstoy. "Now that is a genuine benefactor, not a fleecer like our barin... none of the neighbouring landowners like His Excellency because of this. They hate him as our defender. But for Lev Nikolaevich, that's nothing" (quoted in Gusev, *Materialy* 462).

Tolstoy's peasant schools may have had something to do with this image: by 1862, the number of the schools in Krapivna grew to 21. His greater contact with the peasants and thus his attention to their concerns must have shaped peasant perceptions of his work as an arbitrator. His ongoing battle with the landowners served only to polish his reputation as defender of peasant rights.¹⁶

In January 1862, Tolstoy defended the correctness of his arbitration in a letter to his aunt. "Outcries against my arbitration have reached even you. I twice asked for a court ruling, and both times the court ruled that I was not only right, but that there were no grounds for a trial." If any fault could be found, he added, it was that he "softened the law too much in favour of the nobility" (*PSS* 60: 436). His decisions, however legally sound, had nonetheless earned him the "terrible hatred" of the nobility. "They want to beat me and put me under investigation, but they won't succeed in either; I'm only waiting until they calm down, and then I'll quit myself," he wrote to Vasili Botkin (*PSS* 60: 415). Beyond official complaints on his work as arbitrator, Tolstoy received letters in which his neighbours threatened to beat him, challenged him to duels, and snubbed him socially (Markov 584; Gusev, *Materialy* 476). One declared that he tried "to see as little as possible of him in society, and so escape a social acquaintance, seeing him only on business. Honestly, what could you talk to him about? Look at what he writes, besides" (quoted in Gusev, *Materialy* 476-477).

The constant complaints began to wear on Tolstoy. Already in July 1861 he reported that tensions with the landowners had "ruined my health" (Gusev, *Molodosti* 395). On 12 February 1862, he informed the provincial office that his work as arbitrator had become "impossible," since the arbitrator assembly overturned "almost every decision" he made (*PSS* 60: 505-506). He transferred his duties to his assistant and travelled to a spa in the Caucasus, before resuming his post in early March. In April he again offered his resignation to governor Daragan, this time owing to "ill health"; by Senate decree on 26 May, Tolstoy was formally released from service as a peace arbitrator (GATO, *f.* 90, *op.* 1, *d.* 40759, 280).¹⁷

The mood in St. Petersburg had shifted dramatically in the meantime. Widespread and unexplained fires in the capital, the circulation of radical leaflets, and open rebellion in Poland initiated a distinct chill into discussions of further reform. For Tolstoy, the climate of reaction had more immediate consequences, given perceptions in Tula of his unwarranted defence of the peasantry. On 11 June 1862, a gendarme of the Third Section reported,

The landowner Count Lev Nikolaevich Tolstoy of Krapivna district, until recently occupying the post of peace arbitrator, invited the dislike of the landowners of almost the whole district, because he often took the side of the peasants in cases where they were incorrect. It is said that he left the post of peace arbitrator because of this. (Quoted in Krutikov, "Iz istorii" 164).

On the basis of such reports, police raided Tolstoy's home and peasant schools in search of subversive literature. Tolstoy was deeply offended. Despite his service to the empire, in the army, as arbitrator, as schoolmaster, the gendarmes violated his sanctuary on the flimsiest of pretexts, and came away with nothing. Tolstoy threatened to emigrate, and demanded an apology from the emperor himself. Certainly, if he did not trust or admire officialdom during his months of service as peace arbitrator, the clumsy raid at Iasnaia Poliana cemented Tolstoy's contempt for it. In 1863 Tolstoy returned

to literature, and in 1869 produced a complete *War and Peace*.

Despite the insults and intrigues of 1861-1862, Tolstoy remembered his experiences as peace arbitrator quite positively. "Everything that year," he recalled, "arbitration, the schools, the journal, household and family matters—all went not only well, but excellently" (*PSS* 60: 437). Later still, he remembered his time as arbitrator as among "the happiest years of my life," since it was then that he "gave my whole life over to the people" (*PSS* 54: 94). Perhaps like so many other participants in the Great Reforms of the 1860s, the significance of the empire's renovations and the heady hopes for genuine political change they generated overwhelmed the memories of the hostility that actually characterized his arbitration activities. Tolstoy never depicted the drama of these years in his fiction, but character types abound in his work that might have been lifted directly from his mental album of life in local officialdom. More importantly, the attitudes that pervaded his later literature and philosophy were already evident in 1861 Tolstoy's refusal to identify with fashionable liberalism, with form-over-substance bureaucracy, and with retrograde noble scheming. Here, too, was Tolstoy's almost instinctive empathy for the peasantry, and his commitment to both preserving what was good and improving what was poor in their existence. On the other hand, Tolstoy's arrogance, impatience, self-righteousness, and famous temper are also evident in his arbitration activities. Even when official decisions fell to his favour, Tolstoy simply could not collaborate easily with anyone else, or fall into step with another's plan. Whatever his lofty moral motives in accepting the post of peace arbitrator, at the end of his term Tolstoy presents a portrait of haughtiness, irritability, and boredom.

Beyond exhibiting his quirky psychology, Tolstoy's stint as peace arbitrator allows us to plainly witness the troubled but fruitful political culture of the 1860s in the Russian provinces. For its part, the imperial state brashly backed the reformist spirit of emancipation during the crisis months of 1861 and early 1862, whatever the needs or complaints of its most privileged social estate. Provincial officials upheld Tolstoy's controversial

decisions for the most part, as did, on occasion, the arbitrator assembly. Much had changed by the middle of 1862, as the crucial moment of transition to emancipation passed, and the spirit of reaction settled into St. Petersburg. For Tolstoy, the end bracket to the era was the hasty police raid of his beloved Iasnaia Poliana. In this brief year, the life of the great man and the momentous events of the Great Reforms intersected.

Author's note

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Notes

1. Scholarly literature on the emancipation of 1861 is extraordinarily rich. The best starting point for inquiry remains Zaionchkovskii. His works are supplemented by the core research his students, Russian and American, have produced throughout the last thirty years. Here one should consider Alfred Rieber, Terence Emmons, Daniel Field, Larissa Zakharova, and W. Bruce Lincoln. Most recently, David Moon draws on his expertise in peasant history to weave an impressively balanced view of the causes, course, and consequences of emancipation.
2. Despite the wealth of published and archival documents available on Tolstoy's work as peace arbitrator, there are very few modern studies. The most complete collection of published documents is volume 60 of the jubilee edition of Tolstoy's complete works, edited by V. G. Chertkov *et al.*, and Tarasov 27-76. Additional published documents may be found in "Dokumenty o deiatel'nosti L. N. Tolstogo kak mirovogo posrednika," Ostrovskii, Uspenskii, and Vladimirov. The most complete secondary accounts of Tolstoy's arbitration are contained in Biriukov and Gusev. The only scholarly analyses of this biographical episode are by Krutikov.
3. A desiatina was a land measurement equal to 2.7 acres.
4. An analysis of the plan may be found in Krutikov, "L. N. Tolstoi" 352-357.
5. In the emancipation statutes, the maximum land allotment for Krapivna district was 3 desiatinas per male soul. In the event, Iasnaia Poliana peasants received 2.6 desiatinas per male soul. Moreover, Tolstoy's price of 150 rubles per desiatina was much higher than the eventual redemption cost of 50 rubles per desiatina. The peasants, it seems, were right to refuse Tolstoy's offer (Krutikov, *Otmena*, "L. N. Tolstoi," and "Osvobozhdenie").
6. On the provincial noble committees in general, see Emmons.
7. "Polozhenie o gubernskikh po krest'ianskim delam uchrezhdeniakh," *PSZ*. For the researcher interested in the institution of peace arbitrator as a component of official policy, the best starting place is Zakharova. On the formation and activities of the institution in particular, see Easley, "The Friends of Our Enemies" and Ust'iantseva, "Institut mirovykh posrednikov v sisteme," "Institut mirovykh posrednikov v otsenke," and "Accountable Only to God and the Senate." Research on the activities of the peace arbitrator in the field began with Zaionchkovskii's *Provedenie v zhizn'*, followed by Litvak. Two works that explore the dynamics of arbitrator negotiation are Wildman and Easley, "Opening Public Space."
8. "Polozheniia 19 fevralia goda, o krest'ianakh vyshedshchikh iz krepostnoi zavisimosti," *PSZ*. The emancipation statutes have been published in Sofrenko and Christiakov.
9. The Tula archive is in the process of renumbering its holdings. For purposes of uniformity, I reference the former numbers.
10. Lanskoi's list of "suggestions" may be found in RGIA, *f.* 1291, *op.* 123 (1861), *d.* 47, 1-2.
11. Curiously, the thorniest disputes arose between Tolstoy and female landowners. "It was especially difficult with women!" Tolstoy reported to a friend in 1862 (quoted in Ostrovskii 241). Perhaps these incidents provide fresh information for the controversy about Tolstoy's attitude toward women in general.

12. A sazhen' was a unit of length equal to about seven feet, or about 2 meters.

13. Brand's was not the only land charter in which Tolstoy found such discrepancies. He similarly challenged the amount of peasant pre-reform allotments as described by landowners in the charters for the villages of Golovlin, Kharinskii, and Lomintsevo (GATO, *f.* 74, *op.* 3/3, *d.* 238, 242, 212).

14. By July 1861, Tolstoy claimed to have signed free papers for more than 50 people (PSS 60: 402).

15. Tolstoy implemented eighteen land charters in his eleven-month tenure as peace arbitrator (Krutikov, "Iz istorii" 155; GATO, *f.* 74, *op.* 3/3, 58, 60, 63, 77, 81, 82, 212, 214, 232, 233, 238, 239, 241a, 242, 254, 277; RGIA, *f.* 577, *op.* 43, *d.* 2023 and 2146).

16. The sole complaint on Tolstoy by a peasant came from M. G. Fetisov of the village of Ozerko. On the basis of peasant accusations, Tolstoy found Fetisov guilty of stealing his neighbours' sheepskins. According to Tolstoy, Fetisov had asked that Tolstoy adjudicate the matter. Tolstoy sentenced him to jail time and a fine, which Fetisov considered unfair. Tolstoy's decision was overturned not on the question of Fetisov's guilt or the appropriateness of the judgment, but because Tolstoy had exceeded his authority. The value of the stolen items determined that the matter must be decided in judicial proceedings at the township level (Uspenskii, "Arkhivnye materialy" 104).

17. Tolstoy was replaced by peace arbitrator candidate for the third precinct, Krapivna district, I. A. Grigor'evich (GATO, *f.* 90, *op.* 1, *d.* 40759, 280).

Works cited

- Biriukov, P. I. *Biografiia L'va Nikolaevicha Tolstogo*. Vol. 1. Moscow: Gosudarstvennoe izdatel'stvo, 1923.
- Chistiakov, O. I., ed. *Rossiiskoe zakonodatel'stvo XX vekov*. Vol. 7. Moscow: Iuridicheskaiia literatura, 1989.
- "Dokumenty o deiatel'nosti L. N. Tolstogo kak mirovogo posrednika." *Tolstovskii sbornik. Doklady i soobshcheniia Vi VI tolstovskikh chtenii* 3 (1967): 270-292.
- Easley, Roxanne. "The Friends of Our Enemies': The Institution of Mirovoi Posrednik in the Russian Emancipation of 1861." Diss. University of Oregon, 1997.
- _____. "Opening Public Space: The Peace Arbitrator and Rural Politicization, 1861-1864." *Slavic Review* 614 (2002): 707-731.
- Emmons, Terence. *The Russian Landed Gentry and the Peasant Emancipation of 1861*. Cambridge: Cambridge University Press, 1968.
- Field, Daniel. *The End of Serfdom: Nobility and Bureaucracy in Russia, 1855-1861*. Cambridge, MA: Harvard University Press, 1976.
- Gusev, N. N. *Letopis' zhizni i tvorchestva L. N. Tolstogo*. Moscow: Akademiia, 1936.
- _____. *Lev Nikolaevich Tolstoi: Materialy k biografii s 1855 po 1869 god*. Moscow: Izdatel'stvo A.N. SSR, 1957.
- Iablochkov, M. *Dvorianskoe soslovie Tul'skoi gubernii*. Vol. 5. Tula: Tipografiia gubernskogo pravleniia, 1904.
- "Iz istorii obshchestvennoi deiatelnosti L. N. Tolstogo." *Iasnopolianskii sbornik stat'i i materialy 1910-1960* (1960): 154-165.
- Krutikov, V. I. "L. N. Tolstoi i Iasnopolianskie krest'iane." *Iasnopolianskii sbornik* (1998): 352-357.
- _____. "Osvobozhdenie krest'ian Iasnoi Poliany v 1861 g." *Iasnopolianskii sbornik* (2000): 378-382.
- _____. "Tul'skii gubernskii komitet 1858-1859 gg." *Uchenye zapiski Tul'skogo gos. Pedinstituta im. L. N. Tolstogo* 3 (1952): 24-29.
- _____. *Otmena krepostnogo prava v Tul'skoi gubernii*. Tula: Tul'skoe knizhnoe izdatel'stvo, 1956.

- Lincoln, W. Bruce. *In The Vanguard of Reform: Russia's Enlightened Bureaucrats, 1826-1881*. DeKalb, IL: Northern Illinois University Press, 1982.
- Litvak, B. G. *Russkaia derevnia v reforme 1861 goda*. Moscow: Nauka, 1972.
- Makovitskii, D. P. *Iasnopolianskie zapiski*. Ed. N. Gusev. Vol. 1. Moscow: Nauka, 1923.
- Markov, E. "Zhivaia dusha v shkole." *Vestnik Evropy* 2 (1900).
- Moon, David. *The Abolition of Serfdom in Russia*. London: Longman, 2001.
- Obolenskii, D. "Vospominaniia." *Russkii arkhiv* 10 (1894): 260-261.
- Ostrovskii, A. G. *Molodoi Tolstoi. Vospominaniia, pis'ma, dnevniki*. Moscow: Agraf, 1999.
- Peterson, N. "Iz zapisok byvshego uchitel'ia." *O Tolstom Mezhdunarodnyi al'manakh*. 2d ed. Moscow: Kniga, 1909. 258-259.
- "Polozhenie o gubernskikh po krest'ianskim delam uchrezhdeniakh." *Polnoe sobranie zakonov Russkoi imperii*. Collection 2, vol. XXXVI, no. 36660.
- Rieber, Alfred. *Politics of Autocracy*. Paris: Mouton, 1966.
- Sbornik pravitel'stvennykh rasporyazhenii po ustroistvu byta krest'ian, vyshedshikh iz krepostnoi zavisimosti (s 1 ianvaria 1857 g. po 1 ianvaria 1873 g.)*. St. Petersburg: Tipografiia Ministerstvo vnutrennikh del, 1861-1876.
- Sofronenko, Kseniia Aleksandrovna, ed. *Krest'ianskaia reforma v Rossii 1861 goda sbornik zakonodatel'nykh aktov*. Moscow: Gosudarstvennoe izdatel'stvo iuridicheskoi literatury, 1954.
- Tarasov, N. P., ed. *Obshchestvennaia deiatel'nost' L. N. Tolstogo v Tul'skom krae*. Tula: Priokskoe knizhnoe izdatel'stvo, 1980. 27-76.
- Tolstoi, L. N. *Polnoe sobranie sochinenii*. Ed. V. G. Chertkov et al. 90 vols. Moscow: Gosudarstvennoe izdatel'stvo khudozhestvennoi literatury, 1928-1958. [cited parenthetically as PSS].
- Uspenskii, D. "Arkhivnye materialy dlia biografii L. N. Tolstogo." *Russkaia mysl'* 9 (1903): 77-106.
- Ust'iantseva, N. F. "Accountable Only to God and the Senate Peace Mediators and the Great Reforms." *Russia's Great Reforms, 1855-1881*. Eds. Ben Eklof, John Bushnell, and Larissa Zakharova. Trans. Ben Eklof. Bloomington: Indiana University Press, 1994. 161-180.
- _____. "Institut mirovykh posrednikov v otsenke sovremennikov (po materialam gazety Mirovoi posrednik)." *Vestnik Moskovskogo gosudarstvennogo universiteta* 81 (1984): 64-75.
- _____. "Institut mirovykh posrednikov v sisteme gosudarstvennogo stroia Rossii." Kandidat diss. Moscow State University, 1984.
- Vladimirov, I. "K istorii deiatel'nosti Tolstogo kak mirovogo posrednika." *Literaturnoe nasledstvo* 37-38 (1939): 701-706.
- Wildman, Allan K. "The Defining Moment: Land Charters and the Post-Emancipation Agrarian Settlement in Russia, 1861-1863." *The Carl Beck Papers in Russian and East European Studies* 1205 (1996).
- Zaionchkovskii, P. A. *Otmena krepostnogo prava v Rossii*. Moscow: Prosveshchenie, 1968.
- _____. *Provedenie v zhizn' krest'ianskoi reformy 1861 g.* Moscow: Izdatel'stvo sotsial'no-ekonomicheskoi literatury, 1958.
- Zakharova, Larissa. *Samoderzhavie i otmena krepostnogo prava v Rossii*. Moscow: Izdatel'stvo Moskovskogo universiteta, 1984.