

## Equal (Re-)Distribution of Land as Promotor of Social Justice and Political Loyalty in the Republic of Estonia After WW I

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### **Abstract:**

The issue of land redistribution had become the most critical issue in society when the independence of the Estonian Republic was declared in 1918. Land was the primary source of livelihood at that time, and unfairly for Estonians, most of it belonged to Baltic German landlords. Estonians wanted to be masters of their land and cultivate it. To satisfy the “land hunger”, the land of the manors was expropriated and distributed to the peasants. At the same time, it was considered necessary for everyone to get the land as equally as possible. Secondly, the economic aspect was also important: the size of the land had to ensure the family’s economic livelihood. Estonians’ experiences managing things at the local municipality level and the already well-implemented land registry system contributed to the fact that changes in land use and ownership relationships took place quite smoothly, but still not without litigation. Belief in the functioning of the rule of law was confirmed in the administrative court, which checked the legality of land distribution in case of complaints.

**Keywords:** The Republic of Estonia; land reform; land consolidation; divided ownership; land register; the rule of law

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## Introduction

It is no secret that Estonia has been one of the most successful transition countries after the collapse of the socialist system in Eastern Europe.<sup>1</sup> The brief period of independence between the two World Wars (1918–1940) allowed Estonia to build a state and socio-economic system that the Republic of Estonia could also rely on during its new reconstruction period after regaining independence in 1991.<sup>2</sup> The memory of a well-managed agricultural land remained alive among the Estonian people throughout the Soviet occupation. It inspired economic and legal reforms at the end of the Soviet era, driven by the idea of restoring farms – initially alongside Soviet collective agriculture and soon after as its replacement.<sup>3</sup> This strong sense of continuity with earlier successful experiences is one of the foundations on which modern-day Estonia has been able to build its legal system and the rule of law.

Agriculture and land issues held existential significance for the Republic of Estonia during the interwar period. Already the country's ability to emerge victorious from the War of Independence (1918–1920) and secure its independence depended on this. Furthermore, the successful implementation of the land reform was crucial for the overall development of the state, ensuring social justice and involving as much of the population as possible not only in democratic processes but also in economic life. For the young Estonian state at the time, the successful and fair resolution of land issues was also essential for earning the trust of its citizens.

The Republic of Estonia was one of these new nation-states that emerged in the turmoil of the First World War on the ruins of Eastern European empires, in this case, the Russian Empire. After about seven hundred years under various foreign rulers, the Estonian people achieved statehood.<sup>4</sup> The country had belonged to the Russian Empire in the preceding two hundred years.<sup>5</sup> However, this was not an administrative-territorial unit according to

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<sup>1</sup> See about Estonian experiences with statehood over the 20th century: GILLY, S. *Der Nationalstaat im Wandel: Estland im 20. Jahrhundert*. Bern et al.: Peter Lang, 2002.

<sup>2</sup> See more over aims and solutions by the re-building of statehood and national legal order after the restoration of independent statehood of Republic of Estonia in 1991, LUTS-SOOTAK, M. *Der Fall Estland: Abrechnung als Nebensache der (Wieder-)Herstellung des Nationalstaates*. *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanistische Abteilung*, 2008, Bd. 125, pp. 276–294.

<sup>3</sup> The fact that the 1989 Estonian SSR Farm Act marked the beginning of the development of Estonia's new independent legal system has so far remained somewhat overlooked in Estonian legal history writing. One of the authors of this article, junior research fellow and PhD candidate Triinu Rennu, is expected to publish a more in-depth analysis on this topic soon.

<sup>4</sup> See about the history of Estonia: MÄESALU, A. – LUKAS, T. – LAUR, M. – TANNBERG, T. – PAJUR, A. *History of Estonia*. Tallinn: Avita, 2004; RAUN, T. U. *Estonia and the Estonians*. 2nd ed. Stanford, CA: Hoover Institution, 2001; in connection to the history of other Baltic states BRÜGGEMANN, K. et al. (Hg.). *Das Baltikum. Geschichte einer europäischen Region*. 3 Bde. Stuttgart: Anton Hiersemann KG, 2018, 2021, 2020.

<sup>5</sup> About this era in the history of Estonia and Baltic area in general s. KIRBY, D. *Northern Europe in the Early Modern Period: The Baltic World 1492–1772*. London, New York: Longman, 1990; 3. ed. Routledge, 2014, pp. 293–383; KIRBY, D. *The Baltic World 1772–1993: Europe's Northern Periphery in an Age of Change*. London, New York: Longman, 1995; 2. ed. 2002, pp. 11–316; THADEN, E. C. *Russia's Western Borderlands, 1710–1870*. Princeton (N.J.): Princeton University Press, 1985; THADEN, E. C. (ed.). *Russification in the Baltic Provinces and Finland, 1855–1914*. Princeton (N.J.): Princeton University Press, 1981; KASEKAMP, A. *A history of the Baltic states*. Basingstoke; New York: Palgrave Macmillan, 2010, pp. 55–123.

the settlement area of the Estonians like the Republic of Estonia. The borders of the Baltic provinces or governorates under the Russian crown corresponded to the conquests of the 16th century, when the great Baltic Sea powers of the time, Sweden and Poland-Lithuania, distributed the territories among themselves.<sup>6</sup> Thus, the north of Estonia formed the Duchy of Estonia under the Swedish crown. At the same time, southern Estonia, as the northern part of the province of Livonia, was part of the Polish-Lithuanian Commonwealth for around 70 years, only to fall under Swedish rule in 1629 and then under Russian rule together with the Duchy of Estonia in 1710.<sup>7</sup>

It was only after the February Revolution in Russia that the Estonians succeeded in uniting their people into a territorial entity when, at the request of Estonian national politicians and the Estonian diaspora in the capital of the empire – St Petersburg, then Petrograd: an Estonian national governorate was formed whose borders encompassed the settlement area of the Estonians. In the spring of 1917, Estonian politicians were not yet focussing on an independent nation-state. Instead, they fancied a democratic Russian Republic, which would also include Estonia as an autonomous member of a federation or confederation. Russia's October Revolution and the accompanying Red Terror brought to the table the idea that Estonia should secede from Russia and form an independent democratic republic.<sup>8</sup> On February 24th, 1918, Estonia was declared an independent sovereign republic. On the same day, the imperial German occupying forces reached the Estonian capital, Tallinn, and left the Estonian territory only after the end of World War I.

Even then, Estonia did not have the opportunity to start the peaceful construction of its state because it had to repel the attack of Bolshevik Russia, which began in November 1918. The Independence War of Estonia ended on the 2nd of February 1920 with the peace Treaty of Tartu between the Republic of Estonia and Soviet Russia. In April 1919, during the War of Independence, general elections were held to elect the Estonian Constituent Assembly, whose task was to prepare the constitution for this new state and other

<sup>6</sup> KASEKAMP, A. *A history of the Baltic states*. Basingstoke; New York: Palgrave Macmillan, 2010, pp. 43–55.

<sup>7</sup> On the Swedish rule in Estland and Livland see TARKIAINEN, K. – TARKIAINEN, Ü. *Provincien bortom havet: Estlands svenska historia 1561–1710*. Helsingfors: Svenska litteratursällskapet i Finland; Stockholm: Atlantis, 2013; TUCHTENHAGEN, R. *Zentralstaat und Provinz im frühneuzeitlichen Nordosteuropa*. Wiesbaden: Harrassowitz, 2008, pp. 37–55, 88–109, 144–162, 186–220, 242–263, 330–347, 390–405; THOMSON, H. *Schweden und seine Provinzen Estland und Livland in ihrem gegenseitigen Verhältnis 1561–1710: Materialien und Betrachtungen*. [Schliessee]: H. Thomson, [1969?].

<sup>8</sup> See on the history of Republic of Estonia KASEKAMP, A. Das unabhängige Estland (1920–1939). In: BRÜGGEMANN, K. – TUCHTENHAGEN, R. – WILHELM, A. (Hg.). *Das Baltikum. Geschichte einer europäischen Region*. Bd. 3: *Die Staaten Estland, Lettland, Litauen*. Stuttgart: Anton Hiersemann KG, 2020, pp. 139–160; TAYLOR, N. *Estonia: a modern history*. London: Hurst & Company, 2018; PAJUR, A. – TANNBERG, T. *History of Estonia 1918–2017: a brief overview*. Tartu: Tartu University Press, 2017; KIRBY, D. *The Baltic World 1772–1993*, pp. 317–348; on the historiography about all Baltic states in the time between two World Wars BRÜGGEMANN, K. – HENNING, D. – TAUBER, J. Historiographie. In: BRÜGGEMANN, K. – TUCHTENHAGEN, R. – WILHELM, A. (Hg.). *Das Baltikum. Geschichte einer europäischen Region*. Bd. 3: *Die Staaten Estland, Lettland, Litauen*. Stuttgart: Anton Hiersemann KG, 2020, pp. 95–137.

urgent laws. The most important one was the Land Reform Act, which was adopted several months before the end of the War of Independence on the 10th of October 1919.<sup>9</sup>

About the Estonian land reform after the First World War has been written mainly in Estonian, but there are also considerable studies on it in foreign languages.<sup>10</sup> Most of these works are written from a general historical perspective, paying little attention to the legal aspects of the reform process and its implementation. An exception in earlier literature is the work of Jüri Uluots, a former professor of Estonian legal history at the University of Tartu, who, however, limited himself to brief introductions of only a few key laws.<sup>11</sup> Research into the legal foundation and implementation of the Estonian land reform has gained momentum in recent years. Among the authors of this article, PhD student MA Karin Visnapuu has conducted several detailed studies on the judicial review of the realisation of the land reform, examining its legal basis and court practices.<sup>12</sup> In co-authorship

<sup>9</sup> Maaseadus [Land Law]. *Riigi Teataja* [State Gazette] 1919, No. 79–80; German translation: Agrargesetz. In: Herder-Institut (Hg.) *Dokumente und Materialien zur ostmitteleuropäischen Geschichte. Themenmodul „Estland in der Zwischenkriegszeit“*. [seen 16-01-2025]. Available: <https://www.herder-institut.de/digitale-angebote/dokumente-und-materialien/themenmodule/quelle/1397/details.html>.

<sup>10</sup> See e.g. RICHTER, K. “An orgy of licence?” democracy and property redistribution in Poland and the Baltics in their international context, 1918–1926. *Nationalities Papers*, 2018, Vol. 46, No. 5, pp. 791–808 [seen 2-10-2024]. Available: <https://doi.org/10.1080/00905992.2017.1350840>; MERTELSMANN, M. – MERTELSMANN, O. *Landreform in Estland 1919. Die Reaktionen von Esten und Deutschbalten*. Hamburg: Verlag Dr. Kovač, 2012; VON PISTOHLKORS, G. Tiefgreifende agrarische Umwälzungen und Umstrukturierungen in den neu gegründeten baltischen Staaten Estland, Lettland und Litauen 1919/1920/1922: Motivationen und Ergebnisse bis 1940. In: KRAUSS, K. P. (Hg.). *Agrarreformen und ethnodemographische Veränderungen. Südosteuropa vom ausgehenden 18. Jh. bis in die Gegenwart*. Stuttgart: Steiner, 2009, pp. 175–206; JÖRGENSEN, H. The Inter-War Land Reforms in Estonia, Finland and Bulgaria: A Comparative Study. *Scandinavian Economic History Review*, 2006, Nr. 54, pp. 64–97; KÖLL, A. M. The Agrarian Question in Eastern Europe: Some Answers from the Baltic Region. In: DAVID, T. – BATOU, J. (eds.). *Uneven Development in Europe 1918–1939*. Geneve: Librairie Droz, 1999, pp. 201–229; ROSZKOWSKI, W. *Land Reforms in East Central Europe after World War One*. Warsaw: Polish Academy of Sciences, Institute of Political Studies, 1995; ROSENBERG, T. Agrarfrage und Agrarreform in Estland 1919: Ursachen, Voraussetzungen und Folgen. *Eesti Teaduste Akadeemia Toimetised. Humanitaar- ja sotsiaalteadused* [Proceedings of Estonian Academy of Sciences. Humanities and Social Sciences], 1994, No. 3, pp. 326–335; LIPPING, I. *Land Reform Legislation in Estonia and the Disestablishment of the Baltic German Rural Elite 1919–1930*. Dissertation, University of Maryland Faculty of the Graduate School. Michigan; London: University Microfilms International, 1980; HOLLMANN, A. – RICHARZ, H. Tabellarische Übersicht über die Agrargesetzgebung der ost- und südosteuropäischen Länder. *Zeitschrift für Ostrecht*, 1929, Jg. 3, pp. 991–1024; BERNMANN, O. *Die Agrarfrage in Estland*. Berlin: Puttkammer & Mühlbrecht, 1920; LUIGA, G. E. *Die Agrarreform in Eesti*. Helsingfors: Mercators Tryckeri Aktiebolag, 1920.

<sup>11</sup> ULUOTS, J. *Grundzüge der Agrargeschichte Estlands*. Tartu: Akadeemiline Kooperatiiv, 1935, pp. 188 ff.

<sup>12</sup> VISNAPUU, K. *Maareformi reguleerinud õigusaktide rakendamise Riigikohtu tsiviilosakonnas 1920–1924*. Magistr töö [The application of legal acts regulating land reform in the practice of private law department of Supreme Court in 1920–1924. MA-dissertation (law)]. Tartu: University of Tartu, Faculty of Law, 2017 [seen 15-01-2025]. Available: <https://dspace.ut.ee/items/3b2202ee-614a-4e00-96bd-4b2a67d737a2>; VISNAPUU, K. Land Reform and the Principle of Legal Certainty: The Practice of the Supreme Court of Estonia in 1918–1933. *Juridica International*, 2018, No. 27, pp. 53–60 [seen 2-11-2024]. Available: [https://www.juridicainternational.eu/article\\_full.php?url=2018\\_27\\_53\\_land-reform-and-the-principle-of-legal-certainty-the-practice-of-the-supreme-court-of-estonia-in-19181933](https://www.juridicainternational.eu/article_full.php?url=2018_27_53_land-reform-and-the-principle-of-legal-certainty-the-practice-of-the-supreme-court-of-estonia-in-19181933); VISNAPUU, K. Riigikohtu kontroll maareformi teostamise üle Eesti Vabariigi esimesel iseseisvusperioodil [The control of Supreme Court over the realisation of Land Reform in the first independence period of Republic of Estonia]. *Õpetatud Eesti Seltsi aastaraamat/Annales Litterarum Societatis Esthonicae* 2018.

with her supervisor, a comprehensive overview in Estonian has been provided on the legal foundations of the land reform, their constant adjustment to changing circumstances and emerging issues, and the judicial review of administrative bodies' activities.<sup>13</sup> Additionally, a more in-depth analysis in English focuses on the objectives of the land reform and how they were debated and shaped within the discussions of the Estonian Constituent Assembly.<sup>14</sup>

Doctor iuris Marju Luts-Sootak, professor of legal history at the University of Tartu, also supervises the doctoral research of the third author of the article, *magister iuris* Triinu Rennu, on land consolidation law. Triinu Rennu has written a detailed two-part study on the development of Estonian land consolidation law during the implementation of the land reform in the interwar period of the 20th century.<sup>15</sup> This represents a new research perspective that legal and other historians have overlooked. To Marju Luts-Sootak's numerous earlier works on Estonian legal history, including the history of land use law, provide references be the relevant sections of this article.

In this article, we examine how the formulation and implementation of the principles of land reform were intended, on the one hand, to help establish the Republic of Estonia as an embodiment of social justice and the rule of law while also ensuring the economic self-sufficiency of as large a part of the population as possible. On the other hand, the redistribution of land to a very broad segment of the population and the payment of compensation to former landowners for expropriated land was expected to secure loyalty of as many people as possible to the new state. The article explores the socio-economic and legal measures used to achieve these goals.

First, the article discusses the social, economic, and political factors that shaped the character of Estonia's land reform. This is followed by a summary of the principles that define its distinctive nature. Every reform requires practical implementation, both in terms of execution and an organizational structure. These aspects are addressed in subsequent sections of the article, which cover the practices of land distribution and registration, the significant role of local governments in implementing the reform, and the relatively high level of education or at least literacy among the population, facilitating administrative processes. The article also highlights how the judicial review of the administrative implementation of the land reform helped shape a new element in Estonia's legal system at the time – administrative jurisdiction. A unique aspect of the reform was using the pre-modern legal concept of divided ownership as a provisional legal measure during the reform

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Tartu: Õpetatud Eesti Selts, 2019, pp. 133–149 [seen 15-01-2025]. Available: [https://oes.ut.ee/wp-content/uploads/2018\\_05\\_Visnapuu.pdf](https://oes.ut.ee/wp-content/uploads/2018_05_Visnapuu.pdf).

<sup>13</sup> VISNAPUU, K. – LUTS-SOOTAK, M. Lõputa lugu. Eesti maareform kahe ilmasõja vahel [The story without an end. Estonian land reform between two World Wars]. In: RENNU, T. et al. (eds.). *Maareform 30. Artiklid ja meenutused [Land reform 30. Papers and memories]*. Tallinn: Maa-amet, 2021 [seen 15-01-2025]. Available: [https://maaamet.ee/sites/default/files/documents/2021-11/Maareform\\_30\\_Artiklid\\_ja\\_meenutused.pdf](https://maaamet.ee/sites/default/files/documents/2021-11/Maareform_30_Artiklid_ja_meenutused.pdf).

<sup>14</sup> LUTS-SOOTAK, M. – VISNAPUU, K. The aims and Discussions of the Foundation of Land Reform in Estonia After the WWI. *Juridiskā zinātne – Law*, 2021, No. 14, pp. 111–128 [seen 2-10-2024]. Available: <https://www.apgads.lv/en/juridiska-zinatne/-law-nr-14/07>.

<sup>15</sup> RENNU, T. Maakorraldus kui oluline sotsiaal-majanduslik protsess Eesti Vabariigi algusaegadel [Land consolidation as an essential socio-economic process in the early days of the Republic of Estonia] I–II. *Ajalooline Ajakiri/The Estonian Historical Journal* (Forthcoming in 2025).

process before the final consolidation of a new ownership structure. One separate section of the article explains how it functioned.

Although the Soviet occupation and annexation in 1940 interrupted all the socio-economic reforms initiated and developed by the Republic of Estonia and nullified the legal system of that time, the Republic of Estonia, upon regaining independence in 1991, returned to the property rights situation of its first period of independence. Therefore, in addition to the conclusion, the article provides a brief outlook on whether and how the results of the interwar land reform could be used in the re-independent Republic of Estonia.

## **1. The Social, Economic, and Political Framework of the Estonian Land Reform**

Estonian historians consider the agrarian reforms of the Baltic provinces of the Russian Empire in the 19th century to be predecessors of the land reform of the Republic of Estonia.<sup>16</sup> The first one, in 1816/19, established the full ownership of land by the manor owners and the duty of corvée for manors by the peasants. The second land reform took place in the middle of the 19th century, which led to the beginning of selling land by the estate owners to farmers in addition to tenure.<sup>17</sup>

However, despite selling farmsteads and establishing small-scale land ownership, the large-scale holdings still made up 58% of agricultural land in Estonia in the year 1919. At the same time, about 80% of the Estonian population lived in the countryside and was engaged in agricultural activities. Only 60% of them owned land or could lease it.<sup>18</sup> Being without land meant that the person did not have any income or even livelihood; having only a small piece of land, additional labor possibilities and income was needed to survive. Although, as a result of the agrarian reforms of the 19th century, there were some private farmsteads as well, the large-scale estates of manors still dominated. The abovementioned 58% meant a total of 2 428 087 hectares of 1149 estates with an average area of 2113 hectares. Many large estate owners had more than one estate, making their total land assets even greater. Of manor estate lands, 23% had been leased to peasants for use under tenure, with the average farmer leasing a plot of land of 24.2 hectares. However, around a third of the tenants had less than 10 hectares of land in use. By that time, 42% of the agricultural land in the whole of Estonia was owned by farmers. The average size of a farmstead bought

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<sup>16</sup> For instance one of the leading agrarian historians ROSENBERG, T. *Maaküsimus ja 1919. aasta maareform Eestis: põhjused, eeldused ja tulemused* [The land question and the land reform of 1919 in Estonia: reasons, preconditions and results] (first published in 1994). In: ROSENBERG, T. *Künnivaod. Uurimusi Eesti 18.–20. sajandi agrariajaloost* [Ploughed fields. Inquiries on the agrarian history of Estonia in the 18th to 20th century]. Tartu: Tartu Ülikooli Kirjastus, 2013, pp. 373 ff.; see also KIRBY, D. *The Baltic World 1772–1993*, pp. 291 ff.

<sup>17</sup> See from older literature about the agrarian reforms in the province Estland (northern part of contemporary Estonia) VON GERNET, A. *Geschichte und System des bauerlichen Agrarrechts in Estland*. Reval: Verlag von Franz Kluge, 1901; in the province Livland (southern part of Estonia and northern part of Latvia) VON TOBIEN, A. *Die Agrargesetzgebung Livlands im 19. Jahrhundert*. 2 Bde. Berlin: Puttkammer u. Mühlbrecht, 1899; Riga: Löffler, 1911. An overview about the recent literature as well on these reforms see, LUST, K. The Impact of the Baltic Emancipation Reforms on Peasant-Landlord Relations: A Historical Survey. *Journal of Baltic Studies*, 2013, Vol. 44, No. 1, pp. 1–18 [seen 2-10-2024]. Available: <https://www.tandfonline.com/doi/epdf/10.1080/01629778.2012.744610>.

<sup>18</sup> ROSENBERG. *Maaküsimus* [The land question], p. 374.



by the farmers was 34.1 hectares, although about a quarter of the farms encompassed less than 10 hectares.<sup>19</sup> Such small farmsteads were often not sufficient to feed a family.

The Estonian land reform was inevitable first because the abovementioned agrarian situation was considered socially intolerable as well as unmodern and a remnant of feudalism. Moreover, men needed motivation to fight for the newly created Republic of Estonia, and the land was the only thing the state could promise.<sup>20</sup> The government of a young republic also needed to build trust in most of the population, and promising to remedy previous injustice of the Baltic-German noblesse by giving land to its actual tiller was an excellent way of achieving it and was a great election slogan.

## 2. Main Principles of Estonian Land Reform

The abovementioned reasons were brought up while legislative discussions on the draft of the Land Reform Act were held in the Constituent Assembly.<sup>21</sup> The Land-to-the-Tiller-reforms were introduced in contemporary times in almost all new European states after the fall of Empires in World War I.<sup>22</sup> In the Estonian Constituent Assembly, the left-wing parties had become a remarkable majority, and so the first phase of the reform – expropriation of large-scale holdings – was designed as extremely radical. In order to create the national land fund, approximately all manor lands were expropriated all at once and at least in the beginning without paying any compensation to previous landlords for the expropriated land.<sup>23</sup> Another reason why the Estonian land reform has been called one of the most radical in contemporary Europe was that as a result of the reform, 2.3 million hectares of land, which was 96.6% of the previous large land holdings held by manors, were transferred into the national land fund. It was pretty similar to the solution of the so-called land question in neighbouring Soviet Russia, and the bourgeoisie parties in the Constituent Assembly suspected the criticism of international publicity to be in the same line with Bolsheviks.<sup>24</sup>

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<sup>19</sup> POOL, T. Maauuendus Eestis ja selle tulemusi [Land renewal in Estonia and its results]. In: *Fenno-Ugrica V: Soome-ugri kultuurkongress (ettekanded)* [Fenno-Ugrica V: Finno-Ugric cultural congress (lectures)]. Tartu: K. Mattiesen, 1936, pp. 4–8; VIRMA, F. *Maasuhted, maaksutus ja maakorraldus Eestis* [Land relations, use of land and land consolidation in Estonia]. Tartu: Halo, 2004, p. 118.

<sup>20</sup> See more about this promise LUTS-SOOTAK, M. Pre-modern divided ownership in the modern legal history of Estonia. In: LUTS-SOOTAK, M. – KULL, I. – SEIN, K. – SIIMETS-GROSS, H. (eds.). *Legal pluralism – cui bono?* Tartu: Tartu University Press 2018, p. 97 [seen 2-10-2024]. Available: [https://library.oapen.org/bitstream/handle/20.500.12657/27490/978-9949-77-841-6\\_Legal\\_Pluralism.pdf](https://library.oapen.org/bitstream/handle/20.500.12657/27490/978-9949-77-841-6_Legal_Pluralism.pdf).

<sup>21</sup> Detailed about the discussions in Constituent Assembly see: LUTS-SOOTAK, M. – VISNAPUU, K. The aims and Discussions, pp. 114 ff. [seen 2-10-2024]. Available: <https://www.apgads.lu.lv/en/juridiska-zinatne/-/law-nr-14/07>.

<sup>22</sup> For a good comparative analysis with a focus on Estonia and the economic consequences, see, KÖLL, A. M. *Peasants on the world market. Agricultural Experience of Independent Estonia 1919–1939*. Stockholm: Stockholm University, Centre for Baltic Studies, 1994; compared with the countries of East Central Europe see ROSZKOWSKI, *Land Reforms*.; further comparative studies where Estonian land reform is analysed among others is JÖRGENSEN, *The Inter-War Land Reforms*.; see also RICHTER, “An orgy of licence?”.

<sup>23</sup> See also MERTELSMANN, M. – MERTELSMANN, O. *Landreform in Estland 1919*, *op. cit.*, for a short overview of the reform pp. 10 ff and a historiographical overview pp. 19 ff.; ROSENBERG, T. *Agrarfrage*. O. *op. cit.* About the question of compensation of expropriated lands, which in Estonia was solved positively in 1926, see LUTS-SOOTAK – VISNAPUU, K. *The Aims and Discussions*, *op. cit.*, pp. 119 ff.

<sup>24</sup> More about the criticisms and foreign reactions see RICHTER, *op. cit.*, pp. 793 ff.

Estonia needed the respect of other nations because the republic requested membership in the League of Nations, but was at first recognized *de jure* only by Soviet Russia.<sup>25</sup>

Contrary to the agrarian revolution in Russia and the statements of some communists among the Estonian politicians, Estonia did not plan to keep the land by the state but to distribute the plots for establishing new farmsteads as soon as possible. The distribution of former crown lands had already been started before the adoption of the Land Reform Act.<sup>26</sup> In addition to the veterans of the War of Independence and former tenants of estate lands, the land was also distributed to the rural proletariat or so-called landless men to integrate them into the Estonian national state as loyal citizens. After five years, the previous manor owners also got a part of previously expropriated land back but in a smaller size than before the expropriation, comparable to other larger farmsteads. Although the Baltic German minority wasn't considered a huge threat to the security of Estonia, and their complaints about the land reform were also declined in national courts as well as in the League of Nations,<sup>27</sup> this partial return of land to previous landlords and the following compensating the expropriated land could be considered as an endeavour to achieve loyalty of this national minority as well. The pragmatic purpose of giving agriculturally experienced Germans an opportunity to use their knowledge and skills to promote the rural economy cannot be underestimated. Compared to many Estonian new farmers who encountered farming land for the first time, there is no doubt that German landlords, who had engaged in agricultural production for several generations, were much more skilful in that field. They were able to manage more effectively from the perspective of self-profit as well as the state budget.

From the times of Tsarist Russia, the Republic of Estonia inherited a feudal agrarian system, which was considered highly unfair by most of the Estonian population. With the land reform, land was tried to be divided between "old" and "new" owners as equally as possible. Possible land speculations and new accumulation of land into large-scale ownership were prevented by strict rules that allowed one to own only a certain amount of land per person. For example, if someone would inherit land that was larger than permitted, the person had to transfer the rest in a couple of years. This distribution, as equal as possible, was an attempt, either consciously or inadvertently, to homogenize society.

Fair land distribution was necessary from a social point of view to ensure a source of livelihood for all.<sup>28</sup> In addition to the social aspect, the economic aspect was also

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<sup>25</sup> More about Estonian relationship to the League of Nations see PIIP, A. *Estonia and the League of Nations*. In: *Problems of peace and war: papers read before the society in the year 1920*. London: Sweet and Maxwell, 1921, pp. 35–44.

<sup>26</sup> See VISNAPUU, K. *Land Reform and the Principle*, pp. 53 ff. [seen 2-10-2024]. Available: [https://www.juridicainternational.eu/article\\_full.php?url=2018\\_27\\_53\\_land-reform-and-the-principle-of-legal-certainty-the-practice-of-the-supreme-court-of-estonia-in-19181933](https://www.juridicainternational.eu/article_full.php?url=2018_27_53_land-reform-and-the-principle-of-legal-certainty-the-practice-of-the-supreme-court-of-estonia-in-19181933); LUTS-SOOTAK – VISNAPUU, K. *The Aims and Discussions*, *op. cit.*, pp. 116 ff.

<sup>27</sup> MADE, V. *Küalisena maailmapoliitikas: Eesti ja Rahvasteliit 1919–1946 [As Guest in World Politics: Estonia and the League of Nations 1919–1946]*. Tartu: Tartu Ülikooli Kirjastus, 1999, pp. 145 ff.

<sup>28</sup> The socio-economic basic right, quite similar to the Article 151 of Weimar Constitution, was proclaimed also in Estonian Constitution 1920 Article 25. Estonian norm stressed out the connection between the social justice and land distribution for to warranty the livelihood in a very clear way. See more LUTS-SOOTAK, M. – SIIMETS-GROSS, H. Die „menschenwürdige Existenz“ im Grundrechtskatalog des Grundgesetzes von 1920 der Estnischen Republik. In: KAISER, T. – OESTMANN, P. – PIERSON, T.



essential – new and existing farmsteads had to ensure the family's economic livelihood realistically. Land consolidation tools were used to form economically viable farms and were widely implemented on private and state lands. One of the most important activities was giving additional land to small farms, which increased the farm's agricultural land surface enough to make the farm viable. The need to increase the number of small farms was already considered when planning to distribute manor lands.

Based on the Land Consolidation Act adopted in 1926, numerous land consolidation works were carried out on private lands, the main of which were the abolition of strip lands, the division of lands that were in common use, and the allocation of village community land to peasants from the areas of the territories annexed to the Republic of Estonia based on the Tartu peace treaty. Land exchange between the state and private lands was also used. Due to population growth at the end of 1920, new land areas were taken to form farms, and for this, it was necessary to carry out extensive work: building roads and draining the wetlands. Settlement farms appeared in the newly planned areas.

Extensive land consolidation works supported and coordinated by the state ensured more efficient land ownership and improved the economic situation of land use. As a result of the land reform, approximately 96,500 farms and small settlements were created and organized. It made up 62% of the total number of farms in 1939. About 56,200 new farms and small places were established, 23,700 former lessees were reorganized, and 14,500 small places were enlarged by adding land. Land exchange between private and state lands was carried out in 1,900 cases. The land reform affected almost 400,000 Estonian people, which was 2/3 of the people of the agricultural population.<sup>29</sup>

Since the Soviet Union occupied and annexed the Republic of Estonia in 1940, it is impossible to give a clear assessment of whether the Estonian land reform achieved its objectives – accomplishing general social justice in society through a relatively equal distribution of land. Since no huge contradictions or political problems have arisen, the land reform in Estonia can be considered rather successful. It is, therefore, reasonable to take a closer look at which administrative and legal measures were used to administer and supervise the land redistribution process.

### 3. The Parcellation and Registration of Land Plots

One of the prerequisites to execute the radical land reform frequently and without falling into chaos was that Estonia already had a quite good land administration system and experience from earlier times. No land was without an owner, and the land registers were trustworthy. First, certain data about land registry offices in Estonia comes from the 18th century, when consistency in keeping land registers can be noticed. During the reforms in the 19th century, quite many farmlands of manors were already parcelled into lots, and they were either given to lease or even sold to peasants. Furthermore, the land landlords used was often parcelled into plots to tenure them to peasants. To manage these lands, a good land register and relatively exact maps existed. In 1889, after the Russification and

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(Hg.). *Wege zur Rechtsgeschichte: Quelleninterpretation in Hausarbeiten und Klausuren*. Stuttgart: utb 2022, pp. 214–236.

<sup>29</sup> KAUR, U. *Wirtschaftsstruktur und Wirtschaftspolitik des Freistaates Estland*. Bonn: Baltisches Forschungsinstitut Universität Bonn, 1962, pp. 38–40.

reformation of the courts, real estate registration was unified into the general land charge register (Germ. *Grundbuch*) held by the courts.<sup>30</sup>

After gaining national independence, the land charge institutions were renamed land registry departments. Land registry departments were independent offices, and their task was to collect, store, and disclose information on the creation, transfer, and encumbrance of immovable property with real rights as well as on the transfer, encumbrance, alteration, or termination of a real right encumbering an immovable as well as register court decisions replacing different transactions. In general, the purpose of the land registry was to give an overview of the judicial status of immovables. But not only. Land registers were public because they needed to be trustworthy. All real rights emerged, changed, and ended only with a corresponding entry to the land register, which means that the entries had judicial power. Third parties could rely on good faith and perform transactions with these people, who were marked as owners or entitled persons or with properties in the land registry. Even ownership came into force from the entry of the land register (Baltic Private Law Code<sup>31</sup> § 812). Regardless of real-life situations, only the person named in the land register as an owner of immobile property was legally considered an owner. This, of course, was a prerequisite, since if a person became an owner, for example, through a fraud or by a mistake, then this entry was considered void, and the correct entry had to be made as quickly as possible.

So, it was easy and transparent to keep track of land transactions. Farmlands were already parcelled into lots, and the earlier unregistered plots were now entered into the land register. After the land reform, manor lands also had to be parcelled into lots and entered into the land register as new separated farmsteads.

#### **4. The Local Administration of Land Distribution and General Literacy**

Legal prerequisites for formulating reform results are not worth much if, in real life, a previously working effective system for measuring out the land, choosing entitled people, showing them eligible land lots, and controlling the whole process doesn't exist. Although the administrative system at a provincial level previously belonged to the competence of Baltic-German knightships, and Estonians, as peasants, could not participate in this system, they had acquired great experience in rural municipalities.

With the Peasant Community Act of 1866, common for all three Baltic provinces,<sup>32</sup> peasant rural municipalities were liberated from the supervision of manor lords. The new, overall, rural municipal government established in the countryside was the first institution in the Baltic region based on modern self-government principles. Elections of local municipal council, forming local municipal administrations and taking part in their work, hiring

<sup>30</sup> ANEPAIO, T. Dialogue or conflict? The legal reform of 1889 and Baltic Private Law Code. *Juridica International*, 2000, No. 5, pp. 171 ff. [seen 2-10-2024]. Available: [https://www.juridicainternational.eu/article\\_full.php?url=2000\\_V%20\\_168\\_dialogue-or-conflict-the-legal-reform-of-1889-and-baltic-private-law-code](https://www.juridicainternational.eu/article_full.php?url=2000_V%20_168_dialogue-or-conflict-the-legal-reform-of-1889-and-baltic-private-law-code).

<sup>31</sup> The codification of local private law from the middle of the 19th century – *Provincialrecht der Ostseegouvernements. Dritter Theil: Privatrecht: Liv-, Est- und Curländisches Privatrecht*. St Petersburg: Buchdruckerei der Zweiten Abtheilung Seiner Kaiserlichen Majestät Eigener Kanzlei, 1864 – remained in force during the full time of the Estonian first independence era between two World Wars.

<sup>32</sup> *Landgemeinde-Ordnung für die Ostseegouvernements* (Beilage zu einem Rescripte des Herrn General-Gouverneurs der Ostseegouvernements vom 1. April 1866 sub No. 394). Reval: Ehstländische Gouvernements-Typographie 1866.

municipal writers and secretaries and supervising their work, which had been practiced for more than half a century – all that became everyday matter of business to Estonian peasants. In 1934 Paul Sokolowski, a legal scholar of a Baltic German origin, but not a nobleman, in this time professor of German private law at the University of Kaunas, argued that the Baltic rural communities were distinctly democratic institutions: “A spirit very different from the basic attitude of the intellectual upper class but no less democratic developed in the peasant communities. The self-government right granted to them after the abolition of serfdom had a markedly democratic character and was early in an increasingly sharp opposition to the landlords. Entire generations grew up in these rural democracies before the two republics of Estonia and Latvia were formed.”<sup>33</sup>

If, in 1866, some members of local municipal administrations wrote just three X-s to their name because of illiteracy, then by the end of the 19th century, most of the Estonian population was literate. This was also the case for the poorest landless peasants. They were not even left out of the administrative business of municipal authorities. Although the right to vote was not general and uniform, the representatives of landless peasants also belonged to the local municipal councils. It is important to emphasize that literacy was not limited to the male population. Even girls attended at least primary schools, so women could participate in the work of municipal authorities and run a household independently and keep the necessary accounts.

At the level of the peasant communes, there were also courts of first instance in peasant cases. The resolution of conflicts through legal and judicial channels, the practice of presenting evidence both on the side of the parties to the dispute and on the side of the bench, the taking of written minutes and the awareness of the superiority of written evidence educated peasants to become members of modern society.<sup>34</sup> This local jurisdiction, as well as the functioning judicial system in several instances, prepared the Estonian peasants for independent legal transactions they needed to manage as landholders.

## 5. Judicial Review of Executive Power and Development of Legislation

The decisions of municipal organs and the overall management of the land reform were responsibility of the Ministry of Agriculture, where several departments were established specially to carry out the land reform. Even the existence of a separate ministry for rural affairs was caused by the need for land reform. When thousands and thousands of individual decisions had to be made in the administration, decisions of dubious value also occurred. If tens or even hundreds of thousands of people are affected by the decisions made, they can't make everyone happy. Filing complaints within the administration authorities themselves was already known to Estonian citizens from earlier times. However, the Estonian Republic introduced an innovation that had a consequential effect and became a touchstone of the desired rule of law – administrative justice.

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<sup>33</sup> SOKOLOWSKI, P. Parlamentarismus und Demokratie in den Ostseerepubliken Estland und Lettland. *Zeitschrift für osteuropäisches Recht, Neue Folge*, 1934, Jg. 1, H. 2, p. 55.

<sup>34</sup> See more detailed about this phenomena LUTS-SOOTAK, M. Die Gerichtsstube als Bildungsanstalt. Die Gerichtbarkeit über die bäuerlichen Rechtssachen in Est- und Livland im 19. Jahrhundert. In: PASEWALCK, S. – EIDUKEVIČIENE, R. – JOHANNING-RADŽIENE, A. – KLÖKER, M. (Hg.). *Baltische Bildungsgeschichte(n)*. Berlin; Boston: De Gruyter Oldenbourg, 2022, pp. 199–214.

Since the beginning of independence, it has been emphasized that the Republic of Estonia should be a state of the rule of law. To act accordingly, it was necessary to create a strong system of administrative courts, which hadn't existed in Estonia before. In 1919, the administrative court procedure was adopted, and since then, the history of the Estonian administrative court system has begun.<sup>35</sup> The control over the implementation of the land reform became quite an ordeal to the administrative court system since complaints about the land reform formed a huge part of the court practice (only tax-related cases succeeded land reform cases by number). By allowing the judicial review over the administrative authorities who carried out the reform locally but also at a higher level since the administrative court procedure allowed individuals to file complaints even against the actions of ministries, it was ensured that the land reform was carried out on equal, fair and legal principles.<sup>36</sup> The general literacy of the people also affected this context – the opportunity to protect their rights in courts was easily available to everybody, often without any additional support. Of course, there were also errors – people turned to the wrong instance or exceeded the time limits for complaints – but mostly, the complaints were conducted properly and formally correctly. Furthermore, a strong judicial review over the administrative authorities made local corruption very hard to occur. So, for instance, during the first period of independence of Estonia, at least in the court praxis of two of the highest court instances, no bribery cases related to land reform were discussed.<sup>37</sup>

The so-called general historical literature on Estonia's land reform has painted a picture according to which the whole land reform was based on the single Land Reform Act from 1919. On the other hand, recent research of Estonian legal historians has shown very clearly that the legal basis for carrying out the general purposes of the land reform required a long series of introductory decrees, as well as corrective and supplementary laws, et c.; more than 50 statutes in sum. One could almost think that the decision-makers had no idea what they wanted to do. A closer look at these legislative and regulatory activities showed a consistent adherence to the principle of legislative reservation when people's fundamental rights were affected, to the legislative principle of delegation when new responsibilities

<sup>35</sup> See PILVING, I. Die Schaffung und Entwicklung der Verwaltungsgerichtsbarkeit in Estland. *Juridica International*, 2014, No. 22, pp. 46–57 [seen 2-10-2024]. Available: [https://www.juridicainternational.eu/article\\_full.php?url=2014\\_21\\_46\\_die-schaffung-und-entwicklung-der-verwaltungsgerichtsbarkeit](https://www.juridicainternational.eu/article_full.php?url=2014_21_46_die-schaffung-und-entwicklung-der-verwaltungsgerichtsbarkeit); PILVING, I. – ERNITS, M. Verwaltungsgerichtsbarkeit in Estland: Geschichte und Gegenwart. In: SOMMERMAN, K.-P. – SCHAFFARZIK, B. (Hg.). *Handbuch der Geschichte der Verwaltungsgerichtsbarkeit in Deutschland und Europa*. Bd. 2. Berlin; Heidelberg: Springer, 2018, pp. 1601–1621.

<sup>36</sup> For example, in 1922 the Ministry of Agriculture claimed that since they are the carriers of higher power and public authority, people are obligated to do immediately what the administrative body orders. The Supreme Court of Estonia commented this statement on its own initiative (the complainant didn't ask to take a position in this question) and stated that in a state of rule of law, people need to have the right to ask whether the activities of administrative authorities are legal since illegal orders could never be mandatory for people. People should not obey to orders of administrative authorities just because authority tells it so. See more about the Supreme Court's practice in land reform cases: VISNAPUU, M. *Land Reform and the Principle*. *op. cit.*

<sup>37</sup> ORGULAS, K. *Altkäemaksu süüteod Eesti Vabariigis 1918–1940 kehtinud karistusõiguses ning Kohtupalati/Kohtukoja ja Riigikohtu praktikas* [The bribery offences in the penal law of the Republic of Estonia 1918–1940 and in the practice of the National Court of Appeal and the Supreme Court] [MA thesis (Law)], Tartu: Tartu Ülikool, õigusteaduskond 2021 [seen 2-11-2024]. Available: <https://dspace.ut.ee/items/b2d16502-6e75-4752-856c-695f118e21eb>.

were to be granted to the executive, etc. Admittedly, errors also occurred in these normative activities, which brought the need for corrections. However, the serious effort to carry out such a complex process as a profound and extensive land reform in a legally coherent and correct manner overcomes the obvious failures.

## 6. A Surprising Tool – Divided Ownership

The Land Reform Act spoke in very vague terms about ‘giving’ and ‘receiving’ land but left the ownership or legal character of usage rights that the redistributed land would take completely open. Similarly to the postponement of the issue of compensation until the adoption of a special law, it was also stated in the Land Reform Act that the land would be given to use according to a special law that was declared to be issued in the future. The land plots for farmsteads were measured out and even redistributed frequently and relatively quickly. Already by 1924, 80.5% of the nationalized land had been distributed. At the same time, no one knew precisely according to which legal basis the land was ‘given’ by the state and ‘received’ by a former soldier, widow of a soldier, farmhand, manor worker, or a former tenant on manor land. Legal clarity arrived first in 1925, as the law on the redistribution of lands regulated both the transfer of ownership as well as the distribution of plots based on “permanent use”. Of course, ‘permanent use’ was a similarly imprecise term in any legal sense. The legislator, however, elaborated its aims by specifying that these ownership relations were to be based on the norms of the Baltic Private Law Code,<sup>38</sup> which concerned divided ownership in general (Art. 942 ff.) and permanent lease in particular (Art. 1324 ff.).<sup>39</sup> Permanent lease was a legal institution that was known in German as *Erbzins* or *Grundzins*. In Ancient Roman law the counterpart, *superficies*, was used mostly in the cities when the buildings erected on another man’s land. In the Baltic Code, however, the rural institute of *emphyteusis* was mixed with the urban *superficies* of the Roman law. The essential difference from these Roman law institutions was that in Ancient Rome, they were considered as *iura in re aliena*, not as a separate form of ownership. In Medieval towns and legal treaties, in the Baltic Private Law Code and in the Republic of Estonia in the third and fourth decade of the 20th century, however, permanent lease was one of the core forms of divided ownership. Although at the beginning of the land reform, it was “advertised” that the expropriated land would be given into ownership, a divided ownership system was used for a transitional period. Until 1926, more than 25,000 plots

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<sup>38</sup> Baltic Private Law Act was the codification of the private laws of Baltic Governorates of Russian Empire from the year 1864 where the already existing law was consolidated. Therefore, the Code contained a lot of institutes and legal figures of pre-modern private law, including divided ownership. See more about the features of the Code LUTS, M. Private Law of the Baltic Provinces as a Patriotic Act. *Juridica International*, 2000, No. 5, pp. 157–167 [seen 2-10-2024]. Available: [https://www.juridicainternational.eu/article\\_full.php?url=2000\\_V%20\\_157\\_private-law-of-the-baltic-provinces-as-a-patriotic-act](https://www.juridicainternational.eu/article_full.php?url=2000_V%20_157_private-law-of-the-baltic-provinces-as-a-patriotic-act); LUTS-SOOTAK, M. Zur Verortung des Baltischen Privatrechts (1864/65) unter den europäischen Privatrechtskodifikationen. In: HAMZA, G. – HLAVAČKA, M. – TAKII, K. (Hg.). *Rechtstransfer in der Geschichte. Internationale Festschrift für Wilhelm Brauneder zum 75. Geburtstag*. Berlin: Peter Lang, 2019, pp. 219–243.

<sup>39</sup> On the divided ownership in the system of Baltic Private Law Act see LUTS-SOOTAK, M. Das geteilte Eigentum – ein zäher Überlebender in Estlands Rechtsgeschichte des 19. und 20. Jahrhunderts. In: LUTS-SOOTAK, M. – SCHÄFER, F. L. (Hg.). *Recht und Wirtschaft in Stadt und Land. Neunter Rechtshistorikertag im Ostseeraum, 16.–20. Mai 2018 in Tallinn, Sagadi und Tartu, Estland*. Berlin: 2020, pp. 184–191; LUTS-SOOTAK, Pre-modern divided ownership, pp. 99 ff.

(25,530) were given to permanent lease, and only approximately 6,000 plots (6,189) were rented out by the state.<sup>40</sup>

At first glance, it might seem to have been a rather elegant or at least pragmatic solution to use divided ownership as a way of carrying out the land reform in the young republic: 1) the rent for the permanent lease was very low, making it reachable for a class of people who received the redistributed land but could not have afforded to pay its full price 2) the state as the upper owner of the land retained some control over the plots redistributed: if the permanent leaseholder owed three years' rent, he lost the usage right on the plot; 3) as permanent leaseholder contracts did not need to be renewed periodically – as regular tenure contracts did, which were valid for up to six years, the state's management costs were lower as a partner in permanent leases.

In any case, the upper owner's means of control and decision-making were much more restricted than was the case with regular tenure contracts between the absolute owner and the tenant. One of the main ideas that the Estonian land reform was built on was the viability principle. On the one hand, viability was supposed to mean that the redistributed land plots had to be large enough to make profitable cultivation possible or at least to take care of the subsistence needs of the family using it. On the other hand, viability also meant that the land acquirer and future user needed to have the necessary prerequisites and abilities to cultivate the land effectively and in a profit-oriented way.<sup>41</sup> To ensure that both sides of the viability principle would be fulfilled, the state closely cooperated with local institutions of self-government. In the case of a careless tenant, the state could refuse to sign the contract for the next period, but it had no power over a permanent leaseholder – the institution of divided ownership made this impossible. An additional problem was again connected to the availability of credit. It was impossible to burden the permanently leased land with mortgages.

In hindsight, it seems that between the two World Wars, the Republic of Estonia was able to use divided ownership as a relatively successful tool to regulate the land question for two main reasons. Firstly, the state owned a rather large amount of land to be redistributed, and new land improvement technologies allowed even extensive bog and woodlands to be made cultivable. The state was also able to solve the unemployment problem following the great international economic crisis by creating new settler farmsteads and leasing them out for 'permanent use' i.e., on a permanent lease. The other reason is directly connected to the interwar era of the Republic of Estonia's short existence (1918–1940) and the radical social and political reconfigurations following World War II across the whole of Eastern Europe. Therefore, we only have indirect evidence that preserving the institution of divided ownership in Estonian law was considered neither sustainable nor useful in the long run. In legal literature, the permanent lease was considered the most controversial and confusing problem in contemporary law, and the institution of divided ownership was not included in the draft of Estonian own Civil Code, which by 1940 had been debated in the

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<sup>40</sup> JANUSSON, J. Maareformi teostamine 1919–26 [The Realisation of Land Reform 1919–26]. *Requiel Mensuel du Bureau Central de Statistique de l'Estonie*, 1928, No. 76, p. 173.

<sup>41</sup> For more about the details of the ideology of viability by the Estonian land reform, see KÖLL, *Peasants on the world market*, pp. 50–52.



parliament, although due to the Soviet occupation was never passed.<sup>42</sup> As a new law was passed in 1936, according to which the leased lands were to be bought into ownership, it is clear that the decision-makers also wanted to dispense with this pre-modern institution. Thus, using pre-modern divided ownership institute in Estonian land law can be considered a preliminary measure while managing the mass of land use relationships right immediately after the redistribution of land.

## Conclusions and Prospects

The great goals of the first land reform of the Republic of Estonia – breaking the economic supremacy of the German nobility and redistributing the land as equally as possible to as many people as possible – were achieved in the first, barely maintained period of independence of the Republic between two World Wars. Although since the beginning of 1918, Estonia had to build up an entirely new state with modern laws following the principle of the rule of law, there was no need to start from complete zero. The local and central institutions of the country already had experience in the administrative field; the land was registered, and there existed no land without owners or land without registration. The Estonian administrative organs could continue to modify the tradition to follow contemporary legal principles. People were literate, and the newly established administrative court system guaranteed people access to the court protection of their rights against administrative arbitrariness. The division of powers, checks and balances system, and administrative justice functioned and eliminated the possibility of corruption. Finally, it was a cunning move to preliminarily use the legal figure of divided ownership for land distribution. This way, land reform could fulfil its purpose of giving land to its tillers as quickly as possible.

Expropriating the land from previous large estate owners made it possible to give the people of Estonia equal conditions of livelihood in the countryside. Although, at first, it might have been seen as unfair to large estate owners, especially since the constitution protected private property, this initial unfairness was equalized by giving some of the land back to previous owners and by compensating the rest.

The Soviet occupation and the annexation of Estonia in 1940 disrupted economic and property relations. After the re-establishment of the independence of the Estonian Republic in 1991, the new land reform was carried out based on the principle of re-privatization of the land to its former owners or their successor. The documental basis to manage it was good – the land registers were mostly perceived. Although the Soviets did not recognize private property and all the land was nationalized in the Soviet era, the collective memory of Estonia as a country of well-cultivated farmsteads was never interrupted. However, the divided property model was not reinforced in the 1990s, and later – the former permanent leaseholders or their successors received full ownership of the land. The land reform of

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<sup>42</sup> On the preparation of the draft of Estonian Civil Code, see LUTS-SOOTAK, M. – SIIMETS-GROSS, H. – KIIREND-PRUULI, K. *Estlands Zivilrechtskodifikation – ein fast geborenes Kind des Konservatismus*. In: LÖHNIG, M. – WAGNER, S. (Hg.). „Nichtgeborene Kinder des Liberalismus“? *Zivilgesetzgebung im Mitteleuropa der Zwischenkriegszeit*. Tübingen: Mohr Siebeck, 2018, pp. 273–316; LUTS-SOOTAK, M. – SIIMETS-GROSS, H. – KIIREND-PRUULI, K. *The Private Law Codification as an Instrument for the Consolidation of a Nation from Inside: Estonia and Latvia between Two World Wars*. In: GALEDEK, M. – KLIMASZEWSKA, A. (eds.). *Modernisation, National Identity and Legal Instrumentalism. Studies in Comparative Legal History. Vol. 1: Private Law*. Leiden: Brill, 2020, pp. 285–310.

the 1990s was again carried out quite successfully; it wasn't chaotic, and it managed to establish the private ownership of land once more in a relatively short period. However, the equal distribution of land has not been the primary goal in Estonian agrarian law and politics in the beginning of this second period of independence of the nation. The structure of land possession is not of the former importance because Estonia is not an agrarian land anymore – agriculture forms only 3% of Estonian current GDP.