***Continuities and novelties in early Soviet law-making about Central Asian water.***

## Introduction

In most of Central Asia, water seldom falls from the sky.[[1]](#footnote-1) Although precipitation varies depending on latitude and altitude, most agriculture relies on the presence and efficiency of extensive and sophisticated irrigation systems.[[2]](#footnote-2) This is visible above all in the southern oases, where the cultivation of land is made possible by water derived from three major rivers – the Amu-Darya, the Syr-Darya, and the Zeravshan. Water is funnelled in turn through major canals, their derivations, and distribution networks, sometimes paralleled by drainage canals of various sizes. In these cases, until volumetric measurements became available in the 20th century, water was distributed on a rotational basis, taking into account to some extent the surface to be irrigated.[[3]](#footnote-3) Where the water level was below that of the fields, for instance in Khorezm, man-operated scoops or animal-powered water wheels (*chigir*) were used. Even on the eve of the Soviet period, occasionally land on the river banks was cultivated after having been flooded during the thaw, thereby exploiting both the moisture and the loess left by the ebbing waters.[[4]](#footnote-4) On marginal lands, for instance on the slopes of the mountains that surround the Fergana valley or of the Zeravshan range, irrigation was possible through the capturing of mountain streams. In Semirechie, where nomads increasingly resorted to hay-mowing and the cultivation of grain to supplement their livelihood, artificial irrigation had developed by the end of the 19th century, thereby complementing rain-fed agriculture.[[5]](#footnote-5) The presence of Dungans and Uighurs, who had migrated into Semirechie at the time of the Ili crisis, contributed to the spread of irrigation technology in this specific province.[[6]](#footnote-6) Even those nomads who could maintain their mobile lifestyle despite the growing encroachment on their pastureland throughout the colonial period had to reckon on access to sources, streams, or artesian wells.

Each component of this vast, complicated tapestry of water usage required its own rules on the enjoyment of water rights, the solution of water disputes, and the allocation of the costs for ordinary maintenance, capital repairs and, more rarely, fundamental construction. Students of Tsarist Central Asia are familiar with the difficulties Russian officers and experts encountered in their attempts to apprehend the functioning of the native irrigation systems.[[7]](#footnote-7) As in other aspects of colonial governance, this led to the decision of delegating the task of running irrigation to the native authorities and experts who had been hitherto responsible for it. From the end of the 19th and in the early 20th centuries, at the peak of Russian industrialisation and resettlement policies, this *laissez faire* approach came under attack. On the eve of the 1917 revolution, Petrograd passed a new “water law” for Turkestan which sanctioned the supremacy of the imperial State’s claims on this resources and weakened the juridical position of private actors –a category that included both the native population and Russian and foreign potential investors in new irrigation. Unfortunately for its promoters (in particular the metropolitan authorities in charge of agriculture and land settlement and their agencies in Russian Turkestan), the 1916 uprising[[8]](#footnote-8) and the season of violence it inaugurated prevented the implementation of this law. After the revolution and civil war, though, as soon as the Red Army and the Cheka had restored a degree of public order in the region, a group of experts who had participated in the drafting of the pre-revolutionary “water law” renewed their regulatory efforts, this time under the aegis of the Bolshevik regime and within the ideological and political constraints that came with it.

The essay reconstructs in detail the history of post-revolutionary endeavours to frame the governance of Central Asian water in ways that experts regarded as “modern” and “cultured”. It examines in particular the dialectic between ‘old-school’ law-writers and attempts to legislative and other efforts to advance more momentous social changes. It is not on the latter that the essay focuses: instead it very deliberately picks the law-making process an object of study *per se*, because it reveals continuities and shifts in fundamental ideological options and intellectual elaboration. This does not mean, however, that real change did not happen.

To begin with, Soviet historians were not exaggerating when they highlighted the disastrous situation of the Central Asian economy in the immediate aftermath of the revolution, and the effort of recovery which the new regime had to support to attain pre-war output levels. The cycle of violence inaugurated by the 1916 uprising of native Muslims (both nomads and peasants) continued through the revolution, the Red Army’s fight against native autonomists, Cossacks, and anti-Bolshevik peasants alike, and the repression of the *basmachi* insurgency.[[9]](#footnote-9) As Thurman put it, at the end of his well-documented reconstruction of what happened to irrigation in Fergana in this period: “The Civil War was a lesson in destruction”.[[10]](#footnote-10) It was only in the second quarter of the 1920s that the new Soviet power achieved a reasonable degree of control and public order in the countryside: before then, water technicians would have needed an armed escort to venture out of the cities.[[11]](#footnote-11) In the process, Turkestan had lost one fourth of its population to exile and to a devastating succession of famines,[[12]](#footnote-12) while the irrigated acreage had more than halved between 1915 and 1922.[[13]](#footnote-13) The surface under cotton, hitherto the pivot of the economy of Russian Central Asia, plummeted by 64.1 per cent between 1917 and 1919:[[14]](#footnote-14) it would take until the second half of the 1920s to recover pre-war output levels. In sum, for most of the period under consideration here, the top priority of Soviet irrigation policies was to overcome an emergency situation through the reconstruction of decayed systems, the resettlement of internal and returning refugees, and the re-establishment of a basic institutional infrastructure. This situation was both an obstacle and an opportunity for the introduction of radical changes.

From another viewpoint, in the 1920s Central Asia went through two waves of agrarian reform. The first “land-and-water reform” took place between 1921 and 1922 and epitomised early Soviet de-colonisation.[[15]](#footnote-15) Centred on Semirechie and, to a lesser extent, the Syr-Darya province, the Hungry Steppe, and Fergana, this reform aimed at returning to the Kazakhs and Kyrgyz population land they had lost to the European settlers, both before the war and because of the repression of the 1916 uprising, while encouraging them to adopt a sedentary lifestyle. The second reform followed the establishment of the national republics and aimed at the solution of the “land question” in the settled oases of Uzbekistan and Turkmenistan. In different waves between 1925 and 1927, this ‘classic’ agrarian reform was guided by the idea of “land to those who till it”. It led to the diminution of large and absentee landownership, on one hand, and of absolute landlessness, on the other, while the share of small landholders increased. Sharecroppers and, subordinately, wage labourers received land from confiscated estates or newly irrigated plots, together with credit and capital. In turn, they had to join the co-operative system. Both land reforms had the effect of mobilising the rural population, introducing it to Soviet sociability and rituals (*e.g.* agitation meetings), and increasing the grasp of the new regime on the Central Asian countryside to a degree unthinkable before the revolution.[[16]](#footnote-16) This “urge to mobilise”,[[17]](#footnote-17) with its underlying emphasis on equalisation and fairness, was also something those who wrote the new water laws had to reckon with.

Against the background of these events, after a first section on the genesis of late Tsarist water legislation, the essay explores the definition of the water rights and water-related obligations of the peasants *vis-à-vis* the Soviet State. On one level, this study highlights the very high degree of continuity in both personnel and goals between pre- and post-revolutionary “lawfare” in the field of Central Asian water rights and water usage.[[18]](#footnote-18) It also shows how, although Bolshevism offered a solid ideological justification for the supremacy of State rights, it was not easy for these experts to codify the State-centric approach to water governance in the new Soviet context. As the reader will discover, this is more the story of attempts to regulate, than of effective regulation.

The close observation of these attempts reveals how, in the field of water rights, one could find examples of two opposing situations: a stratification of formal regulations none of which was considered as ultimately binding, and texts that bound even in the absence of a formal sanction. This begs a few further reflections: first, one can ask whether this disorder was deliberately used as a tool of Soviet power, as argued recently by Christian Teichmann, also writing about Soviet irrigation in Central Asia.[[19]](#footnote-19) Second, one must reconsider what *made* a law, in the light of socialist legal theory, thereby nuancing the notion that socio-economic change (here, in the field of water rights) originated from State decisions.

By analysing systematically what inspired and stymied these attempts at the regulation of water, this essay contends that early Soviet “lawfare” about Central Asian water –especially efforts at systematic codification premised on the supremacy of State rights- was constrained by two factors. The first, in continuity with the colonial period, was the persistent idea that indigenous water systems were ultimately impenetrable to outside observers: due to their supposed “irrationality” and “primitiveness”, these systems had been (and still were) regarded as both economically inefficient and impossible to reform, to the point that concessions to “custom” had to be made even after the consolidation of Soviet rule.[[20]](#footnote-20) The second, new factor was the early Soviet de-colonisation imperative, understood here (following Georgii Safarov)[[21]](#footnote-21) as both liberation from the relics of settler colonialism and from those “exploitative elements” which Russian imperialism had supposedly nurtured. This ideological option marked a profound discontinuity with the Tsarist regime in Central Asia, by defining the perimeter of the experts’ legislative initiative. That this factor was ultimately decisive is shown, by contrast, by the fact that socio-economic realities in the field of water and land rights were reshaped more by revolutionary initiatives, than by systematic efforts to change water laws. Despite (or because of) the proliferation of texts, drafts, and commissions, effective transformation did not require more (or more careful) law-writing, but for the Soviets and Party to invest other power resources (*e.g.* propaganda, coercion, financial means) to achieve a degree of social mobilisation in favour of radical reforms.

## Institutional continuities

The history of pre-revolutionary attempts to regulate water in Russian Turkestan has been narrated more than once and here it will suffice to recall its most essential moments. The fundamental law on the governance of the colony, the Turkestan Statute of 1886 (and its subsequent amendments), did not clearly state with whom the ultimate property in water resided. As in the case of rural agricultural land, though, the Statute recognised the natives’ customary rights on water, thereby establishing a situation of legal pluralism and delegating much water governance to the native administration (*mirab*, *aryq-aqsaqal*).[[22]](#footnote-22) Many observers noted how, through the decades of Russian colonial rule, original customary rights and practices gave way to a new situation, where for instance irrigation water was bought and sold, while the *mirab*s were frowned upon as generally corrupted. Those who advocated a new water law –but also their adversaries– could argue that anarchy, rather than venerable customary practices, disciplined access to water in the colony: hence the need to intervene.[[23]](#footnote-23) Furthermore, many Tsarist observers, in particular in the Head Administration for Land Organisation and Agriculture (GUZiZ), could not understand the mechanism that regulated the annual *corvée* for the cleaning and maintenance of large canals (known in Russian as *naturopovinnost’*, locally as *hashar* or, in Khorezm, *kazu*).[[24]](#footnote-24)

The extant historiography on late Tsarist debates about the reform of water law in Turkestan has highlighted a distinct tendency towards the strengthening of the State’s rights at the expense of other subjects. This tendency reflected the shift towards a technocratic and equally State-centric approach to the management of other resources, in particular land.[[25]](#footnote-25) This said, historians have disagreed on their identification of the very subjects whose rights such a State-centric approach would have affected. A difference in focus can only partly explain this divergence. In her pioneering work on the involvement of private capitalists in irrigation, Muriel Joffe emphasised the opposition between the above-mentioned Head Administration for Land Organisation and Agriculture (GUZiZ) and cotton entrepreneurs from Ivanovo and Moscow.[[26]](#footnote-26) The former wanted to open up new land for resettlement and, consequently, allow the “russification” of the periphery; the latter were interested in investing in irrigation insofar as this would result in an increase in the cotton output for themselves. The State was surely eager to make private subjects pay for new irrigation, but the Slavic settlers, not knowing how to cultivate cotton, would have grown cereals. It was difficult to combine these priorities.

A water law for Turkestan was finally voted through only in 1916 and therefore had very little practical consequences. Its ‘fathers’ were two lawyers, Georgii Gins (or Guins) and David Fleksor, well-versed in contemporary European debates on resources law and keen, as were some of their contemporaries, on the modernisation of the Russian empire in a liberal sense.[[27]](#footnote-27) Another name the readers will encounter again in the following pages is that of Aleksei Uspenski: as editor of the organ of the GUZiZ’s Resettlement Administration, “Questions of colonisation” (*Voprosy Kolonizatsii*), Uspenskii offered publicity and endorsement to the pre-revolutionary Turkestan water law. The names of Fleksor and Uspenskii will surface again in this essay, because the two were involved in early Soviet efforts to legislate on Central Asian waters. Gins, instead, quit Russia after having served (despite his KD orientation) as head of staff in the SR-led West Siberian Commissariat during the civil war.[[28]](#footnote-28)

In Joffe’s careful reconstruction, this law reached a compromise that did not satisfy either side. The GUZiZ, by continually raising the stakes of the discussion in the hope of seeing the entrepreneurs cave in, ultimately undermined its own position. The law did not embrace the idea that the State was the “owner” of Central Asian water, but it established a “hierarchy of users”, at the top of which sat the State, defined a “supreme manager”. According to Joffe, the State’s superiority was predicated against private capitalism, but also against the rights of the native population. Insofar as the State’s primary goal was resettlement, its position at the top of the “hierarchy” amounted to prioritising the rights of current and future European migrants to Central Asia.[[29]](#footnote-29)

More recently the same story has been told, from a different standpoint, by Ekaterina Pravilova. Here the historian’s focus is less on the dialectic between State and private subjects (the entrepreneurs), and more on the way the State itself saw its role and its rights in relation to common-pool resources, such as water. Pravilova reads the fact that the Russian State renounced the role of “owner” in favour of that of “manager” as a turn towards a more sophisticated understanding of property, whereby the State saw itself eminently as the “defender of public interests” in access to Central Asian water, rather than one of the competitors for it. This also implied a change in the arguments put forward by the imperial government to support its claims on Turkestan’s resources: it referred less to what it supposed to be the former khans’ rights on water, while leveraging more and more its own notion of “public good”.[[30]](#footnote-30) This reconstruction suffers from the fact that Pravilova does not fully account for the divergences between the metropole (especially the GUZiZ) and the Turkestani colonial administration on this point. Furthermore Pravilova’s work contain some confusion as to the identification of those whose interests the State, as “supreme manager”, was supposed to defend according to the water law. Correcting her earlier assertions on this point,[[31]](#footnote-31) Pravilova contends that the State’s greatest preoccupation was the resettlement of European peasants. She does not, however, consider the weight of Turkestan’s native water users in the equation the Turkestan water law had tried to balance: it was their rights (rather than those of big capitalists) that the law was undermining. Even though it had given up the language of “property” and assumed the role of a referee, the State would still force its own priorities (that is, resettlement) on the native population thanks to its superior position in the “hierarchy of users”. All in all, one can say that water truly became a “public good” only if one excludes the overwhelming ‘native’ majority of the Turkestani population from such a notion of “public”.

The difficult context of 1916 and the revolution itself blocked the implementation of the norms proposed by Gins. If enacted, the new law would have meant the virtual end of *laissez faire* on water rights and provided a strong juridical basis for the limitation of the native Muslims’ claims. The State, in the shape of the GUZiZ, its Resettlement Administration, or one of their local agencies, would have benefitted from it. The fall of the imperial regime and the proclamation of Soviet rule created a whole new set of circumstances, in which the very ideas of “State” and “law” had to be reconsidered.[[32]](#footnote-32) At the same time, as Pravilova has noted, liberal ideas about the “common good” and the State’s role in fostering it trickled into the discourse of various political groups, in particular the Russian Socialist-Revolutionaries. Through this medium, ideas of “people’s domain” and “public property” informed Bolshevik early juridical discourse and law-making, both in the ‘metropole’ and in Central Asia.[[33]](#footnote-33)

Unlike what is commonly assumed, the principle of “exclusive State property” on all resources (land, but also forests, the underground and, what matters most here, water) was adopted only retrospectively. The basis of Lenin’s famous “decree on land” just after the Bolshevik revolution in November 1917 was the “model decree” on land passed by the all-Russian congress of peasant deputies, which defined “all property on land” (and water) as “vested in the people as a whole”, not as “State property”. Lenin’s decree itself abolished private ownership of land (and, again, water), but was imprecise as to the State’s rights. The “Basic law on the socialisation of land”, which a few months later was meant to provide a firmer framework, stated that the “land fund”, which included all land in Russia,[[34]](#footnote-34) should be “the weal of the whole people”, while State organs at different levels were responsible for the allocation (*rasporiazhenie*) of resources. As Soviet juridical doctrine acutely felt already at the time, the simple abolition of all property on the “living forces of nature” left the State’s ownership rights undefined.[[35]](#footnote-35) One had to wait for the Land Code of the RSFSR in 1922, to find the concept that “all lands [and water, forests, and underground resources] ... are the property of the Workers’ and Peasants’ State” (art. 2).[[36]](#footnote-36)

In the Turkestan republic considerable political and institutional uncertainty made the coalescing of a definite doctrine even more difficult. In the immediate aftermaths of the Bolshevik revolution, with most of the country prey to anarchy, the republican government limited itself to emergency measures. Institution-building signalled more the desire to establish symbols of statehood, than a real grasp of the imploding economic and security situation. From January 1918, the day-by-day management of water systems became the purview of a Tashkent-based “technical irrigation committee”; at the local level, there existed other committees and “irrigation councils” (*sovety po orosheniu*). A Water Management Administration (*Vodkhoz*)was established for the Turkestan republic in mid-June 1918. As a consequence of Lenin’s order to achieve a wider inclusion of Muslim members in the Party and the Soviets and to reflect the co-optation of more numerous representatives of the ‘native’ *intelligentsia* in the summer of 1919,the Administration changed its status and received a new set of local organs. Immediately afterward, a set of emergency “Temporary Rules” on water usage was approved.[[37]](#footnote-37)

While the institutions above were in principle charged with the ordinary administration of water resources in Turkestan, it was clear that the degree of disruption consequent to the revolution required extraordinary means. In this sense, Lenin had undersigned a decree that established an “Administration for irrigation works in Turkestan” (IRTUR) already in May 1918. This was not a Turkestani institution, but was directly subordinated to the Supreme Council of the National Economy (VSNKh) in Moscow. Its leadership was entirely made up of prominent hydraulic engineers of the late Tsarist era, each of them responsible for an irrigation system. IRTUR’s tasks went beyond the mere recovery of the pre-war irrigated acreage, to include new ambitious projects. The choice of Rizenkampf, champion of new irrigation in the Hungry Steppe, as IRTUR’s leaders clearly signalled this intention.[[38]](#footnote-38) There was no doubt, thus, about the existence of a very strong continuity in personnel between the pre- and post-revolutionary organs in charge of the reconstruction and expansion of the Turkestani irrigation networks. This continuity has been well documented in recent scholarship and is part of the wider story of the initial collaboration between Bolsheviks and “experts” in all fields which would generally come to a halt in 1928.[[39]](#footnote-39)

Yet, a similar continuity is also observable among other water experts, in particular lawyers. Experts from Tsarist organisations entered into the composition of an inter-institutional commission which started meeting in the summer of 1919. Their goal was the drafting of a “water law” that would replace the “Temporary Rules”. Although the transfer of all the power of the “Water Administration” to a “Committee on State [irrigation] facilities” (*Turkkomgossor*) between 1920 and 1922 delayed its work, the inter-institutional commission managed to produce a “Statute on the usage of waters in the Turkestan republic”, approved on 12 February 1921.[[40]](#footnote-40)

As contemporary observers remarked, the shift to the *Turkkomgossor*, the advent of the New Economic Policy, and the practical difficulties encountered by Soviet organs meant that this Statute was never implemented.[[41]](#footnote-41) Its content nonetheless reflects the competition between different ways of understanding the State’s rights on water. The new Turkestani constitution of September 1920 had decreed the nationalisation of all resources: as the experience of Russia had shown, however, this was still short of clarifying who was their legal owner. The following Turkestani “law on land” defined land and water as “the State’s and people’s domain” [*gosudarstvennoe i narodnoe dostoianie*], thereby echoing very closely the Socialist-Revolutionaries’ language.[[42]](#footnote-42) By contrast, the 1921 Statute, produced by the inter-institutional commission, followed Gins’s pre-revolutionary text very closely. It actually reflected Gins’s original intentions more precisely than the 1916 Turkestan water law, in that it explicitly stated that all waters in the republic were “State property” [*sobstvennost’*]. This terminology undoubtedly followed the emerging Bolshevik juridical doctrine on resources. It also marked the success of pre-revolutionary attempts to maximise the rights of the State over resources, which in Central Asia amounted to the subordination of the rights of the native population to the priorities of the metropolitan government. This was hardly surprising, in consideration of the very strong continuity in ‘expert’ personnel between the two periods. At the same time, though, the real impact of these measures remained limited if not nil.

## Between decolonisation and normalisation

The months that followed the endorsement of the February 1921 Statute on water usage were quite momentous in two respects. First, in the spring of 1921 the disrepair of the Turkestani irrigation systems led to multiple, tragic instances of flooding, while thousands of acres of cultivated land were deprived of irrigation because the force of water had destroyed decayed infrastructure. No province –from eastern Fergana to the middle Zeravshan- was spared. On top of this, in Semirechie the debris flood of the Malaya Almatinka brought havoc and shock.[[43]](#footnote-43) The republican government resorted to an exceptional mobilisation of *corvée* labour to patch up the disaster. While historians disagree on peasant activism on this occasion and on how much help Turkestan received from Moscow, they share the view that the situation had scarcely improved by the following year. The experience of 1921-1922 conveyed a sense of emergency to the Turkestani government, coupled by the impression that investments from the metropole, albeit welcome and occasionally generous, would not suffice to face the enormous task of complete recovery and expansion of the irrigated acreage. Furthermore, the mass mobilisation of *corvée* labour, which was often organised in a haphazard way, run in the face of the general intention of the new regime, which was trying to appease the peasantry.[[44]](#footnote-44)

Second, February 1921 marked the beginning of the above-mentioned “decolonising” land reform in Semirechie. This was the brainchild of the Turkestani Kazakh Turar Rysqulov, a Bolshevik whose career started with famine relief and whose dream, thwarted in 1922, was to establish an autonomous Turkic communist party. Rysqulov, though, was not present during the reform itself, because he had been in the meantime been ‘promoted’ to the people’s commissariat of nationalities (Narkomnats) in Moscow, and would return to Turkestan as chair of the council of people’s commissars only later in 1922.[[45]](#footnote-45) A supporter of the reform was another Turkestani Kazakh from Tashkent, Sanjar Asfendiarov. A military doctor by training, he led the people’s commissariat for agriculture (Narkomzem) for the first time in 1919-1920, then became a member of the all-Russian commission for land organisation, director of the Narkomzem’s Water Department, and commissar again in 1922. The reform, which forcibly expelled European settlers from their homes in Semirechie in favour of the local Kazakh and Kyrgyz population, represented a moment of radical discontinuity relative to previous Tsarist policies in the region: it aimed at reversing the inequitable allocation of land and water rights that had resulted from imperial resettlement policies since at least the 1890s.

At first sight, thus, the “Statute on the usage of waters in the Turkestan republic”, with its endorsement of the pre-revolutionary plans of the GUZiZ, stood at the antipodes of the land reform in Semirechie, which instead aimed at overturning what the GUZiZ had been working for. Things are however more complicated: the decision to consider all water (and land) as property of the State simply meant that the State could do whatever it pleased with them. If the State’s priority had become the decolonisation of those parts of Turkestan where the natives had suffered from resettlement, then the grasp on resources expressed by the 1921 Statute could be wielded in a completely different direction to what Guins had originally intended. It was in the interests of the advocates of decolonisation to maintain a high degree of political radicalism (which did not exclude violence) and to reject normalisation and retreat. While strong etatisation of water could cut both ways, the advent of the New Economic Policy meant in all respects the closing of a window of opportunity. At the beginning of the NEP period, thus, there existed a tension between forces aiming at the continuation of a radical transformation in access to land and water, on one hand, and efforts toward the complete codification of water rights.

According to Psarev, it was because of the advent of NEP that the 1921 Statute could not be implemented.[[46]](#footnote-46) The famous Soviet expert on water law, Dembo, agreed that the shift to NEP pushed the Turkestan central executive committee to endorse a new “Water Law” on 1 August 1922.[[47]](#footnote-47) Although its shortness made the 1922 Water Law little more than a preliminary framework, this was not a simple reassertion of the pre-revolutionary state of things; neither did it reproduce the 1921 Statute it was replacing. The 1922 Water law was a typical product of NEP. To begin with, its first article defined “all waters within the boundaries of the Turkestan republic” as the “inalienable domain (*dostoianie*)” of the latter, rather than as its “property”. The State (federal or republican) was not even given the role of “supreme manager” found in Gins’s text. Second, this law mentioned the possibility of concessions to private and foreign investors. Third, the advent of NEP had meant a reduction in budget transfers and credits from Moscow to the Central Asian periphery:[[48]](#footnote-48) accordingly, the 1922 law referred to “the participation of the peasants themselves in the management of water”, which went together with their involvement in the allocation and payment of maintenance costs.[[49]](#footnote-49) Last but not least, these norms did not even touch upon the question of “toiling land usage”, or “class”, or even just fairness, in the allocation of water between households. Water usage was linked to land rights; yet the Narkomzem, in defining the former, was to look at current actual usage, tempered by a consideration of how much water was available in total.[[50]](#footnote-50) The 1922 water law, thus, was very unlikely to serve as the legal basis for substantial changes in the way water rights were enjoyed at the village level. Those who, as Asfendiarov, would have liked to bring the momentum of the reform in Semirechie to other provinces could not utilise it.

In this as in other respects, the 1922 Water Law reflected similar priorities to some of the republic’s proposed changes to laws produced in Moscow. While the Water Law was being voted on, the republican government also discussed the necessary adaptations to Russian legislation on agriculture and on jurisdiction in settling land and water disputes. Although until 1929 there existed no unified federal people’s commissariat for agriculture, between 1922 and 1923 the RSFSR’s Narkomzem (especially through its “Committee on the Land Question”) drafted some ‘basic’ legislation that would then be adapted by the individual republics.[[51]](#footnote-51) The first of these was the RSFSR statute on “toiling land usage” of 24 May 1922,[[52]](#footnote-52) followed by a bill “on the procedure to examine land litigations”, which was endorsed on the same day.[[53]](#footnote-53) All contained a procedure to be adapted to specific conditions in some parts of the RSFSR. Similarly, Turkestan approved its version of the RSFSR’s land code, confirmed by the federal central executive committee on 30 October 1922.[[54]](#footnote-54)

The mechanism whereby Moscow produced a bill, then a procedure for its adaptations in the republics, to endorse the locally amended versions only after having received allof them, had enormous potential for generating confusion. Yet for some Turkestani politicians this procedure was an opportunity to keep advancing the radical agenda abandoned with NEP or, at least, some aspects of it. As far as the last were concerned, between 1922 and 1923 Sanjar Asfendiarov, with the support of the people’s commissariat for justice, tried several times to amend first the RSFSR statute “on toiling land usage”,[[55]](#footnote-55) then the RSFSR land code in order to expand the role of the newly established “land-and-water commissions”. In his proposals, which stirred up much controversy in the republican government, the commissions would not only adjudicate controversies that arose from the land organisation process, but also intervene in its planning at the local level, thereby deciding on the reallocation of land and water.[[56]](#footnote-56)

Asfendiarov’s idea reflected in the first place the need to regulate and consolidate the rights of Kazakh and Kyrgyz (former) nomads. If water rights were detached from land allowances, the latter could be in vain: the Kazakhs and Kyrgyz would have found themselves again excluded from access to water resources, as they often had been on the eve of the revolution.[[57]](#footnote-57) Furthermore, the wider competence of the commissions surreptitiously expanded a radical agenda of land-and-water reform to the areas of settled agriculture where land organisation was to take place. This amounted in practice to an attempt to revive, in a less violent form, the land-and-water reform of 1921-1922, although this time the main targets would not have been European settlers, but large landowners. By adding rules on water rights and water-related disputes (which were broadly absent in the RSFSR’s base text) to the corresponding regulation of land relations, Asfendiarov was also trying to make the law more adapted to local conditions, given the extreme dependence on irrigation of a large part of Turkestani agriculture. Asfendiarov’s amendments were ultimately rejected.[[58]](#footnote-58) On this occasion, too, the forces of normalisation had prevailed: the allocation of water –and water-related duties- among households could not be radically altered, although the overall framework had changed since the pre-revolutionary era.

There were at least two structural reasons for this reluctance to reshuffle water rights in Turkestan in a radical fashion, either through the State-promoted optimisation of resource usage (as in the ‘old school’ of the GUZiZ), or as a form of radical social policy (as Asfendiarov wished). Both of them are illustrated in the following anecdote from 1923. Addressing himself to the head of the provincial office of the *Vodkhoz* in Samarkand, the (native) *aryq-aqsaqal* of Ura-Tepe asked whether he should still take into account, in his practice, private deeds (Rus. *vasikhi*; from Uz. *vaziqa*) that assigned ownership rights on water usage. The Soviet officer symptomatically replied that, although the 1921 Statute on water usage had declared them void, these measures “[could] hardly be implemented without significantly upsetting water management and without the troubles and unrest that would go with it”. The *vasikhi* “had their origins in the time of the khanate, so that the population got used to divide their water on their basis”, so that “the new allocation of water would be absolutely impossible without the help of the armed forces” – an option which the *Vodkhoz*’s lawyer formally rejected. Even the head of the provincial Water Administration, though, was not quite sure about which one of the laws passed until then he should refer to: it is indeed curious that he did not refer to the more recent 1922 Water Law, but to the 1921 Statute, despite admitting that the latter had been systematically overlooked.[[59]](#footnote-59)

First, hesitation in fully implementing the norms that decreed the superiority of State rights was rooted above all in the problematic security situation and in the need to pull the country out of the economic crisis in which it had plunged: Ura-Tepe was not the only locality in which the outright abolition of private property on water in 1923 would have caused an upheaval and the consequent need for armed intervention. Second, the confused stratification of normative texts itself meant that Soviet officers (let alone the peasants) hardly knew what rules were valid at each time. It was not by chance that in 1923 the Turkestani government felt the need to approve a decree that listed all the legislation abolished by the introduction of the republican version of the Russian land code.[[60]](#footnote-60) Similarly shortly after the Turkestan Narkomzem tasked its in-house lawyer, Dembo, to put order in his matter by compiling and publishing a thick annotated list of all the legislation on water, land, and forests in force in the republic.[[61]](#footnote-61) As hinted at in the introduction, the early Soviet State in Central Asia seemed to relish the drafting of pieces of legislation, without being able to ensure their implementation.

## Towards a new “water law” for the whole of Central Asia

One particular facet of the stratification observed just above was the tension between norms on water that were premised on the State’s full property in this resource (as the 1921 Statute) and norms that, possibly in homage to the NEP, withheld this reference. Furthermore, there was a tension between norms that stressed the role of State organs in water management, and others that instead insisted on the participation of the users, especially because this implied that they had to bear most costs. Last but not least, there were norms on land only, on water only, or on a whole array of resources: yet, the situation in Turkestan suggested that land and water were organically linked and should therefore be regulated together. This was, for instance, the principle underpinning Asfendiarov’s idea that the same commissions should be responsible for both land- and water-related litigations. From 1924 onwards, different responses to this third question defined the cleavage between concurrent projects of water laws at the regional (Central Asia) and at the republican level. The same cleavage also opposed the two fields of the ‘old school’ of water law and of the new generation of native political activists. This section and the following one will discuss them in turn, starting from the first.

At the beginning of 1924, several circumstances contributed to the decision to draft a new “Water Law” for Turkestan. First, Asfendiarov quit the people’s commissariat for agriculture and moved to that of health. This move reflected the growing ascendancy of the Turkestan Water Administration, led by Mikhail Rykunov, which until then had found in Asfendiarov a counterweight to its influence. Second, Moscow forced Turkestan to comply with its requests to regulate water in a way that would be compatible with the first Union-wide economic plan. It was just after the Turkestan deputy people’s commissar for agriculture, Moor, had visited Moscow that the Tashkent government officially asked the Water Administration (*Vodkhoz*) to prepare a draft.[[62]](#footnote-62) The opacity of the Turkestani normative framework since the revolution represented an obstacle to the mobilisation of natural resources in view of the plan. In addition, none of the texts passed by Tashkent until then had touched upon the issue of the definition (*mezhevanie*) of individual and collective water rights, for which the *status quo* was largely maintained unaltered.A new “Water Law” should have solved those problems.

That the Water Administration had the upper hand in this process was immediately visible from that fact that it tried to impose, as a basis for further discussion, a draft “Water Law” that had already been prepared and was waiting in a drawer. One cannot explain otherwise how this first draft could have been produced in less than one week. The Turkestani Narkomzem, though, rejected this text and convened instead a new commission. The composition of the latter signified an attempt to include all the existing viewpoints on the regulation of water usage: it partly resembled the “inter-institutional commission” that had produced the 1921 Statute, but it also included elements of the new native Party leadership. More specifically, its leading member was Aleksei Uspenskii, former officer of Krivoshein’s GUZiZ and editor of *Voprosy Kolonizatsii*. To balance Uspenskii and other old-school ‘experts’, none other than Asfendiarov was also included in the commission.[[63]](#footnote-63) Asfendiarov had indeed quit the Narkomzem: he was called back, though, because of his expertise and because of the interests he represented, and possibly for fear that otherwise the commission would have lacked credibility. In any case, the result was that one of the most eminent advocates of Tsarist resettlement policies and one of the most ardent supporters of early Soviet de-colonisation sat together on the organ that was supposed to systematise and renew water rights in Central Asia. While previous pieces of legislation could be broadly ascribed to the influence of one of these two sides, the new “Water Law” should supposedly come out of a synthesis. This was not to happen without clashes.

A week after its first meeting, the commission produced a “temporary water code”, which the board of the Narkomzem approved on the basis of Asfendiarov’s report. One could distinctly see Asfendiarov’s hand in that this text put a strong accent on the parallel between land organisation and water management. Measures contained in the “temporary water code” were not to be carried out after the land organisation, but together with it. Despite the nature of the law to be written, which Moscow and the Narkomzem insisted should focus on water only, Asfendiarov leveraged these organs’ emphasis on land organisation to bring back in his idea that the two resources could not be handled completely separately.[[64]](#footnote-64) Furthermore, by mentioning the link with land organisation, Asfendiarov (and possibly other elements in the Narkomzem) took the opportunity to re-introduce the idea of strong local control on water allocation through the “land-and-water commissions”. This had been excluded before, as we know, by denying the commissions their pre-emptive competence on land organisation plans. In the draft “temporary water code” of 1924, more precisely, the “assemblies for land organization” (*zemel’noustroitel’nye soveshchania*), which were deciding the criteria for the allocation of land, became responsible for the determination of rights on water, too. In other words, the land-and-water nexus was to be treated as indivisible and dealt with by looking at the “toiling land rights” of the communities, rather than at the interests of other stakeholders (including the Water Administration).

Revising its original plan to focus on water law only, the Narkomzem soon embraced Asfendiarov’s line and chose to merge the “temporary water code” with the extant “land code” (adapted from the Russian one and implemented since Spring 1923), by modifying the latter and producing a comprehensive “land-and-water code”.[[65]](#footnote-65) This move was accompanied by the establishment of a new, larger commission. It included representatives of the two ‘factions’ mentioned above, as well as a small number of engineering specialists from the *Vodkhoz*. The presence among its members of Khojikov, at the time the person responsible for livestock breeding in the Narkomzem, shows that the commission was to take into account the needs of both sedentary agriculture and pastoralism. Asfendiarov, Uspenskii, and others were confirmed in their role, under the chairmanship of the deputy Narkomzem Dadabaev.[[66]](#footnote-66) Funding for the drafting of such a ‘unified’ code became available somewhat later, in May 1924.[[67]](#footnote-67)

In the same month, to obviate the problem of the lack of rules on water rights outside the agricultural sector, the Turkestani government approved a new set of less ambitious “Temporary rules” on water. The latter abandoned the definition of water as a “domain” (*dostoianie*)of the State and reverted instead to the language of “property” (*sobstvennost’*) used in the 1921 Statute. However, it maintained that the titular holder of such a right was the Turkestan republic, rather than the Soviet State as a whole. The 1924 “temporary rules”, though, still left unsolved the question of the definition of the users’ rights, restricting themselves to the uncontroversial recognition of *factual* usage.[[68]](#footnote-68)

In the second half of 1924, thus, the project of a unified code on land and water, advocated by Asfendiarov but not embraced in legislation until then, seemed to have been put off, but not altogether discarded. It was the delimitation and the establishment of distinct Central Asian national republics that ultimately thwarted the attempt to conflate the two codes. The Turkestan *Vodkhoz* was replaced by a Central Asian Water Administration. Republican-level Water Administrations and their peripheral organs existed, too, often with overlapping and conflicting tasks *vis à vis* the regional umbrella organisation. As documented by Teichmann, the relations between the two levels varied over time. The Central Asian *Vodkhoz* would undergo a cycle of purges from 1927, in parallel with a strong push toward centralisation.[[69]](#footnote-69)

In the immediate aftermaths of the establishments of the national republics, the regional Water Administration, together with other organs at the same level of governance, rejected the hypothesis of a single “land-and-water code” and pressed instead for the decoupling of land and water legislation. While Turkmenistan and the Kyrgyz autonomous province acquiesced in this, the Uzbek SSR, as explained in the next section, continued to insist on a joint set of regulations. The competition between these two approaches (regional “water law” *vs.* republican “land-and-water code”) would mark the history of Soviet attempts to legislate on water until the collectivisation drive made the discussion somewhat obsolete. In relation to the first, a new regional commission started its work in late autumn 1925 and continued throughout the spring and early summer of 1926. This commission was initiated by the regional plenipotentiary of the Labour and Defence Council and by the Economic Bureau of the Central Asian republics. Their main concern had become that of self-sustainability (*samookupaemost’*), a reference to which they included in the name of the commission from June 1926.[[70]](#footnote-70) Accordingly the focus of the legislation this commission was to produce was the allocation of costs at least as much as the allocation of rights, which had hitherto prevailed.

Unlike the commission in charge of the 1924 “water law”, which had included a blend of ‘old-school’ lawyers, engineers, and local politicians, the new commission represented a return to the past, to the very first period after the revolution: it was initially exclusively made up of European experts, most of whom were social scientists and lawyers rather than engineers, including Shlegel’, Psarev, Smirnov, and –inevitably- Uspenskii. It even involved in its work David Fleksor, one of the ‘fathers’ of the pre-revolutionary Water Law, by then employed by the all-Union Water Administration and charged with commenting on the commission’s drafts. Chaired by Mikhail Rykunov, then by Sergaziev, the commission had a strong link with the newly established Central Asian *Vodkhoz.* Given such a strong continuity in personnel, it is instructive to observe where the norms proposed by the commission followed in the steps of the GUZiZ’s old preferences, and where they more or less hesitantly diverged from them.

The commission started its work by examining the project of a water code for the Transcaucasian federation of Soviet republics, which experts of the Water Administration had been studying since at least 1923.[[71]](#footnote-71) Then it met almost every week in the spring of 1926 to discuss single technical issues, ranging from underground waters to amelioration societies (*meliorativnye tovarishchestva*), from urban *aryq-aqsaqal*s and rural *mirab*s, to the highly controversial introduction of payments for water usage. In all these discussions, Uspenskii emerged as the most active and the most charismatic member of the commission, to the point of being identified with it in some publications.[[72]](#footnote-72)

Two of the points discussed by this commission deserve special attention: the first is the notion of the “water community” (*vodnoe obshchestvo*); the second is the establishment of the “amelioration societies”. The “water communities” gathered water users in a specific area, defined by the users but confirmed by the *Vodkhoz* at the provincial level. Each “water community” had three organs: the assembly of all its members, the “water committee”, and the *mirab*. The former elected the latter two, but the *mirab*’s mandate was one year only and he was subject to confirmation by the same provincial organ of the *Vodkhoz*. The *mirab* was to obey the decisions of the assembly, while the committee was supposed to look after their enactment, both by the *mirab* and the single water users. At least theoretically, it was the assembly that decided how to allocate the payment in kind and in money (*naturopovinnost’* and *eksploatatsionnyi sbor*)for the maintenances of the irrigation system. Again, this decision was to be practically implemented by the committee.[[73]](#footnote-73) This configuration clearly restricted the autonomy and accountability of the *mirab*s. Already some months before, a conflict had erupted between the (republican) Water Administration and the *mirab*s over surveying works in preparation for the land reform in the Zeravshan province (Bukhara): at the time, the government (in the person of Fayzulla Khojaev) had opposed the *Vodkhoz*, which reacted by stating that the *mirab*s could be replaced by the village executive committees altogether.[[74]](#footnote-74) The system proposed in the commission’s draft went in a similar direction – and even beyond, by creating a new administrative unit to which the *mirab*s responded, but which was itself linked to the structures of water management rather than to the general hierarchy of Soviet administrative organs.

More scope for tension came from the fact that the committees represented their respective communities on the occasion of “water congresses” (*vodnye s’ezdy*), which in turn elected a “water council” (*sovet*) on a yearly basis. Yet, while at least the *obshchestva* were grouped at the provincial level, this was not the case with the congresses. The area corresponding to each of the latter coincided with the water system these communities shared, and it was the authority which was responsible for the system that called for the congresses.[[75]](#footnote-75) In other words, the “water communities” were an administrative-territorial unit *sui generis*, which did not immediately coincide with the existing administrative units (cantons, *volost’*). Neither did the “congresses” coincide with a province. While in the case of the “communities” we can imagine that this solution was a step towards the establishment of more economically sound and larger units (*rayon*) which were in preparation at the time, the decoupling between water and administrative units at upper levels seemed designed to reinforce the *Vodkhoz* control over the former, while maintaining a simulacrum of bottom-up participation. This is a problem contemporary geographers are aware of: the creation of water users’ associations, when ‘cut’ on the basis of hydraulic criteria and therefore separate from the underlying local government units, may reduce the users’ ability to voice their concerns, rather than increase it, in favour of the centralised ‘technical’ authorities that preside over the watershed as a whole.[[76]](#footnote-76) At the time, though, those who raised this issue seemed more concerned by the lack of institutional connection between hydraulic and ‘standard’ administrations, than by the ‘democratic deficit’ this could entail.[[77]](#footnote-77)

The “congresses” themselves introduced a third potential complication. To begin with, it was unclear whether the congresses existed ‘automatically’, wherever there was an irrigation system, or their birth required an act of the corresponding water communities.[[78]](#footnote-78) Their competences were also confused. In particular, a version under examination in June contained detailed provisions on the role of the congresses and made them responsible, among other things, for “establish[ing] the expenditure and the schedule of works for the maintenance and repair of the irrigation system in question”, “solv[ing] controversial issues arising between different water communities in the economic life of the [water] system”, and allocating between the communities all the expenses relative to these functions.[[79]](#footnote-79)

This part entirely disappeared from subsequent versions after September 1926, in a manner that resembles the way Asfendiarov’s attempt to reinforce the local “land-and-water commissions” had been brushed aside a few years before. The all-Union Waterworks Administration, in particular, directly intervened against such a provision.[[80]](#footnote-80) What remained, though, was the possibility that the “congresses”, by coinciding with a physical water basin, would transcend the boundaries of the newly established national territorial units. Under the appearances of a system to ensure the bottom-up representation of water users, this circumstance crucially expropriated those units from control over some of the most important irrigation systems, because the “congresses” were directly subordinated to the Central Asian *Vodkhoz*. As someone remarked immediately, this was a violation of the “national principle” and a subtle form of centralisation.[[81]](#footnote-81)

Besides the “water communities”, as noted above, there were other organisations that gathered water users, according to this draft legislation: the above-mentioned “amelioration societies”. While the former were comparable to administrative units specifically competent for water, the latter were explicitly defined as cooperatives. The first amelioration cooperatives had been established in Turkestan already in 1923. From the legal viewpoint, the republican government produced norms on amelioration societies for the first time in May 1923, while a push to clarify their status came from the fourth all-Turkestan congress of *Vodkhoz* workers in January 1924.[[82]](#footnote-82) Rules on amelioration societies were therefore included in the 1924 “temporary rules” on water for Turkestan, but a new framework became necessary after the national delimitation. Furthermore, as explained below, the rules proposed in 1926 made it much easier to constitute an amelioration society.

As their name indicated, the first aim of these cooperatives was amelioration, defined as the reclamation of land for agriculture through new or restored irrigation, the drainage of swamps, clearing, and so on. After this first phase, the amelioration society became responsible for the ordinary maintenance and management of the system in question. In the light of the dismal state of irrigation infrastructure in former Turkestan in the aftermath of the revolution, and of the need to obtain new land for returning migrants and, later, land reform beneficiaries, it is obvious why this mechanism was particularly attractive in Central Asia. Although the amelioration societies could apply for and obtain credits from a purposely constituted “amelioration fund”, both contemporary observers and later Soviet scholars admitted that this system also allowed the shifting of some of the costs of the recovery of irrigation from the State to the peasant population. After that, amelioration societies would also make sure that the population –not only the State- dutifully took responsibility for the maintenance of the corresponding system. [[83]](#footnote-83) As Dembo noted, “the establishment of amelioration societies simply meant a passage from unorganised collective labour, to more accomplished organisational forms [thereof]”: this justified the ‘Sovietisation’ of custom.[[84]](#footnote-84) It also chimed with the goal of the commission led by Rykunov, tasked with “the transit of irrigation system to self-sustainability (*samookupaemost’*).” As documented by Thurman, from here the step towards using the amelioration societies to foster the State’s own plans was a short one.[[85]](#footnote-85)

Amelioration societies had been the object of much scholarship and legislation throughout Europe, as well as in early Soviet agricultural sciences. The reference publication in this domain, Katsenelenbaum’s 1922 book on *Amelioration, amelioration societies, and amelioration credit in Russia*, dated their first establishment in Russia to 1872, but argued that Tsarist-era water regulations acted as a brake on their diffusion. In the specific context of Central Asia, an antecedent to this strategy for amelioration could be found in the idea that those who ‘brought life’ to waste land, whether as individuals or in organised forms, would gain ownership over it. The same would happen under Soviet rule, with the difference that the “ameliorators” would receive usage rights. More explicitly, the experts who operated in Central Asia saw an indigenous antecedent for these societies in supposed “*aryq* communities”, therefore emphasising the joint shouldering of ordinary costs rather than the initial amelioration effort. In this effort to ‘nativise’ the newly proposed “amelioration societies”, *Vodkhoz* experts were overstretching the available ethnographic evidence.[[86]](#footnote-86) In doing so, though, they were not behaving differently from the Russian officials of the early colonial period, who had long tried to consider the Central Asian rural village as a kind of Russian-style rural community (*mir*).[[87]](#footnote-87)

The provisions about the creation of amelioration societies were surprisingly amongst the most controversial ones of those discussed by the commission led by Rykunov. This is clearly reflected in the archival record, especially for the end of 1926. Although in principle cooperatives were voluntarily established by the joint conferral of a social capital, according to the drafters this was not always necessarily the case: one needed to take into account the territorial dimension of the amelioration society, which must, by its nature, be coextensive with a water system. In the 1924 “temporary rules”, for an amelioration society to be established it was necessary that three-fifths of the water users within a given system agreed to join.[[88]](#footnote-88) By contrast, according to the new norms under discussion in 1926, an amelioration society could be set up if *five* water users (either private households or juridical persons, such as State farms), or the League of Cooperatives, expressed that intention. These subjects submitted the demand to the republican office for amelioration societies. What happened to those households who resided in the same area and shared the same water system (to be restored, reconstructed, or dug from scratch by the new society)? This was an important question, especially if the bar for the establishment of a cooperative was to be lowered. In that case, a republican office would gather an assembly of *all* the water users concerned, *after* the constitution of the cooperative had been endorsed. Such an assembly was therefore a purely formal step. A further article made it clear that “the participation in the water-amelioration society constitute[d] an obligation for all the users of the area of activity of the society”. As the water law specialist Dembo put it: “The individual inclusion of this or that water user in the cooperative is impossible, as is his individual refusal [to join]”.[[89]](#footnote-89) If a water user estimated that his household had been included “incorrectly” (*nepravil’no*) in the society, he had only two weeks to raise the issue: both the vagueness of the idea of “incorrect inclusion” and this very small time frame made mass appeals unlikely to happen. Finally, “the exit from the membership of the society can take place only with the exit from the body of water users in the area of activity of the society” – in practice, either by giving up water usage, or by moving elsewhere.[[90]](#footnote-90) This meant that if a household was included in the area where an “amelioration society” existed, the household would have had no choice: it would adhere to the cooperative, therefore becoming a member of one of the many forms of cooperation the Soviet government was trying to boost in the Uzbek republic at that time.

A final provision conveys the same message, and brought out its ultimate consequences: “At the moment of the constitution of an amelioration society, the water *communities* that exist in the area of the [corresponding] water system and their congresses are considered as liquidated, and all their rights and obligations are transferred to the [amelioration] society”.[[91]](#footnote-91) In sum, whenever an amelioration society existed, it would replace the functions of the water communities described above, although it was not made clear what the fate of the *mirab*s would be. Because, as noted above, the “water communities” concurred with Soviet local administrative organs, the provision above meant that the amelioration cooperatives could, in some circumstances, also serve as a parallel administrative structure. As a critical observer remarked at the time, the cooperatives were structurally unequipped for this task.[[92]](#footnote-92)

The ‘oil stain’ propagation mechanism that basically forced all households to adhere to an amelioration cooperative existed at upper levels, too: if the cooperatives in a specific area decided to associate themselves into a “league” (*soyuz*), the latter would also include all the other water systems and users, including railway networks, city and city-like water supply networks, and obviously all the existing amelioration societies. With similar parallelism, the “league” was ultimately meant to replace the “water congress” which should have grouped the water communities.[[93]](#footnote-93) In other words, the project considered by the Rykunov commission designed a scenario in which water allocation was to reside more and more in the hands of a network of cooperatives, which would ultimately depend on a single “office”, very likely tied to the Water Administration. This idea had been implicit in the previous norms on amelioration passed in Turkestan, but the text under discussion facilitated and clarified this transition. This proposal leveraged Lenin’s own stress on the importance of cooperation, together with the political appropriateness and financial expediency of making the population bear at least some of the costs of the recovery and expansion of irrigation in Central Asia. As Soviet scholars would later stress, the amelioration societies could serve the interests of the poorer peasants, who would be protected against exploitation during the annual *corvée*.[[94]](#footnote-94)

Yet, the system described here equally served the interests of centralisation of water management: unlike Soviet local organs, which ultimately went back to the individual republic, the set of organs described above (both “water communities” and cooperatives) referred to the regional level instead. This was inevitable, because of the trans-boundary nature of some of the water systems which the “leagues” in particular would refer to. At the same time, these proposals aimed at giving the Soviet *economic* system a stronger grasp on the countryside, while marginalising Soviet administrative organs – which were slightly more politically accountable.

Moving to the question of the State’s rights on water, it is quite meaningful that one of the most forceful opponents of this proposal, especially the part on amelioration, was none other than Uspenskii. The latter, being well aware of both the pre-revolutionary projects and of the “temporary statute on water” of February 1921, argued that, because water (and land) had been declared to be State property, the latter could not belong to any “society” or “cooperative”. In his view, in this latest project State control was *too weak*, because it was mediated by the new institutions described above. Uspenskii’s criticism on this point, though, was discarded by the commission. This did not happen because Uspenskii had fallen in disgrace: some other amendments by him were well received. In all probability, this happened because at this point (in 1926) the other members of the commission had understood that the outright nationalisation of water had not been effective. Furthermore, they realised that it would not work without the mediation and translation into Soviet language (the cooperatives) of the same native institutions and procedures that segments of the metropolitan Tsarist administration had sought to emasculate on the eve of the revolution.[[95]](#footnote-95) Uspenskii, in a sense, was alerting his fellow commissioners to the paradox mentioned in the introduction to this article: that, despite the formal transfer of property to the State, cancelling the customary water rights of the natives and underpinning institutions was proving, in practice, a long and difficult process.

From a more institutional viewpoint, the proceedings and materials of the commission which was discussing these provisions show that, within it, there existed a wide consensus, and probably unanimity, across the various organisations that were sponsoring these changes.[[96]](#footnote-96) No substantial amendments were made to the first text: if possible, the latter became even more drastic, making it clear that all water users should participate in the expenses of the *tovarishchestvo*.[[97]](#footnote-97) This apparent consensus would accord well with the interpretative paradigm of the ‘centralisation’ of water management functions, which Christian Teichmann dates from 1927, as opposed to the republics’ rights in this field.[[98]](#footnote-98) It holds true that the project of water legislation (unlike, for instance, the parallel discussion on the regulation of sharecropping) was substantially a product of regional organs gathered around the plenipotentiary of the Labour and Defence Council in Central Asia. Indeed, there is some evidence that even the single republics and autonomous provinces, once called upon to express their opinion on this project, did not raise any major objections.[[99]](#footnote-99) While all this was occurring, however, the Uzbek SSR was initiating its own drafting process for a comprehensive “land-and-water code”. It seems probable that this was a way to counteract the regional-level project of a “water law”.

## A rival project: the “land-and-water code” of the Uzbek SSR

The normative framework for land and water in the Uzbek SSR in the aftermath of the delimitation was confused. Neither had the situation improved by late 1925, on the eve of the land-and-water reform, when plans were drawn to overhaul landownership patterns in the name of “the land to those who till it”. One of the reasons for this situation was that the Uzbek SSR resulted from the aggregation of territories which had been part of three different political entities: the Turkestan republic, and the two people’s republics of Bukhara and Khorezm. The Turkestani legislation had many shortcomings: as explained in the previous sections, and as the Uzbek Narkomzem gloomily commented in 1925, its goal had been primarily to regulate the rights of the nomadic and sedentarised Kyrgyz and Kazakh population, while other questions, pertinent to the areas of ancient irrigated agriculture, had not been dealt with adequately.[[100]](#footnote-100) The Bukharan republic had approved its own legislation on land. In 1924 a preliminary land assessment (*s’ëmka*) of agricultural land and its *de facto* usage had taken place, in order to make some provisions of the republic’s land code applicable – which does not necessarily imply that they were actually implemented.[[101]](#footnote-101)Khorezm had not adopted any new organic legislation: the juridical situation was the same as in the last years of the khanate.[[102]](#footnote-102) When the Uzbek republic was constituted, the Turkestani “land code”, which was based on the 1922 Russian federal legislation, was extended to the provinces which had not been part of this republic. Yet, this extension took place more in theory than in practice: still at the end of February 1926, the “land-and-water commissions”, which according to the code should have handled a substantial amount of litigation, did not exist either in the three provinces formerly included in the Bukharan republic, or in Khorezm.[[103]](#footnote-103)

Rather than trying to extend the Turkestani legislation to the rest of the republic, the Uzbek SSR could have drafted, approved, and implemented new rules. In this second case, it would have had a choice between using the Turkestani (or even Bukharan) legislation as a canvas, or of importing all-Union juridical schemes instead. Moreover, if the republic had opted for a new package of norms, it could have either done so by approving a comprehensive “land-and-water code” (as Turkestan had begun considering), two separate codes (as the Water Administration seemed to prefer), or even different bills, each one regulating an aspect of agrarian relations and the rural economy (*e.g.* labour contracts, irrigation, land disputes, etc.). In general, the Uzbek government moved from a first ‘conservative’ position (the extension of the Turkestani code), to a policy of limited goals (legislation on specific aspects, strengthening of the jurisdiction); when the latter proved a rather difficult path, the government switched to the option of a new code, which was presented as a major achievement. And a major achievement it would have been, if such a comprehensive code had ever been implemented before collectivisation started.

In this, as noted above, Uzbekistan chose a different approach from the other republics and autonomous provinces in Central Asia, which accepted the decoupling of land and water, acquiesced instead to the *Vodkhoz*-sponsored project, and used it as a model for their own rules on water rights. In the Turkmen republic and in the Kyrgyz Autonomous *oblast’* (and possibly in the Kazakh republic) legislative projects in this sphere clearly followed the work of the Rykunov commission at the regional level. Unlike the Uzbek government, which openly dared to propose –and, to some extent, endorse- a comprehensive rival “land-and-water code”, the other republics started drafting their legislation by referring explicitly to what had been happening at the regional level.[[104]](#footnote-104) In other words, the Uzbek government was pursuing (or trying to pursue) its own legislative agenda in the field of agrarian relations and, to some extent, water rights, while other governments tended to trail after the decision of regional organs.

The Uzbek SSR had multiple incentives for trying to tie together water and land, both symbolically and in the actual norm. The first was the decision to proceed to the land-and-water reform, which started in three select provinces (Tashkent, Samarkand, and Fergana) in the second half of 1925 but later engulfed other parts of the republic. Although the reform was meant as a distribution of land (and capital) rather than water, a grasp on the governance of water rights was necessary because of the simultaneous opening of newly irrigated land and the State-sponsored restoration of decayed systems. In the first three provinces alone, 39,593 *desiatiny* of “newly irrigated land” were distributed to landless peasants. By comparison, ‘old’ land available for distribution in the same provinces was estimated between 181 and 186 thousand, although one-third of it was not assigned because it was unsuitable for agriculture.[[105]](#footnote-105) This means that little less of one-fourth of the total land assigned during the land reform in the ‘core’ provinces of Uzbekistan derived from new or restored irrigation. This had financial implications, too: while the advent of NEP had led to the shrinking of budgetary outlays to Turkestan, the funding made available for irrigation in 1925-1926 alone was 28 million roubles - three times higher than one year before.[[106]](#footnote-106) This went together with a greater logistical effort: wage labourers were increasingly employed for moving earth, notably in the Hungry Steppe, which alone absorbed one-tenth of the year’s outlays.[[107]](#footnote-107)

Furthermore, the decree on the land reform, passed in early December 1925, built upon the decree on the nationalisation of land and water endorsed shortly before.[[108]](#footnote-108) This decree simply reiterated norms that should have been clear long before, but still lacked implementation, for instance the prohibition of all private transactions of land and water. While the two decrees served well the cause of the agrarian reform, which led to a reduction of landlessness and sharecropping in favour of a larger class of smallholders - and could even be regarded as a surrogate for a water code - neither of them was comparable to one, especially as far as water was concerned. The decree on nationalisation (art. 7) explicitly called upon the republican government to prepare such a code. Its goal was to ensure the success of the land reform, but also to bring together, harmonise, make permanent, and possibly better adapt to the situation of Uzbekistan the 1924 “temporary rules” and the Turkestani adaptation of the Russian land code. Finally, as the members of the relevant commission remarked, this code would automatically replace all previous legislation on agrarian relations and land rights, including the relics of the Bukharan and Khivan legal systems in this field.[[109]](#footnote-109) This added to its symbolic importance: by producing a new code, rather than extending the Turkestani legislation, the Uzbek SSR was presenting itself as the real successor of those pre-existing polities, radically breaking away from the colonial past even in terms of geographical representations.

Second, Uzbekistan possessed (and still possesses) the vast majority of irrigated agricultural land in the region, without nonetheless controlling the upstream segments of the main river basins it depended on. By tying water rights to “toiling land rights”, Uzbekistan was designing a normative system that would have given it a greater share of power in comparison to the neighbours, where settled irrigated agriculture was less important. It is also possible that the Uzbekistani leadership simply resented the fact that such an important aspect of economic life as irrigation should be regulated at the regional level: stressing the need for a comprehensive “land-and-water code” was therefore an attempt to prevent the republic from losing its grasp on the matter, precisely when more funding was to become available in connection to the land reform. This state of things dovetails with the available evidence of growing disgruntlement among the earlier generation of local politicians who, having supported the revolution as an opportunity to advance their own modernisation agenda, increasingly found their hands tied by all-Union economic decision-making and shrinking opportunities for cultural expression.[[110]](#footnote-110)

A close look at how discussions on the new republican “land-and-water code” evolved shows how quickly the government of the Uzbek SSR moved forward, while by contrast Uspenskii and the other members of the regional-level commission considered above lost their arguments in November and December 1926. Indeed, it was the responsible section of the Uzbekistani central executive committee that had set the deadline for the code at the beginning of July 1926.[[111]](#footnote-111) The text of the latter was therefore basically ready by the summer, in all probability because the urgency of the consolidation of the land reform was prompting a general reappraisal of norms on agrarian relations (*e.g.* on sharecropping). These circumstances signal how keen the Uzbek SSR was to undercut the competing project of the Central Asian *Vodkhoz*.

This momentum continued up until mid-June 1926, then the process stalled and came to a halt. Early in that month, the project was approved in turn by the Party, by the republican council of people’s commissars (with a few modifications suggested by the Narkomzem), by the Presidium of the Central Executive Committee, and finally by the Committee itself.[[112]](#footnote-112) The draft then returned to a special commission of the Uzbek council of people’s commissars. Despite the approval of those responsible for the harmonisation of the agrarian legislation in the three pre-existing republics of Turkestan, Bukharan, and Khorezm, this special commission asked the central executive committee to reconsider the whole of the draft once again.[[113]](#footnote-113) The reason for this slowdown was the attitude of local Soviet institutions, which the government, through the Narkomzem, had established to consult: the initial approval of the Central Executive Committee was “conditional” and subordinated to the “approval by the masses” of Uzbekistan. [[114]](#footnote-114) The Narkomzem therefore distributed printed copies of the code in its latest (and possibly last) version to a long list of Soviet institutions, 550 in Uzbek and 450 in Russian, to ensure the widest possible access to the text.[[115]](#footnote-115) The recipients were asked to express their opinion on its contents, but they did not hurry: in November, the comments of the branch of the Narkomzem in the Tashkent province (*obzemotdel*) and, above all, the Central Asian Water Administration were still missing, to the point that the deadline had to be put off by some ten days again.[[116]](#footnote-116) By contrast, the opinions received from central organs (the VSNKh, all-Union Agricultural Bank, etc.) on the projected land-and-water code were positive. The few who criticised it, for instance the lawyer of the all-Union people’s commissariat for labour, objected to the unification of norms on land and to water in one text on the grounds that these were kept separate in the legislation of the rest of the USSR.[[117]](#footnote-117) It was therefore in Central Asia that one should find the reasons for the slowdown in the approval of the Uzbek land-and-water code.

The regional *Vodkhoz* was naturally hostile to the Uzbek project because it was putting forward a competing one. There were, however, more precise objections. Uspenskii, as the legal expert of the Central Asian Economic Council and one of the drafters (through critical) of the regional “water law” discussed above, used the opportunity to comment on the Uzbek draft to reiterate that sub-State entities should not be subjects of water rights: not only the “water societies” and “amelioration cooperatives” (as in the rival text), but also the “land-and-water societies” (*zemel’no-vodnye obshchestva*) of the code, with their vague definitions, hardly fitted the general principles of Soviet law. In his view, “[their] creation represent[ed] the fundamental limit of the code”. He also objected that the notion of the “land-and-water stock” of the republic (*zemel’no-vodnyi fond*) was too vague to be operational.[[118]](#footnote-118) Uspenskii was proposing again the supremacy of the rights over water of the State *vis à vis* those of the peasantry, however organised and despite the Soviet nature of its aggregation. In this respect, Uspenskii considered both the regional water law and the Uzbekistani code to be too ‘soft’, thereby advocating the removal of all competing claims on water besides the supreme, exclusive property of the State.

It is at the local level, though, that the Uzbek land-and-water code met the starkest opposition, as soon as the thousand printed copies of the conditionally approved text were distributed. The network of the Uzbek Narkomzem’s provincial branches (*obzemotdel*) rejected the draft virulently. These organs criticised the way rules on land and water had been combined, probably knowing that, by mentioning this, they would get the sympathetic ear of the *Vodkhoz.* Yet, their main objections were grounded in practice: in their view, the code did not take into account local peculiarities, especially as far as irrigation in Khorezm was concerned; they were also quick in spotting the potential for conflicts between the *Vodkhoz* and the people’s commissariat for agriculture in regulating access to resources. The *obzemotdely* were trying to protect the interests of the people’s commissariat -and, they argued, those of the Uzbek peasantry- against the Water Administration.[[119]](#footnote-119)

It is worth stressing that, although the text approved in June 1926 was “conditional” on the “approval by the masses” (or, at least, by the Soviet organs who allegedly represented their interests), the Narkomzem had meanwhile recommended to start implementing it.[[120]](#footnote-120) The draft code disseminated in one thousand copies in the summer of 1926 was supposed to be *both* commented upon *and* obeyed. This circumstance was symptomatic of a legal framework that was not merely fluid or chaotic, but almost vaporised. As explained before in this essay, something similar had happened before 1923, during the adaptation of Russian legislation to the conditions of Turkestan. On that occasion, it was unclear which of the pieces of legislation on land and water that had hitherto been adopted should be applied. Both cases call into cause the common understanding of the binding force of laws and decrees, because they indicate how, in the context of rules on water in early Soviet Central Asia, duty might require obedience to a hypertrophic bundle of contradictory norms – or, by contrast, a law that most emphatically had not been endorsed yet. An analysis of early Soviet law-writing on water in the region encapsulates the more fundamental question of what law was in that context.

Probably because of the impossibility of reaching an agreement between the regional draft of the ‘water law’ (which had lost momentum in the second half of 1926) and the competing project of the Uzbek SSR, both drafting processes were left unaccomplished. Occasionally, in an almost ritual way, references to the need for a comprehensive “land-and-water code” for this republic surfaced here and there in the following two years. Some institutions still considered the introduction of this set of norms as timely and necessary. For instance, in January 1927, this topic cropped up at a meeting of presidents of the provincial executive councils, interspersed in a discussion of various issues related to agriculture, frontier management, and resettlement policies.[[121]](#footnote-121) One year later, a very similar “land-and-water code” for Uzbekistan, under discussion at the people’s commissariat of justice, was circulated to other governmental organs for consideration. [[122]](#footnote-122) This was at the beginning of 1928: later that year, all-Union new measures on “toiling land usage” in preparation for “wholesale land organisation” and, further down the line, the collectivisation drive, meant that such discussions as they existed throughout 1926 were never really resumed.

While it is true that a “land-and-water code” for the Uzbek SSR was indeed approved in May 1929, its scope was limited: it did not include any discipline of urban water use, or of the water rights of State farms, although it asserted very clearly the principle of the State’s exclusive property on land and water, introduced the idea of “land-and-water communities”, and repeated previously endorsed rules on amelioration. In any case, two months later, the Uzbek government ordered that the 1929 “land-and-water code” should be valid only in the parts of the Uzbek SSR where “wholesale land organisation” (a prelude to full collectivisation) was taking place.[[123]](#footnote-123)

By and large, none of the transformations that had taken place in the sphere of land and water rights in Uzbekistan through the 1920s, or indeed during the first Five Year Plan, could be attributed to one of the many “water laws” or “water codes” discussed or indeed approved in those years. These attempts at a comprehensive regulation of these matters had been inhibited in their genesis and implementation because of contextual factors (*e.g.* economic crisis, the *basmachi* uprising) or reasons related to the legislative process itself – namely hypertrophy, coupled with lack of clarity on what *was* a binding law in the first place. The opposition between Uspenskii’s ‘old school’, now very strong in the regional *Vodkhoz*, and the new native communist leadership did not revolve only around the question of the opportunity of radical changes in water rights *vis à vis* normalisation, as it had been until 1923. In the mature NEP period, once the principle of the superiority of the State’s rights on water was accepted, this opposition was about the level of the State concerned (federal, regional, or republican) and the role of intermediate bodies (*e.g.* the amelioration cooperatives) in the relation between the State and the final users.

## Water taxation between custom and State priorities

The previous four sections have touched upon the question of continuities and ruptures in the way early Soviet legislative projects dealt with water rights, in constant tension between the rights of the rural population and those of the State, given a variety of changeable political agendas. To complete this picture, one must look not only at the allocation and enjoyment of water rights, but also at the obligation to cover the costs of such access to water. As argued in general by Levi[[124]](#footnote-124) and, in reference to Russia, by Kotsonis,[[125]](#footnote-125) the practice of taxation is a mirror that reflects the relation between subject (or citizen) and the State. Already evoked in the previous sections, the theme of water-related duties is articulated in the following pages.

Although in the Tsarist period Russian evaluations of the native irrigation system varied from the very critical to the fairly admiring, at the beginning of the 20th century some segments of the metropolitan government (the GUZiZ in particular) advocated the complete replacement of the annual *corvée* for the maintenance of large canals with a monetary payment. It was true that the *naturopovinnost’* was already occasionally supplemented by means derived from another form of local tax.[[126]](#footnote-126) They argued that it was more efficient to hire labourers who would relocate to the spot where they were required, than to have villagers travel long distances and waste time and energy in the process. Wage workers were supposedly more productive. In addition, an organ for water management could pool and better administer the revenue from a “water tax” in money. In this respect, the monetisation of the *naturopovinnost’* would have served the interests of the State, by funnelling resources according to its priorities. The definition of this duty, though, posed many problems: in particular, it was unclear how much villages contributed to the *corvée*, and how this was related to other economic variables (land, crop mix, etc.). Expeditions were therefore organised to systematically collect evidence of this, although their results were difficult to interpret due to variations year by year and the patent absence of correlation between days/man and irrigated surface. These findings were at odds with the general claim (found in both pre- and post-revolutionary works) that the *naturopovinnost’* simply depended on the irrigated surface: the number of days of provisioning would also matter, not to mention the stratification of customary arrangements.[[127]](#footnote-127)

As explained above, in the period of the revolution and civil war, the ordinary maintenance of canals was interrupted. When the Soviet order managed to assert itself over the countryside, it was confronted with the daunting double task of restoring irrigation and re-initiating its ordinary maintenance. Returning to labour mobilised as *naturopovinnost’* was the default option in 1921 and 1922, when floods or the threat thereof forced the new regime into emergency mode. In 1922, the estimated value of the *corvée* was 43 per cent of the total outlay for irrigation in Turkestan.[[128]](#footnote-128) Budgetary transfers from Moscow for irrigation remained low until 1925-1926, in particular after the beginning of the New Economic Policy. The new regime thus had to rethink the way the ordinary and extraordinary costs of irrigation in Turkestan could be shouldered. This was not just about squaring the books: technical modernisation, economic efficiency, and political ideology had to be taken into account, too. To reform the standard land tax in this sense was quite complicated:[[129]](#footnote-129) the reform of water dutieswas even more awkward. The idea of a monetisation of *naturopovinnost’* resurfaced, with the supremacy of the State as its corollary. At the same time, progressivity or selective tax breaks ought to be introduced.[[130]](#footnote-130)

As before the revolution, one of the reasons for this awkwardness was the difficulty in ascertaining exactly how much labour was necessary (and, through this, how much money should be collected). There were also a few more general open issues: How long should the traditional allocation of costs underpinning the *hashar* be tolerated? Was a formal ‘sovietisation’ of customs compatible with the Bolshevik idea of the State? Another cause of concern was that, as explained in the first two sections of this essay, Soviet legislation on Central Asian water oscillated in the way it defined supreme rights on water, which in turn entailed different legal justifications for the duties citizens had to fulfil. If the water was “property of the State”, then the State could ask for a fee for its usage. If instead it was the “domain of the whole nation”, then what should the peasants pay for? On the basis of what criteria?

These contradictions became clear in the clash between Moscow and Tashkent from late 1922 around the payment of a new kind of tax on water. At the time, the Turkestan republic was already collecting, beside the agricultural tax, both the *naturopovinnost’* and a “water tax” (*vodnyi sbor*) in money, with the latter partly replacing the former. By and large, this set-up reproduced the pre-revolutionary situation, when the rural population paid, in money or kind, a land tax, the *naturopovinnost’*, and the *zemskii sbor* (part of which was used for water-related infrastructure). Now, the central government tried to impose a new “irrigation tax”. This was defined as a “rent of State-owned irrigation infrastructure”, rather than as a tax on water. Its model was the “irrigation revenue” in India: a return on investment in irrigation infrastructure made by the imperial State. In Central Asia, though, the Soviet State had by and large expropriated canals and other facilities, rather than building them. With the “irrigation tax”, thus, the State was demanding from the population a return on investments it had *not* made.[[131]](#footnote-131)

Sanjar Asfendiarov was particularly vocal in defending the old “water tax” (as a step toward the monetisation of the *naturopovinnost’*) against the new “rent of irrigation facilities”. The majority of the Turkestani council of people’s commissars sided with him and petitioned Moscow against the “irrigation tax”.[[132]](#footnote-132) Only the people’s commissar for finance and future deputy chair of the Party’s Central Asian Bureau, Karklin, took Moscow’s side, “because the decrees on taxes issued by the all-Russian central executive committee should be implemented in the whole federation”.[[133]](#footnote-133) He was convinced that Turkestani government would back down, but this did not happen.[[134]](#footnote-134)

Opposition to the “irrigation tax” had several sources. First, “irrigation facilities” were owned by the all-Russian State, so the revenue from the “irrigation tax” would have been out of Tashkent’s control. (Water, by contrast, had been defined until then as “property” or “domain” of the *Turkestan* republic: only in the 1929 code did the Soviet Union become the “exclusive owner” of water in Uzbekistan.) Second, this was an additional burden for the Turkestani peasantry, because in practice it could not replace the still indispensable *corvée* (although it replaced the “water tax”).[[135]](#footnote-135)

Those who opposed the new duty were right in thinking that its introduction would have provoked discontent. In combination with water shortages, in 1923 a political crisis around payments for irrigation engulfed Samarkand province. As explained below, this ultimately led to a further delay in the implementation of the “irrigation tax”, which was put off to 1924. Although less alarming than in the two preceding years, the agricultural season of 1923 looked problematic from the very beginning. The breakdown of infrastructure led to water shortages, often accompanied by floods, in particular in two areas: first, in the Tashkent province, at the tail end of the Zakh and, to a lesser extent, in the Hungry Steppe; second, in the Samarkand province, along the Dargom and, subordinately, the Pai-aryq, Bulungur, and Palvan-aryq systems. The administrators of the Zeravshan and Dargom water systems were still applying the local rules on *naturopovinnost’*, to be paid in cash everywhere but in the Juma-Bazar district, where villagers provided labour instead. In 1923 the yearly repairs and cleaning were delayed, though, because damage to the infrastructure of the Dargom canal led to floods. Subsequent works conducted during the summer did not suffice to recover normalcy. In addition, during the growing season it appeared that an exceptionally low level of water threatened the fate of the already reduced sown acreage. As related by the Cotton Committee’s organ, the *Vodkhoz* of Samarkand province was impotent, confronted with a rapidly deteriorating situation.[[136]](#footnote-136)

It was at this point that the water crisis in Samarkand province turned into a political one. In order to gather enough extra monies to patch up the emergency, the Turkestani Narkomzem, speaking through the head of the republican Water Administration Mikhail Rykunov, proposed “to distribute water to the population against payment” (*otpusk naseleniyu vody za platu*). The payment would remain very low, he assured, if everybody were to pay one’s due.[[137]](#footnote-137) This was an imprudent move, because this “payment for water” was coming on the top of the ordinary *naturopovinnost’.* Furthermore, in May 1923 the peasants had been told, with much fanfare, that the Soviet regime was introducing a new “single agricultural tax” (*edinyi sel’skokhoziaistvennyi nalog*), which was meant, in the spirit of the New Economic Policy, to make their tax burden lighter and fairer. They had been told in particular that the new Soviet power, through this tax, would look after irrigation and hydraulic works without asking for any additional contribution.[[138]](#footnote-138) Now, Rykunov’s “payment for water” ran in the face of such proclamations, because the peasants were in fact requested to pay *three* duties: the *corvée*, the “payment for water” (which was nothing else but the “irrigation tax” put off in 1922), and the (supposedly) single agricultural tax.

This sparked the indignant reaction of the villagers, in particular those who depended on the Dargom, who refused to pay both the money requested by the *Vodkhoz* and the single agricultural tax.[[139]](#footnote-139) Furthermore, “the district executive committees [*i.e.* local Soviet authorities] did not consider themselves obliged to collect it [*i.e.* the tax]”, thereby taking the side of the population against the *Vodkhoz* and, to some extent, against the people’s commissariat for agriculture. The Samarkand provincial and urban executive committee, too, joined in and refused to endorse the activity of the collectors.[[140]](#footnote-140)Peasants and local administrators requested that the *Vodkhoz*, rather than asking for an extra payment, should use some of the State funding it possessed to cover for emergency repair works on the Dargom. This was impossible: on the one hand, tax agents and other officers from the financial administration refused to use money from the general budget for the restoration of irrigation facilities; on the other, the outlays the *Vodkhoz* could tap into had been defined before, without knowing about the looming crisis.[[141]](#footnote-141) In the republican government itself, Samarkand’s protesters found a keen ear in Sanjar Asfendiarov, who pleaded in their favour and finally obtained the concession that the extra payment to the *Vodkhoz* would be collected only in January 1924.[[142]](#footnote-142)

In the meantime, the situation of irrigation had become “tragic”, because “it [was] possible that the Dargom [would] desiccate completely” at a crucial moment for cotton and other crops. Left without funding, all the Samarkand provincial *vodkhoz* could do, was to ask for workers, carts, hay, and reeds, to be dispatched at the last moment.[[143]](#footnote-143) By the end of the agricultural season 3,000 desiatiny (up to one-fourth of the potential output for that system) had been lost.[[144]](#footnote-144) Arrears in the collection of the single land tax were so great that in November military coercive measures were adopted to force the villagers to pay.[[145]](#footnote-145) As for the “irrigation tax”, it was only collected the following year.[[146]](#footnote-146)

The crisis in the Samarkand province, which persuaded the authorities to put off again the implementation of the “irrigation tax”, exposed the latter’s shortcomings. In particular, the outright imposition of the “irrigation tax” was a witness to the Union’s inability (or unwillingness) to account for Central Asia’s peculiarities. This “irrigation tax” represented an additional cost for Central Asian farmers, which did not exist for other parts of the USSR that relied less massively on the usage of “irrigation facilities” (*e.g.* canals, dams, sluices, pumping stations, etc.). Even if one day the “irrigation tax” had replaced the monetised version of the *corvée*, it would still supplement the single agricultural tax.

The very principle of a “tax on State-owned irrigation facilities” implied a shift in the relation between water users and the State. The idea that the State was the owner of water had been asserted, with some hesitation, in the legislation of the early 1920s, in particular in the 1921 “temporary rules”. Yet, some ambiguity remained, in that the users of each water system were still called upon to ensure its ordinary maintenance and shoulder its costs. For all practical purposes, irrigation was still “in the hands” of the villagers who participated in the *corvée*, despite the fact that water had been nationalised. Now the “irrigation tax” weakened this practical link that joined the farmers and the irrigation facilities they depended upon in a very experiential way. “State-owned irrigation facilities”, for which peasants were to pay a rent, became an abstract object: the State was now in charge, thereby undermining that sense of communal ownership that came instead from the collective provision of the *naturopovinnost’*. This loss of communal ownership and responsibility also meant that water users were now depicted as dependent on the State for their water needs, whereby their rights ended up being clearly subordinate to those of the State. This amounted to the enactment of the “hierarchy of users” contained in the original 1916 Turkestan water law drafted by Gins, as documented by Muriel Joffe.

From another viewpoint, though, the idea of a “tax on State-owned irrigation facilities” contained an admission of weakness by the Soviet regime when handling Central Asian water. This was clear in particular because the new tax was added on the top of the *naturopovinnost’*, rather than replacing it immediately. By asking for a rent on infrastructure, Moscow was temporarily renouncing asking for a payment on water itself. The enjoyment of water rights, as such, was still very much linked to the *corvée*, which the Soviets would not renounce for some years. Consequently, and crucially, the new tax introduced the idea that water could exist, and be taxed, separately from the infrastructure that channelled it, and vice versa. This notion implied that there existed multiple ‘waters’: water in general, and water as something that flows in man-made or man-owned installations.[[147]](#footnote-147) This was of course a very fictional distinction: the water was the same, it flowed in the same canals, and it was measured for fiscal purposes in the same way (broadly based on surface, combined with days of provisioning), at least until more sophisticated measurements became widely available.[[148]](#footnote-148) Furthermore, it was the same infrastructure –undoubtedly “owned by the State”- that was being repaired both through the *corvée* and the “irrigation tax”. Yet by not having the second replace the first, the regime acknowledged that there were aspects of the management of water that lay beyond its grasp. In this respect, the “rent for the usage of State-owned irrigation infrastructure” was somewhat different from the monetisation of the *naturopovinnost’* attempted in the late Tsarist period.

The necessity of the *corvée* was hard to dispute. Proponents of an all-out monetisation of the payments for water within the *Vodkhoz* were sceptical about the ability to maintain the Central Asian irrigation systems by means of a “tax”, however well calibrated.[[149]](#footnote-149) Meanwhile, pressure to achieve the self-sustainability of irrigation (*samookupaemost’* or *samoopravdyvanie*, *i.e.* irrigation at ‘zero cost’ for the general budget) was growing, as reflected in the very name of the commission chaired by Rykunov discussed above in this essay. To include the financing of irrigation in the single agricultural tax, to avoid the double or triple taxation witnessed in 1923, was even more complicated. While the “standard agricultural tax” could have covered ordinary repairs and amortisation outlays, it could not pay for more fundamental restorations and for the “new irrigation” schemes the Soviet regime was eager to pursue in the mid-1920s. This was why, in one way or the other, one still needed to extract resources from the peasants besides the “standard agricultural tax”, in particular through the *naturopovinnost’*.

This necessity was very clear in the accomplishment of “new irrigation works” to satisfy a greater number of beneficiaries on the occasion of the land-and-water reforms. Some ‘strategic’ projects, which extended in time beyond the reform, saw the employment of wage labourers, for instance in the Hungry Steppe.[[150]](#footnote-150) The extension of the Yangi-Aryq in the Namangan district was an opportunity to provide a job to landless labourers who could not be satisfied by the reform.[[151]](#footnote-151) More often, though, hired labourers were employed alongside villagers mobilised through the *naturopovinnost’* mechanism. In the Samarkand *oblast’*, the construction of the Yangi-Dargom employed wage labour, while the *corvée* was still used in 1927 for the large-scale restoration and cleaning of the existing system (especially in the Katta-Kurgan district), and the construction of new machineries for flow regulation at the head of the main canals (*magistraly*).[[152]](#footnote-152) During the reform in the Zeravshan (Bukhara) province, vice versa, *corvée* workers contributed only marginally to the construction of the main feeding and drainage canals on “newly irrigated land”, while the Uzbek *Vodkhoz* hired up to 5,900 men for the rest.[[153]](#footnote-153) The wages and working conditions were decried by the Soviet trade union for agricultural labourers as well as by other observers.[[154]](#footnote-154) This practice was however limited to the main canals: it was instead standard practice, during the land reform, to order the recipients of “newly irrigated land” (or land where irrigation was to be re-established) to dig the lower-level water distribution and drainage networks themselves, with or without the establishment of amelioration societies. While this ideally corresponded to the ancient practice of earning rights of land by “bring it to life” through irrigation, nonetheless it was often very hard on the beneficiaries, who were often under-capitalised. Nevertheless this practice, adopted on the occasion of the reform in the first three provinces of Tashkent, Samarkand, and Fergana, was not discontinued, which contributed to spectacularly tragic results in the new irrigation sites of the Zeravshan (Bukhara) province.[[155]](#footnote-155) In sum, in the last quarter of the 1920s the *Vodkhoz*, though increasingly relying on wage labour, found it hard to handle the latter and, above all, could not do without the *corvée* or other forms of extraction of peasant labour.

If the importance of *naturopovinnost’* did not decrease, its nature had been changing: from an annual *corvée* on major canals, complemented by unrecorded work on the distribution network at the village level, to a water-related duty embedded in a strong vertical relation to the State. In the second half of the 1920s, in other words, the *naturopovinnost’* resembled more and more the “rent for State-owned irrigation facilities”, than the participation in a community-based duty. From this viewpoint, the distance between “irrigation tax” and *naturopovinnost’* was closing, parallel to the greater ability of the Soviet State to exert its claims on resources. And yet, even at this point the task of harnessing the villagers’ labour in order to make irrigation in the region “self-sustainable” could not do without mobilisation through the *corvée*, but only try to ‘appropriate’ it in a new Soviet light.

## Conclusions

Between the Bolshevik revolution and the beginning of collectivisation, on average each year more than one law on water management, water rights, or payments for water was passed, approved, or modified in Central Asia. The proliferation of contradictory norms of dubious binding force seems to be the most characteristic feature of early Soviet “lawfare” on water, water rights, and water-related duties. The various sections of this essay, by following the production of norms step-by-step, convey this impression quite strongly.

This conclusion is concerned with the interpretation of such proliferation, but also with the flip side of the same story: one still finds that these numerous “water laws” and codes did not, as such, bring about substantial socio-economic change. The latter was instead produced by ‘assault’ (*udar*) measures. This brings us back to the questions at the very root of the research in this essay: what was holding back the early Soviet legislator on water? Why did it take so long to translate the principle of the superiority of State rights on water into a comprehensive set of norms? How much did continuities with the pre-revolutionary period (especially the 1916 Turkestan water law) matter in this sense? These question are now going to be answered, but starting from a different angle.

Let us return for a moment to the characterisation of the proliferation of “lawfare” on water: decrees and laws were drafted and revised, passed but not followed or, vice versa, followed while they were still in a provisional form. As illustrated by the case of the Samarkand *Vodkhoz* authorities who responded to the Ura-Tepe *mirab*’s queries, one or more pieces of valid legislation might have been ignored. By contrast, those who obeyed the *project* of land-and-water code displayed a deference to texts handed over by the Narkomzem that transcended their formal legal status. A draft could already set expectations about future coercion and therefore start conditioning behaviours, without having yet received the required form. Law-making as a performance became as important as its ultimate outcome (the approved code), so that intermediate documents could take on a life of themselves as soon as they were disseminated on the printed page. At multiple levels, in sum, the law-making process was relished *per se*, notwithstanding the inability of the State to control which norms were implemented, and how.

A first reason why the very activity of law-making took on such a great, autonomous role resides in the objective difficulties the new Soviet power had in asserting itself and moving beyond simple emergency relief in the years up to 1924. Writing laws and adapting them was both an abstract attempt at State-building and a displacement activity, while the countryside was still largely impermeable to Soviet power. The fact that Bolshevik legal thought on resources was still oscillating between the notions of “exclusive property” and “weal of the whole people” also contributed to the preparation of a variety of conflicting texts. In the mature NEP period, as explained in the central part of this essay, the national delimitation and the rivalry between republican organs and regional *Vodkhoz* equally meant that much energy was expended on producing opposite texts and commenting on those of the other side.

Besides these circumstantial explanations, one may argue, with Christian Teichmann, that the confused stratification of contradictory legislative and administrative regulation was a deliberate strategy. Chaos, in this interpretation, became a tool of governance.[[156]](#footnote-156) While the materials accessed for this study do not allow to suppose the same degree of intentionality as Teichmann found for a somewhat later period, one can still argue that inertia in tackling the hornet’s nest of Turkestani irrigation in a systematic fashion arose from the presence of multiple norms, all supposedly valid, rather than from the absence thereof. For instance, if Turkestan had stuck to the 1921 rules on water usage, or if it had held on to the 1922 Water Law, or if the RSFSR had not inaugurated the merry-go-round mechanism for amending bills that soon became obsolete, the general normative framework for the regulation and usage of water would have *at least* been known by local *Vodkhoz* agents, if not yet followed by the population. The stratification and fluidity of the law, in a sense, shaped collective behaviour as much as the law itself did.

Paradoxically, though, while the Soviet leadership in Central Asia found it difficult to produce a new overall legal framework for water, the population was experiencing agricultural change on a large scale, especially on the occasion of the two waves of land reform of 1921-1922 and 1925-1927. At the origin of this change one does not find the codes and sets of rules which Uspenskii and others were carefully calibrating: one finds instead initiatives that had a wide and deep impact, but were based on short decrees that, at best, referred (as in 1925) to comprehensive codes to come. To explain this mixture of endless drafting and discussion, on one hand, and radical change, on the other, one must bring in the Bolshevik notion of “socialist legality”. While ‘bourgeois’, formal, systematic law-making was tolerated (together with State structures in general) in the intermediate phase that allowed the final success of the revolution, it left no doubt that watershed changes in socio-economic structures could not happen in that way.[[157]](#footnote-157) They required instead mass mobilisation, for which Party agitation and coercion (by the Red Army, the Cheka, or the OGPU) were far more vital than the crafting of an all-encompassing land-and-water code. In the light of this hierarchy, it is not surprising that the Soviet regime, tasked with the re-structuring of irrigation along new ideological lines, was more successful at initiating processes through ‘assault’ initiatives, than at occupying and organising legal spaces. Systematic legislative efforts remained, all in all, quite uneventful if compared to their number.

What were the causes for such an uneventfulness? In particular, why was it so difficult, for those in charge of law-making in Turkestan first and in Uzbekistan later, to come up with a definitive, comprehensive code on water rights, management, and duties? This was happening despite the fact that the Bolshevik regime had legally imposed, with nationalisation, an even stronger version of the State-centric framework which many metropolitan decision-makers had been advocating before 1917. The consecration of State ownership on water (and, one may add, on “irrigation infrastructure”) was not immediately followed by the elaboration of corollary norms of the kind that the ‘old school’ of lawyers would have desired. This happened despite strong continuities in personnel, including among lawyers: as documented in this essay, the trajectories of Uspenskii and Fleksor before and after 1917 in this respect are very meaningful, and not exceptional.

As in the explanation of the hypertrophy of water laws addressed above, one would be tempted to put this hesitation down to adverse circumstances. At the very beginning (until 1922), this reflected the vagaries of Bolshevik doctrine, which did not immediately abandon SR-style notions of “weal of the whole people”. This difficulty, however, continued: it was therefore more than a teething problem of the new regime, a product of its initial focus on security and immediate relief. Even the 1929 code –admittedly the most complete and ‘final’ text produced in those years- saw its applicability limited to the ‘experimental’ districts of wholesale land organisation only.

Starting from the end, what happened to *naturopovinnost’* is an indication of the inertial persistence of customary values and practices. The new regime was surely able to exploit these practices to generate new obligations, but this required a degree of compromise. As noted at various points in the previous sections, ‘expert’ observers justified the preservation of the *corvée* and other customary ‘relics’ with the need to mobilise, for new socialist goals, the “living forces” of the toiling population.[[158]](#footnote-158) While this argument resonated in support of the “water communities” and even of the amelioration societies, “the Bolshevik decision to write ‘custom’ into [their] laws” is nowhere clearer than in the case of the *naturopovinnost’*.[[159]](#footnote-159) This form of labour mobilisation was essential to defray the costs of emergency repairs and capital restoration, as well as those of new irrigation projects in the second half of the 1920s. Even for ordinary maintenance it proved very difficult to do without the *corvée*, or to combine it with other duties.Deeply engrained ideas about the *corvée* were at the origin of the behaviour of peasants who, along the Dargom and in Katta-Kurgan in 1923, stubbornly refused to acknowledge that they had to pay twice (if not thrice) for the same water. In other terms, custom could not be ignored, both as inertial cultural orientations on the side of the Central Asian population, and as a tool which the new regime had to rely upon.

There was one further reason for this hesitation to overturn customary practices: not only did there exist continuity in staff, as just mentioned, between the pre- and post-revolutionary periods, but there existed also continuity in some fundamental aspects ‘colonial knowledge’. One of them was the persuasion that much of what pertained to the native handling of water was simply incomprehensible. This had been one of the hobby horses of those who, before 1917, had advocated a new water law for imperial Turkestan. It was also at the origin of the notion that the Bolshevik nationalisation of water, by allowing greater ‘legibility’ and allowing the State to sit at the top of the “hierarchy of users”, was a desirable outcome. Nonetheless, the same persuasion that the native system could not be grappled with also discouraged a more systematic implementation of the new principles. Without this more or less irrational malaise, there would have been far less hesitation in cutting the Gordian knot in favour or against a comprehensive “land-and-water code”. Without this admission of impotence, the *mirab* would not have been, for some years, at the same time a relic of the old ‘feudal’ system and a quasi-Soviet category of functionaries in the countryside. Last but not least, this deeply engrained notion that the native *corvée* system defeated all external understanding was at the origin of the decision not to reform it (*e.g.* through full monetisation), but to ‘invent’ a new “irrigation tax” on completely different premises. If Central Asian water was incomprehensible, then the new regime would tax something different, namely the fictionally distinct “State-owned irrigation infrastructure”.[[160]](#footnote-160)

In sum, the knowledge deficit of the Tsarist period (either real or perceived) was carried over to the 1920s and contributed to the delay in teasing out in comprehensive legal terms the inevitable conclusions of the idea that the Soviet State was now owning Central Asian water resources. Reliance on native political personnel and mediators (*e.g.* the *mirab*s), insufficient knowledge, and the inertial presence of the local moral economy embodied in the *corvée* system represented a brake and a challenge to the enactment of the State-centric technocracy which the regime had inherited from the late Tsarist regime, and had adopted under the cover of socialism.

Last but not least, a reason for the lack of an abrupt, comprehensive change of legal framework is to be found in the agency of individuals who –for different reasons– were not persuaded of the political opportunity of the enterprise at hand, and slowed it down in various ways, voluntarily or unknowingly. As a representative of the ‘old school’ of water law who were re-employed in the *Vodkhoz* system at various levels, Uspenskii had ‘imported’ into the Soviet era the same set of priorities, in particular forceful views on the etatisation of resources. For instance, he resisted even the relatively mild idea that some of the State’s rights could be shared with the amelioration societies. Others were more ambiguous *vis à vis* such strong etatisation: before the revolution, it had usually been the Turkestani civil-military administration that pointed out the risks and limitations of the GUZiZ’s policies; after the revolution, there was a new generation of native communists, for instance Sanjar Asfendiarov. These inclined to support the State’s claim on resources only insofar as this allowed the advancement of their radical anti-imperial agendas, which consisted in rejecting the heritage of both resettlement and rural poverty and landlessness. Furthermore, they were naturally opposed to normalisation and worked instead at the margins of the hypertrophic law-making process to prevent it. This is clear, for instance, in Asfendiarov’s attempts to increase the competence of the “land-and-water commissions” and therefore export the mobilisation started in Semirechie, or in Uzbekistan’s resisting the decoupling of land and water rights, in order to mobilise resources for the land reform.

With this passage, one returns to the starting point: norms on water that remained a dead letter proliferated, while radical change was happening instead on the basis of ‘shock’ initiatives, backed by the Party and by the repressive machinery of the new regime. In several ways, it was the early Soviet anti-imperial agenda that acted as a brake on the production of comprehensive and final codifications, because the latter would have represented a loss of momentum. The ‘old school’ of water law, thus, was limited in the scope of its action: through the 1920s, the endless drafting of short-lived provisions was what it ended up toying with. In the meantime, both sides were acutely aware of the fact that customary norms and practices had neither become easier to grasp and translate into ‘rational’ laws, nor less indispensable for economic recovery and development.

Archives

RGAE Russian State Archive for the Economy

RGASPI Russian State Archive for Socio-Political History (Moscow)

RGIA Russian State Historical Archive (St Petersburg)

TsGARUz Central State Archive of the Uzbekistan Republic (Tashkent)

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1. Acknowledgements omitted.

   This expression comes from: Jürgen Paul, “Quand l'eau ne tombe pas du ciel”, in: Vincent Fourniau (ed), *Samarcande 1400-1500*. (Autrement: Paris 1995), p. 83-92. [↑](#footnote-ref-1)
2. For a general introduction to irrigation technology in pre-Soviet and Soviet Central Asia, see: Ian Murray Matley, “Agricultural Development,” in *Central Asia,* ed. by Edward Allworth, I ed. (New York & London: Columbia University Press, 1967). A more articulate survey of both technology and underpinned social organisation is in: Vincent Fourniau, *L’irrigation et l’espace özbek*: *Des modes d’implantation ethno-sociale dans l’Asie Centrale di 16e au 19e siècle*. These de doctorat, EHESS (Paris), 1985, t. I, pp. 151-238. [↑](#footnote-ref-2)
3. Broadly speaking, this was similar to the *warabandi* (“fixed turn”) system in the north-west of the Indian subcontinent, of which a standard account is: S.P. Malhotra, *Warabandi system and its infrastructure*, New Delhi: Central Board of Irrigation and Power, 1982. [↑](#footnote-ref-3)
4. A. Shakhnazarov, *Izsledovanie zaroslei tsitvarnoi polyni*, SPb, Tip. SPb. Gradonachal’stva, 1899, pp. 7-9, 31-37 (evidence from the middle Syr-Darya close to Chimkent). For the lower Amu-Darya up to the 19th c., see: Ulfatbek Abdurasulov, “The Aral Region and Geopolitical Agenda of the Early Qongrats”, *Eurasian Studies*, 14:1-2, 2016, pp. 3-36, here p. 8-10. [↑](#footnote-ref-4)
5. O.A. Shkapskii, “Kirgizy-krest’iane (Iz zhizni Semirechia)”, *Izvestia IRGO*, t. 11, 1905, pp. 765-778; Count Konstantin K. von Pahlen, *Mission to Turkestan*, ed. by Richard Pierce, London, Oxford UP, 1964, pp. 191-192. Also: Akira Ueda, “How did the Nomads Act during the 1916 Revolt in Russian Turkistan”, *Journal of Asian Network for GIS-based Historical Studies*, Vol.1 (Nov. 2013) 33-44. [↑](#footnote-ref-5)
6. On the Ili crisis, see: S. Gorshenina, *Asie Centrale. L'invention des frontières et l'héritage russo – soviétique*. Paris: CNRS Editions, 2012, 95-132; on rice in Semirechie: K. Nedzvedskii, “Ocherki kul’tury risa v Semirechie”, in: *O kul’ture risa v Turkestane i vlianii ee na zabolevaemost’ malyariei*, Tashkent, Tipo-litografiya V.M. Il’ina, 1905, pp. 219-267. [↑](#footnote-ref-6)
7. For an example of the many contemporary critical evaluations of native irrigation: P. Komarov, “O nuzhdakh irrigatsii i obychaiakh”, *Sredne-aziatskaia zhizn’*, no. 58 & 59, 1906 [in: *Turkestanskii Sbornik*, vol. 442, pp. 160-164]; one of the very rare positive opinions expressed at the time is in: A.I. Shakhnazarov, *Sel’skoe Khoziaistvo v Turkestanskom Krae* (SPb: Tipografiia V.F. Kirshbaum, 1908). [↑](#footnote-ref-7)
8. ## For accounts of different areas see:Jörn Happel, *Nomadische Lebenswelten und zarische Politik : der Aufstand in Zentralasien 1916*, (Stuttgart: Franz Steiner Verlag, 2010); Tomohiko Uyama, “Two Attempts at Building a Qazaq State: The Revolt of 1916 and the Alash Movement,” *Islam in Politics in Russia and Central Asia (Early Eighteenth to Late Twentieth Centuries)*, Ed. by Stéphane A. Dudoignon and Hisao Komatsu (London: Kegan Paul, 2001), 77–98; Cloé Drieu, "La rupture des espaces coloniaux en 1916 : le cas des révoltes de 1916 contre la conscription à Jizzakh, dans les zones sédentaires du Turkestan", *Revue Des Mondes Musulmans et de La Méditerranée*, no. 141 (2017), pp. 191-209.

   [↑](#footnote-ref-8)
9. Marco Buttino, *La rivoluzione capovolta. L’Asia centrale tra il crollo dell’impero zarista e la formazione dell’Urss* (Napoli: L’ancora Del Mediterraneo, 2003). [↑](#footnote-ref-9)
10. Jonathan M. Thurman, *Modes of Organization in Central Asian Irrigation: The Ferghana Valley, 1876 to the Present*, PhD diss., Indiana University-Bloomington, 1999, p. 141. [↑](#footnote-ref-10)
11. Christian Teichmann. *Macht der Unordnung: Stalins Herrschaft in Zentralasien, 1920-1950,* Hamburg: Hamburger Edition, 2016, p. 91. [↑](#footnote-ref-11)
12. Marco Buttino, “Study of the Economic Crisis and Depopulation in Turkestan, 1917–1920,” *Central Asian Survey* 9, no. 4 (1990): 59–74. [↑](#footnote-ref-12)
13. S.P. Trombachev, “Sredne-aziatskoe vodnoe khoziaistvo”, *Vestnik irrigatsii*, no. 10, 1927, pp. 3-4. [↑](#footnote-ref-13)
14. I.G. Aleksandrov, “Narodnoe khoziaistvo Turkestana i ego vosstanovlenie”, *Khlopkovoe delo*, nos. 1-2, 1922, p. 24. [↑](#footnote-ref-14)
15. Niccolò Pianciola, “Décoloniser l’Asie centrale ?,” *Cahiers du monde russe* 49, no. 1 (March 1, 2009): 101–44. Teichmann (*Macht der Unordnung*, 47-51) qualifies the reform of 1921-1922 as a “Kolonialkriege”. [↑](#footnote-ref-15)
16. Lidia Z. Kunakova, *Zemel’no-vodnaia reforma v Uzbekistane (1925-1929 gg.)*, Frunze, Izdatel’stvo “Mektep”, 1967, here pp. 100, 102, 104; Kamil Yusupov, *Agrarnye otnosheniia v Uzbekistane v period stroitel’stva sotsializma*, Tashkent, Uzbekistan, 1977, p. 60-69; On the Fergana valley in particular: L.Z. Kunakova, *Zemel’no-Vodnaia Reforma v Ferganskoi Doline (1925-1929 Gg.)* (Osh: Gospedinstitut, 1962). See also: Gerard O’Neill, “Land and Water ‘reform’ in the 1920s: Agrarian Revolution or Social Engineering?,” in *Central Asia: Aspects of Transition,* Ed. Tom Everett-Heath (London ; New York: Routledge-Curzon, 2003), 57–79; Beatrice Penati, “Adapting Russian Technologies of Power: Land-and-Water Reform in the Uzbek SSR (1924–1928),” *Revolutionary Russia* 25, no. 2 (2012): 187–217. [↑](#footnote-ref-16)
17. This term is from George L. Yaney, *The Urge to Mobilize: Agrarian Reform in Russia, 1861-1930* (Urbana: University of Illinois Press, 1982). [↑](#footnote-ref-17)
18. This essay uses the word “lawfare” in the sense attributed to it by John L. Comaroff (“Law, Culture, and Colonialism: A Foreword”, *Law and Social Inquiry*, 26:2 (2001):101-10, here 106). [↑](#footnote-ref-18)
19. Christian Teichmann. *Macht der Unordnung*. [↑](#footnote-ref-19)
20. This confirm the hypothesis, which Thurman considered “likely”, that the employment of ‘bourgeois specialists’ allowed such an integration of custom into the new norms: Thurman, *Modes of Organization*, 142-3. [↑](#footnote-ref-20)
21. Georgii Safarov, *Kolonial’naia revoliutsiia (Opyt Turkestana)* (Oxford: SCAS, 1985) (original ed. 1921). [↑](#footnote-ref-21)
22. The *mirab* was in charge of the allocation of water and of the *corvée* (see below) within a water system. For a description of the duties of the *mirab*s and of their superiors, *aryq-aqsaqal*s (who before the conquest were known respectively as *kok-bashi* (=*mirab*) and *mirab-bashi* (=’chief of the *mirab*s)) mainly on the basis of Russian and foreign travelogues and geographers: Maya K. Peterson, “Technologies of Rule: Empire, Water, and the Modernization of Central Asia, 1867-1941” (PhD. diss., Harvard University, 2011), 80–82. Compare: S.P. Trombachev (pod red.), *Voprosy Sel’skogo Khoziaistva I Irrigatsii Turkestana* (Tashkent: Izdanie Turkvodkhoza, 1924), 114. [↑](#footnote-ref-22)
23. Morrison, *Russian Rule in Samarkand 1868-1910*, 218–31. [↑](#footnote-ref-23)
24. On the *naturopovinnost’* see: Alexander Morrison, *Russian Rule in Samarkand 1868-1910: A Comparison with British India*, 1 edition (Oxford ; New York: Oxford University Press, 2008), 215–18. On *kazu*, see *e.g.* M.Yu. Yuldoshev, *K Istorii Krest’ian Khivy XX Veka* (Tashkent: Fan, 1966). [↑](#footnote-ref-24)
25. Peter Holquist, “‘In Accord with State Interests and the People’s Wishes’: The Technocratic Ideology of Imperial Russia’s Resettlement Administration,” *Slavic Review* 69, no. 1 (2010): 151–79. [↑](#footnote-ref-25)
26. Muriel Joffe, “Autocracy, Capitalism and Empire: The Politics of Irrigation,” *The Russian Review* 54, no. 3 (1995): 365–88. [↑](#footnote-ref-26)
27. David S. Fleksor was born in a Jewish family in Bessarabia. A graduate of the law faculty at St. Petersburg university, he served from 1895 in the Ministry of agriculture and State properties, then in the GUZiZ, focusing on water law. He was a member of an international committee of water lawyers. “Fleksor, David Samsonovich”, in: *Rossiiskaia Evreiskaia Entsiklopediia*, Moskva, “Epos”, 1997, vol. III, p. 227b. See also: Yanni Kotsonis, *Making Peasants Backward: Agricultural Cooperatives and the Agrarian Question in Russia, 1861-1914* (Basingstoke: Macmillan, 1999), 121;Pravilova, *Property of Empire*, p. 124. [↑](#footnote-ref-27)
28. Scott Baldwin Smith, *Captives of the Revolution: The Socialist Revolutionaries and the Bolshevik Dictatorship, 1918-1923*. (Pittsburgh: University of Pittsburgh Press, 2011), p. 129. For Gins’s general trajectory and that of other late Tsarist experts during the war and the civil war, see: ‘“In Accord with State Interests and the People’s Wishes”: The Technocratic Ideology of Imperial Russia’s Resettlement Administration’, *Slavic Review* 69, no. 1 (2010): 151–79. [↑](#footnote-ref-28)
29. Muriel Joffe, “Autocracy, Capitalism and Empire: The Politics of Irrigation,” *The Russian Review* 54, no. 3 (1995): 365–88. [↑](#footnote-ref-29)
30. Ekaterina Pravilova, *A Public Empire: Property and the Quest for the Comm on Good in Imperial Russia* (Princeton University Press, 2014), 122–24. [↑](#footnote-ref-30)
31. Ekaterina Pravilova, “Les res publicae russes. Discours sur la propriété publique à la fin de l’empire,” *Annales. Histoire, Sciences Sociales* 64e année, no. 3 (2009): 579–609; Pravilova, *A Public Empire*, 125. Pravilova over-emphasises the discontinuity between the discourse of ‘property’ and that of *khoziaistvo* and neglects the effect either terminology, once endorsed by law, would have had for the native population of Turkestan. [↑](#footnote-ref-31)
32. On the clash between “left-wing nihilism” and the “KD-style”, “bourgeois” views expressed in the journals *Ekonomist* and *Pravo i zhizn’* in the first years of Soviet power, see: V.M. Kuritsyn, *Stanovlenie sotsialisticheskoi zakonnosti* (Moskva: “Nauka”, 1983), 54-55. Also: W.E. Butler, *Soviet Law* (London: Butterworths, 1988), 31-33*.* [↑](#footnote-ref-32)
33. Pravilova, *Public Empire*, 277-81. [↑](#footnote-ref-33)
34. The expressions “land fund” (or “stock”) and its analogous “water fund” generally refer to the whole of the resources within the State’s boundaries. However, the same expression can refer to the total resources set aside for a particular policy, *e.g.* a land reform, or to the land yet without a defined user. See *e.g.* N.I.Krasnov, “Zemel’nyi fond”, in: *Entsiklopedicheskii slovar’ pravovykh znanii (Sovetskoe pravo)*. (Moskva: Iz-vo “Sovetskaia Entsiklopediia”, 1965), 145b. [↑](#footnote-ref-34)
35. Dekret VTsIKa o sotsializatsii zemli, 19.6.1918, S.U. 1918g., no. 25, st. 346, published in: *Sistematicheskii sbornik uzakonenii i rasporiazhenii rabochego I krest’ianskogo* pravitel’stva, Moskva, 1919, p. 55. See also: Butler, *Soviet Law*, , 274-5; W.E. Butler, “Land reform in the Chinese Soviet Republic”, in: idem (ed.), *The Legal System of the Chinese Soviet Republic, 1931-1934.* (New York: Transnational Publishers, 1983), 77-93, here pp. 78-84. Compare: G.A. Aksenenok, *Pravo gosudarstvennoi sobstvennosti na zemliu v SSSR*. (Moskva: “Yuridicheskaia Literatura”, 1950), 13; G.A. Aksenenok – N.I. Krasnov, *Pravo zemlepol’zovaniia v SSSR i ego vidy*,. (Moskva: “Yuridicheskaia Literatura”, 1964), 9-11. Doctrine refers to both land and water. [↑](#footnote-ref-35)
36. Zemel’nyi kodeks RSFSR (passed by the VtsIK, 30.10.1922), S.U. 1922g., no. 68, st. 901, published in: *Zemel’nyi kodeks s dopolnytel’nymi uzakoneniami i rasporiazheniami Narkomzema RSFSR.* Izdanie 2-oe. (Moskva: Novaya derevnia, 1925), 7. [↑](#footnote-ref-36)
37. M. Psarev, “Kratkaia zapiska otnositel’no vodnogo zakonodatel’stva v Turkestane”, *Vestnik Irrigatsii*, no. 3-4 (1923): 34-45, here pp. 37-38. [↑](#footnote-ref-37)
38. Seidualy Tileukulov, *Sotsialisticheskie preobrazovaniia oroshaemogo zemledeliia Uzbekistana*. (Tashkent: Iz-vo „Fan” UzSSR, 1981), 24-27. [↑](#footnote-ref-38)
39. Julia Obertreis, “‘Mertvye’ i Kul’turnye’ Zemli: Diskursy Uchenykh i Imperskaia Politika v Srednei Azii, 1880-e - 1991 gg.,” *Ab Imperio* 4 (2008): 191-231. [↑](#footnote-ref-39)
40. Psarev, “Kratkaia zapiska”, 38. [↑](#footnote-ref-40)
41. While mentioned and described by Psarev (“Kratkaia zapiska”), this statute is absent in the otherwise reliable compilation and list of legislative and administrative texts which the Turkestan Narkomzem itself published in 1924: L.I. Dembo (ed), *Zakonopolozheniia po sel’skomu, lesnomu i vodnomu khoziaistvu Turkrespubliki (Sbornik uzakonenii, rasporiazhenii, tsirkuliarov, prikazov i pr. po N.K.Z. T.S.S.R. po 1-e oktiabria 1924g.)*. ([Tashkent]: Izdanie Turknarkomzema, 1924). [↑](#footnote-ref-41)
42. M.P. Ishimov, *Pravo vodopol’zovania v Uzbekskoi SSR*, dissertation (*kandidat* *iuridicheskikh nauk*), Leningrad State University, 1962 (Online: <http://www.dissercat.com/content/pravo-vodopolzovaniya-v-uzbekskoi-ssr>, last viewed 25.1.2018). [↑](#footnote-ref-42)
43. M. Elie, "Coping with the 'Black Dragon' Mudflow Hazards and the Controversy over the Medeo Dam in Kazakhstan, 1958-66", *Kritika*, 14:2 (2013): 313-342, here p. 318. [↑](#footnote-ref-43)
44. On the usage of the *corvée* in this period, see (at least for Fergana): Thurman, *Modes of organisation*, ch. 4. For a pessimistic evaluation, see: R.Kh. Aminova, *Agrarnye preobrazovaniia v Uzbekistane v gody perekhoda sovetskogo gosudarstva k NEPu*. (Tashkent: “Nauka”, 1965), 291-5; more enthusiastic account in: Tileukulov, *Sotsialisticheskie preobrazovania*, 30-35. Also: Adeeb Khalid, *Making Uzbekistan: Nation, Empire, and Revolution in the Early USSR* (Ithaca: Cornell University Press, 2015), 159. [↑](#footnote-ref-44)
45. On Rysqulov’s career before 1921, see: Khalid, *Making Uzbekistan*, 107-12; Buttino, *La rivoluzione capovolta*, 327–341, 350–352. [↑](#footnote-ref-45)
46. Psarev explains in this way the fact that the 1921 statute remained dead letter: “Kratkaia zapiska”, p. 38. [↑](#footnote-ref-46)
47. L.I. Dembo, *Zemel’nyi stroi Vostoka*. (Leningrad: Iz-vo Leningradskogo Instituta zhivykh vostochnykh yazykov im. A.S. Enukidze, 1927), 93 [↑](#footnote-ref-47)
48. Khalid, *Making Uzbekistan*, 149. Khalid discusses in particular the impact on education. [↑](#footnote-ref-48)
49. Psarev, “Kratkaia zapiska”, 38. [↑](#footnote-ref-49)
50. Ibidem. [↑](#footnote-ref-50)
51. Federal Committee for the Land Question at the NKZ RSFSR to the NKZ TurkSSR, 28.3.1922, TsGARUz, f. r-29, op. 3, d. 2433. Compare: TsIK TurkSSR, Prezidium, resolution, [Winter 1922-23], TsGARUz, f. r-17, op. 1, d. 425, l. 7. [↑](#footnote-ref-51)
52. This code superseded Turkestan’s own “basic law on toiling land usage” of 17 August 1922. *Zakon o trudovom zemlepol’zovanie*, 24.5.1922; published in: *Sobranie uzakonenii i rasporiazhenii rabochego i krest’ianskogo pravitel’stva*, no. 36 (18.6.1922), Otdel 1-i, pp. 576-580. [↑](#footnote-ref-52)
53. *Postanovlenie o poriadke rassmotreniia zemel’nykh sporov*, 24.5.1922; published in: *Sobranie uzakonenii i rasporiazhenii rabochego i krest’ianskogo pravitel’stva*, no. 36 (18.6.1922), Otdel 1-i, pp. 581-582. [↑](#footnote-ref-53)
54. *Dekret VTsIKa, “Perechen’ vidoizmenenii osnovnogo zakona o trudovom zemlepol’zovanii dlia Turkestanskoi respublike”*, 17.8.1922, published in: *Sobranie uzakonenii i rasporiazhenii rabochego i krest’ianskogo pravitel’stva*, no. 55 (10.9.1922), Otdel 1-i, pp. 829-30. Radzhapova claims that Tashkent ultimately endorsed this text on September 5: R.Ya. Radzhapova, *Turkestan v nachale XX* veka, p. 447 (no documentary reference). [↑](#footnote-ref-54)
55. Introduction to the *Osnovnoi zakon o trudovom zemlepol’zovanii v Turkrespublike*,[copy dated 17.8.1922], TsGARUz, f. r-29, op. 3, d. 2850, ll. 5-10. Beside land and water litigations, Tashkent’s proposed amendments to the statute “on toiling land usage” concerned mainly the nomads’ land, “urban land of agricultural significance” (*e.g.* the very valuable –but much decayed in the revolutionary years– *intra muros* vegetable gardens). [↑](#footnote-ref-55)
56. Statute on the procedure to settle land and water litigations, TsIK TurkSSR, 15.11.1922, TsGARUz, f. r-17, op. 1, d. 328, ll. 6-7. For the debate: SNK TurkSST, proceedings, 25.10.1922, TsGARUz, f. r-17, op. 1, d. 309, ll. 518-520, here l. 519. *Proekt popravok, izmenenii i dopolnenii…*, attached to the TurkTsIK proceedings, 7.2.1923 (typed, with manuscript notes), TsGARUz, f. r-17, op. 1, d. 426, ll. 2-10. [↑](#footnote-ref-56)
57. See for instance: Count Konstantin K. von Pahlen, *Mission to Turkestan*, ed. by Richard Pierce.(London: Oxford UP, 1964), 191-192. [↑](#footnote-ref-57)
58. *Polozhenie o poriadke rassmotrenia zemel’no-vodnykh sporov v Turkestanskoi SSR*, no. 29, approved by the Presidium TurkTsIK, 10.5.1923, in: Dembo, *Zakonopolozheniia*, 159-160. [↑](#footnote-ref-58)
59. Copy of a message from the Samarkand provincial office of the *vodkhoz*, 9.7.1923, TsGARUz, f. r-17, op. 1, d. 756, l. 246; opinion of the legal expert (Rendakov), 2.8.1923, ibidem, l. 246ob. [↑](#footnote-ref-59)
60. *Dekret VTsIKa ob ustanovlenii spiska uzakonenii, prekrashchaiushchikh svoe deistvie s vvedeniem zemel’nogo kodeksa*, 1.2.1923, published in: *Sobranie uzakonenii i rasporiazhenii rabochego i krest’ianskogo pravitel’stva*, no. 10 (20.3.1923), Otdel 1-i, p. 217-220. [↑](#footnote-ref-60)
61. L.M. Dembo, *Zakonopolozheniia po sel’skomu, lesnomu i vodnomu khoziaistvu Turkrespubliki*. ([Tashkent]: Izdanie TurkNKZ, 1924). [↑](#footnote-ref-61)
62. Extended *kollegiya* NKZ TurkSSR, proceedings, 24.2.1924, TsGARUz, f. r-9, op. 3, d. 2780, ll. 24-28, here l. 25; *Kollegiya* NKZ TurkSSR, 3.3.1924, TsGARUz, f. r-9, op. 3, d. 2780, ll. 21-23, here l. 21. [↑](#footnote-ref-62)
63. *Kollegiya* NKZ TurkSSR, proceedings, 10.3.1924, TsGARUz, f. r-9, op. 3, d. 2780, ll. 41-43. [↑](#footnote-ref-63)
64. *Kollegiya* NKZ TurkSSR, proceedings, 17.3.1924, TsGARUz, f. r-9, op. 3, d. 2780, ll. 47-51, here l. 51. [↑](#footnote-ref-64)
65. Ibidem. [↑](#footnote-ref-65)
66. *Kollegiya* NKZ TurkSSR, proceedings, 24.3.1924, TsGARUz, f. r-9, op. 3, d. 2780, ll. 52-54. [↑](#footnote-ref-66)
67. *Kollegiya* NKZ TurkSSR, proceedings, 13.5.1924, TsGARUz, f. r-9, op. 3, d. 2780, ll. 74-76, here l. 76. [↑](#footnote-ref-67)
68. M.P. Ishimov, *Pravo vodopol’zovania v Uzbekskoi SSR*, 35-6; Dembo, *Zemel’nyi stroi Vostoka*, 96-7. [↑](#footnote-ref-68)
69. Christian Teichmann, “Canals, Cotton, and the Limits of de-Colonization in Soviet Uzbekistan, 1924-1941,” *Central Asian Survey* 26, no. 4 (2007): 499–519. [↑](#footnote-ref-69)
70. The new name became “commission for water legislation and for the transit of the irrigation systems to self-sustainability”. Commission for water legislation, *otchet po rabotam*, 27.10.1926, TsGARUz, f. r-9, op. 1, d. 1358, ll. 18-25, here l. 18. [↑](#footnote-ref-70)
71. See: S. Trombachev, “Vodnoe khoziaistvo Zakavkaz’ia i Kryma”, *Vestnik irrigatsii*, no. 7-8, 1923, pp. 1-36.This curiously reproduced what had happened before the revolution, when, as Pravilova noted, inspiration for a new ‘water law’ in Turkestan was also linked to what had happened in Transcaucasia and Crimea: Pravilova, “Les res publicae russes. Discours sur la propriété publique à la fin de l’empire.” [↑](#footnote-ref-71)
72. Commission for water legislation, *otchet po rabotam*, 27.10.1926, TsGARUz, f. r-9, op. 1, d. 1358, ll. 18-25, here ll. 20-23. See also: Prof. S.P. Pokrovskii, “O nekotorykh organizatsionnykh problemakh irrigatsii”, *Narodnoe khoziaistvo Srednei Azii*, no. 1-2, January-February 1927, pp. 19-30. [↑](#footnote-ref-72)
73. Preparatory draft on water communities and their congresses, 30.6.1926, TsGARUz, f. r-9, op. 1, d. 1358, ll. 118-120. [↑](#footnote-ref-73)
74. President of the Uzbek Water Administration to the SNK UzSSR, 7.6.1925, TsGARUz, f. r-86, op. 1, d. 2671, ll. 402-404. [↑](#footnote-ref-74)
75. Preparatory draft on water communities and their congresses, 30.6.1926, TsGARUz, f. r-9, op. 1, d. 1358, ll. 118-120*.* [↑](#footnote-ref-75)
76. Andrea Zinzani, “Hydraulic Bureaucracies and Irrigation Management Transfer in Uzbekistan: The Case of Samarkand Province,” *International Journal of Water Resources Development* 32, no. 2 (March 3, 2016): 232–46. [↑](#footnote-ref-76)
77. Pokrovskii, “O nekotorykh organizatsionnykh problemakh irrigatsii”. [↑](#footnote-ref-77)
78. Fleksor, comments on the draft articles on water communities, [Summer 1926], TsGARUz, f. r-9, op. 1, d. 1356, ll. 39-44, here l. 40. [↑](#footnote-ref-78)
79. Preparatory draft on water communities and their congresses, 30.6.1926, TsGARUz, f. r-9, op. 1, d. 1358, ll. 118-120, cit. l. 120. [↑](#footnote-ref-79)
80. Head Waterworks Administration (*Glavnoe Upravlenie Vodnogo Khoziaistva*) to Waterworks Committee, 9.9.1927 [prob. 1926], TsGARUz, f. r-9, op. 1, d. 1356, ll. 23-24. [↑](#footnote-ref-80)
81. Pokrovskii, “O nekotorykh organizatsionnykh problemakh”, 26. For other issues posed by the way congresses practically worked, in particular on their relations to the *mirab*s, see: Thurman, *Modes of Organization*, 146-7. [↑](#footnote-ref-81)
82. Yusupov, *Agrarnye otnosheniia*, 99; Tileukulov, *Sotsialisticheskie preobrazovaniia*, p. 39. [↑](#footnote-ref-82)
83. Dembo, *Zemel’nyi stroi vostoka*, 98; I.N. Shastal, “Meliorativnye tovarishchestva i ikh znachenie dlia Turkestana”, *Vestnik irrigatsii*, no. 3-4, 1923, 46-54; Aminova, *Agrarnye preobrazovaniia*, 304; Yusupov, *Agrarnye otnosheniia*, 98. [↑](#footnote-ref-83)
84. Dembo, *Zemel’nyi stroi Vostoka*, 98. [↑](#footnote-ref-84)
85. Thurman, *Modes of Organization*, 151. [↑](#footnote-ref-85)
86. Shastal, “Meliorativnye tovarishchestva”. The reference to Zakharii S. Katsenelenbaum, *Melioratsia, meliorativnye tovarishchestva i meliorativnyi kredit v Rossii*, first published in 1910 but interestingly reprinted in 1922, is at pp. 46-47. [↑](#footnote-ref-86)
87. On this, see: Sergei N. Abashin, “Obshchina v Turkestane v Otsenkakh I Sporakh Russkikh Administratorov Nachala 80-Kh Gg. XIX v.,” *Sbornik Russkogo Istoricheskogo Obshchestva* 5(153) (2002): 71–88. [↑](#footnote-ref-87)
88. Dembo, *Zemel’nyi stroi Vostoka*, p. 99. [↑](#footnote-ref-88)
89. Ibidem. [↑](#footnote-ref-89)
90. Draft, *Vodno-meliorativnye tovarishchestva*, 8.12.1926, TsGARUz, f. r-9, op. 1, d. 1353, ll. 8-15, here ll. 10-13. [↑](#footnote-ref-90)
91. Draft, *Vodno-meliorativnye tovarishchestva*, 8.12.1926, TsGARUz, f. r-9, op. 1, d. 1353, ll. 8-15, here l. 13. [↑](#footnote-ref-91)
92. Pokrovskii, “O nekotorykh organizatsionnykh problemakh irrigatsii”, 25. [↑](#footnote-ref-92)
93. Draft, *Soyuzy vodno-meliorativnye tovarishchestv*, 22.12.1926, TsGARUz, f. r-9, op. 1, d. 1353, ll. 31-36. [↑](#footnote-ref-93)
94. Yusupov, *Agrarnye otnosheniia*, 99. [↑](#footnote-ref-94)
95. Commission on water law, proceedings, 27.12.1926, TsGARUz, f. r-9, op. 1, d. 1353, ll. 16-22, here l. 18. [↑](#footnote-ref-95)
96. The person representing the Turkmen republic in the commission, Il’in, raised “issues of principle”, but it is not clear from the proceedings what he meant. Commission on water law, proceedings, 27.12.1926, TsGARUz, f. r-9, op. 1, d. 1353, ll. 16-22, here l. 17. [↑](#footnote-ref-96)
97. Second draft, *Vodno-meliorativnye tovarishchestva*, [after 8.12.1926], TsGARUz, f. r-9, op. 1, d. 1353, ll. 23-31, here l. 25. [↑](#footnote-ref-97)
98. Christian Teichmann, “Canals, Cotton, and the Limits of de-Colonization“. [↑](#footnote-ref-98)
99. This round of consultations also included the Kazakh ASSR; the Kyrgyz Autonomous province (KAO) only proposed to subject the decisions of the “water assemblies” of each community to the control of the *Vodkhoz*. Compare: Commission of the Turkmen *Vodkhoz*, proceedings, 10.11.1926, TsGARUz, f. r-9, op. 1, d. 1354, ll. 3-4; SNK Kazakh SSR to Central Asian *Vodkhoz*, 25.11.1926, ibidem, ll. 13-17; commission of the KAO OIK, 12.10.1926, ibidem, ll. 19-21. [↑](#footnote-ref-99)
100. Land organisation Administration, unsigned report to the NKZ UzSSR, [1925], TsGARUz, f. r-226, op. 1, d. 23, ll. 29-48, here l. 41. [↑](#footnote-ref-100)
101. Ibidem. [↑](#footnote-ref-101)
102. Anonymous report, [1925], TsGARUz, f. r-90, op. 1, d. 146, ll. 72-81, here l. 73. [↑](#footnote-ref-102)
103. Kollegia NKZ UzSSR, *protocol*, 28.2.1926, TsGARUz, f. r-90, op. 1, d. 277, ll. 29-43, here l. 34. [↑](#footnote-ref-103)
104. Commission of the Turkmen *Vodkhoz*, proceedings, 10.11.1926, TsGARUz, f. r-9, op. 1, d. 1354, ll. 3-4; SNK Kazakh SSR to Central Asian *Vodkhoz*, 25.11.1926, ibidem, ll. 13-17; commission of the KAO OIK, 12.10.1926, ibidem, ll. 19-21. [↑](#footnote-ref-104)
105. See: *Tezisy o provedenii z/r*, n.d., RGASPI, f. 62, op. 2, d. 218, ll. 222-233, here l. 227; compare: Ikramov, *doklad* on the land reform, in: *Materialy 2-go s”ezda KP(b)Uz, Noyabr’ 1925 goda*, Samarkand, [1925], here p. 10. *Itogi agrarnoi reform v Srednei Azii*, [1926?], RGAE, f. 478, op. 1, d. 2067, ll. 3-12. [↑](#footnote-ref-105)
106. *Materialy 2-go s”ezda KP(b)Uz. Noiabr’ 1925g. Samarkand*, 14 (SredAzBiuro’s report). [↑](#footnote-ref-106)
107. Teichmann, *Macht der Unordnung*, 94. [↑](#footnote-ref-107)
108. The texts of the fundamental decrees of the first phase of the land reform are publiched as: “Dekret TsIKa Sovetov UzSSR ‘O natsionalizatsii zemli i vody’”, 2.12.1925, published in: *Sotsialisticheskoe pereustroistvo sel’skogo khoziaistva v Uzbekistan 1917-1926 gg.* Ed. by O. B. Dzhamalov et al. (Tashkent: Akademiia Nauk UzSSR, 1962), doc. 133, pp. 242-243 (from *Pravda Vostoka* (hereafter *PV*), no. 275 (875), 4.12.1925, and: TsGARUz, f. r-86, op. 1, d. 2396, ll. 13-14); “Dekret TsIKa Sovetov UzSSR ‘O zemel’no-vodnoi reforme’”, 2.2.1925, ibidem, doc. 134, pp. 244-246 (from: PV, no. 275 (875), 4.12.1925, and: TsGARUz, f. r-86, op. 1, d. 2396, ll. 15-18; “Postanovlenie TsIKa Sovetov UzSSR ‘O prinuditel’nom vykupe pri provedenii zemel’no-vodnoi reformy…”, 15.12.1925, ibidem, doc. 135, pp. 246-247 (from: *PV*, no. 286 (886), 18.12.1925, and: TsGARUz, f. r-86, op. 1, d. 2218, ll. 419-421). See also: Yusupov, *Agrarnye otnosheniia*, 67; Kunakova, *Zemel’no-vodnaia reforma v* Uzbekistane, 100, 102, 104. [↑](#footnote-ref-108)
109. Commission for the elaboration of the land-and-water code of the UzSSR, *protocol*, [June 1926], TsGARUz, f. r-86, op. 1, d. 3045, ll. 105-106. [↑](#footnote-ref-109)
110. Khalid, *Making* *Uzbekistan*. [↑](#footnote-ref-110)
111. TsIK UzSSR, *Postanovlenie*, 23.5[?].1926, TsGARUz, f. r-86, op. 1, d. 3042, ll. 49-50. [↑](#footnote-ref-111)
112. SNK UzSSR, *Protokol* no. 79/121, 3.6.1926, TsGARUz, f. r-837, op. 2, d. 31, ll. 195-196, here l. 195. [↑](#footnote-ref-112)
113. Commission for the elaboration of the land-and-water code of the UzSSR, *protocol*, [June 1926], TsGARUz, f. r-86, op. 1, d. 3045, ll. 105-106. [↑](#footnote-ref-113)
114. Secretariat CC KP(b)Uz, 2.6.1926, RGASPI, f. 62, op. 3, d. 112, ll. 85-89, here l. 85. [↑](#footnote-ref-114)
115. TsIK UzSSR, *Postanovlenie*, 16.6.1926, TsGARUz, f. r-86, op. 1, d. 3124, l. 59. [↑](#footnote-ref-115)
116. Deputy president, TsIK UzSSR, circular letter to the provincial OIK, November 1926, TsGARUz, f. r-86, op. 1, d. 3045, l. 16. [↑](#footnote-ref-116)
117. Deputy president, TsIK UzSSR, attachments to circular letter to the provincial OIK, November 1926, TsGARUz, f. r-86, op. 1, d. 3045, ll. 8 (VSNKh), 12 (Sel’khozbank), 13 (Narkompros), and ll. 6-7 (Narkomtrud (Leyn), 20.11.1926). [↑](#footnote-ref-117)
118. Ibidem, ll. 35, 37. [↑](#footnote-ref-118)
119. Ibidem, ll. 2 (Tashkent), 11 (Khorezm), 23-25 (Samarkand), 39-58 (Fergana). These opinions were received between late August and November 1926. [↑](#footnote-ref-119)
120. TsIK UzSSR, *Postanovlenie*, 16.6.1926, TsGARUz, f. r-86, op. 1, d. 3124, l. 59. [↑](#footnote-ref-120)
121. Meeting of OIK presidents at the SNK UzSSR, 8.1.1927, TsGARUz, f. r-90, op. 1, d. 278, ll. 33-41, here l. 39. [↑](#footnote-ref-121)
122. Draft, land-and-water code (under discussion at the Narkomyus UzSSR), 29.4.1928, TsGARUz, f. r-904, op. 1, d. 202, here ll. 10-13. [↑](#footnote-ref-122)
123. Ishimov, *Pravo vodopol’zovania*, 49. [↑](#footnote-ref-123)
124. Margaret Levi, *Of Rule and Revenue*, Berkeley, University of California Press, 1988. [↑](#footnote-ref-124)
125. Yanni Kotsonis, *States of Obligation: Taxes and Citizenship in the Russian Empire and early Soviet Republic*, Toronto, Toronto University Press, 2014. [↑](#footnote-ref-125)
126. The *zemskii sbor* covered the building and maintenance of local infrastructure, *e.g.* bridges. According to Dembo, it also covered for “works of local significance which by their dimension could not be completed by the means of individual communities” (*Zemel’nyi stroi Vostoka*, p. 97). In general, little is known about the *zemskii sbor* in Tsarist Turkestan. [↑](#footnote-ref-126)
127. Raw data in: RGIA, f. 432, op. 1, d. 388-389, 393-394. Compare: Dembo, *Zemel’nyi stroi Vostoka*, 97; Teichmann, *Macht der Unordnung*, 86 (evidence from Khorezm and Amu-Darya). [↑](#footnote-ref-127)
128. Tileukulov, *Sotsialisticheskie preobrazovaniia*, 34. [↑](#footnote-ref-128)
129. An agricultural tax in kind replaced the early requisitions in 1921; in 1924, it became everywhere payable in money: Khalid, *Making Uzbekistan*, 159. [↑](#footnote-ref-129)
130. Soviet doubts are illustrated in: K.A. Smirnov, “K voprosu o zamene natural’noi povinnosti po vodnomu khoziaistvu denezhnymi vznosami v predelakh Turkrespubliki”, *Vestnik Irrigatsii*, no. 10, 1924, pp. 10-24. [↑](#footnote-ref-130)
131. B.K. Lodygin, “Vodnoe oblozhenie v Indii v sviazi s zadachei ustanovleniia irrigatsionnogo naloga v Turkestanskoi respublike i perevoda eë orositel’nykh system na samooopravdyvanie”, *Vestnik Irrigatsii*, no. 9, 1923, pp. 8-31. [↑](#footnote-ref-131)
132. Turkestan SNK, excerpt from the proceedings, no. 61, 2.8.1922, TsGARUz, f. r-17, op. 1, d. 313, l. 35; and: Narkomfin TSSR (Karklin) to the president of the TsIK TSSR, 12.8.1922, ibidem, l. 34. [↑](#footnote-ref-132)
133. Ibidem. [↑](#footnote-ref-133)
134. Ibidem. Karklin warned the government that, if it decided to comply too late, then the peasants would not have ways to pay what was due, because the peak in their liquidity (just after the harvest) would have passed. [↑](#footnote-ref-134)
135. Aminova, *Agrarnye preobrazovaniia*, 300. [↑](#footnote-ref-135)
136. Aminova, *Agrarnye preobrazovaniia*, 295. [↑](#footnote-ref-136)
137. Presidium Samarkand OIK, *zhurnal’noe postanovlenie*, 15.6.1923, TsGARUz, f. r-17, op. 1, d. 756, ll. 379-381. [↑](#footnote-ref-137)
138. Presidium Samarkand OIK, *zhurnal’noe postanovlenie*, 9.6.1923, TsGARUz, f. r-17, op. 1, d. 756, ll. 76-79, here ll. 77-77ob. [↑](#footnote-ref-138)
139. Presidium Samarkand OIK, *zhurnal’noe postanovlenie* no. 60, 15.6.1924, TsGARUz, f. r-17, op. 1, d. 756, ll. 379-381. [↑](#footnote-ref-139)
140. Head of the Samarkand provincial Waterworks Administration (Syromyatnikov), to the Samarkand OIK, Samarkand party *obkom*, and others, 28.7.1923, TsGARUz, f. r-17, op. 1, d. 756, l. 247. [↑](#footnote-ref-140)
141. Ibidem. [↑](#footnote-ref-141)
142. Presidium Samarkand OIK, *zhurnal’noe postanovlenie* no. 60, 15.6.1924, TsGARUz, f. r-17, op. 1, d. 756, ll. 379-381. [↑](#footnote-ref-142)
143. Syromiatnikov to the Samarkand OIK, party *obkom*, and others, 28.7.1923, TsGARUz, f. r-17, op. 1, d. 756, l. 247. [↑](#footnote-ref-143)
144. Aminova, *Agrarnye preobrazovaniia*, 295. [↑](#footnote-ref-144)
145. Presidium Samarkand OIK, *zhurnal’noe postanovlenie*, 3.11.1923,TsGARUz, f. r-17, op. 1, d. 756, ll. 336-337. [↑](#footnote-ref-145)
146. Presidium Samarkand OIK, *zhurnal’noe postanovlenie* no. 60, 15.6.1924, TsGARUz, f. r-17, op. 1, d. 756, ll. 379-381. [↑](#footnote-ref-146)
147. This consideration is partly inspired by: Jamie Linton, *What Is Water?: The History of a Modern Abstraction* (Toronto: UBC Press, 2010). [↑](#footnote-ref-147)
148. Lodygin, “Vodnoe oblozhenie”, 14-17, 29. [↑](#footnote-ref-148)
149. Smirnov, “K voprosu o zamene natural’noi povinnosti”, p. 18. [↑](#footnote-ref-149)
150. Teichmann, *Macht der Unordnung*, 94. [↑](#footnote-ref-150)
151. *Svodka potrebnogo finansirovania Uzvodkhoza,* (late 1925), TsGARUz, f. r-218, op. 1, d. 252, ll. 86-87; meeting with the UpolSTO, 21.10.1925, ibidem, l. 96-96ob; Uzvodkhoz to Selkhozbank (Moscow), (after 10.1.1926), TsGARUz, f. r-218, op. 1, d. 249, ll. 32-33, here l. 33. [↑](#footnote-ref-151)
152. Uzbek water administration, *Poyasnitel’naya zapiska k planu rabot naturopovinnosti na 1926-1927 g.*, [Spring 1926], TsGARUz, f. r-218, op. 1, d. 501, ll. 31-32. [↑](#footnote-ref-152)
153. Uzbek water administration to the head of irrigation works related to the land reform in the Zeravshan province, 5.2.1927, TsGARUz, f. r-218, op. 1, d. 401, l. 54 *s ob; Malyi presidium* of the executive committee of the Zeravshan province and Old Bukhara city, *protokol*, 30.10.1926, TsGARUz, f. r-837, op. 2, d. 264, ll. 174-178, here l. 175. [↑](#footnote-ref-153)
154. Third tribunal of the *Zerobotdel* *truda*, 5.1.1927, TsGARUz, f. r-218, op. 1, d. 401, ll. 24 s ob; Samarkand *oblgorkom*, *protokol* no. 26, 31.5.1925, RGASPI, f. 17, op. 16, d. 1243, ll. 32-39; *Obzor no. 1 politichesko-ekonomicheskogo sostoiania Srednei Azii*, January 1928, RGASPI, f. 62, op. 2, d. 1349, ll. 2-64, here l. 16; *Obzor no. 8*, August 1928, RGASPI, f. 62, op. 2, d. 1351, ll. 62-148, here l. 63. [↑](#footnote-ref-154)
155. In one of the three clusters of newly irrigated land (Djalvan-Aryq), at the end of the first summer after the ‘new irrigation’, crops had survived on 688 *ha* out of an original total plan of 9,100 *ha* (or more): Meeting at the NKZ UzSSR, 14.8.1927, TsGARUz, f. r-90, op. 1, d. 829, l. 109; *Kratkii doklad* (on the activity of Uzvodkhoz in the Zeravshan province), [1927], RGASPI, f. 121, op. 2, d. 65, ll. 89-91, here l. 90; *malyi presidium* of the executive committee of the Zeravshan province and Old Bukhara city, *protokol*, 30.10.1926, TsGARUz, f. r-837, op. 2, d. 264, ll. 174-178. Overall assessment: *K dokladu o polozhenie del na zemliakh novogo oroshenia* [1928], f. r-218, op. 1, d. 869, ll. 30-31; Uzbek water administration to SNK UzSSR, 24.11.1927, TsGARUz, f. r-218, op.1, d. 869, l. 33. [↑](#footnote-ref-155)
156. Christian Teichmann, *Macht der Unordnung*. [↑](#footnote-ref-156)
157. See: Vladimir Il’ich Lenin, *The State and Revolution* (London: Penguin, 1992) (originally written in the summer of 1917). [↑](#footnote-ref-157)
158. *E.g.* Prof. A. Uspenskii,“Vodnyi zakon o nizovye vodnye organy.” *Narodnoe khoziaistvo Srednei Azii,* no. 6-7 (1926): 12-6; Pokrovskii, “O nekotorykh organizatsionnykh problemakh”, 21. [↑](#footnote-ref-158)
159. Cit. from: Thurman, *Modes of Organization*, 142-3. [↑](#footnote-ref-159)
160. Smirnov, “K voprosu”, 18. [↑](#footnote-ref-160)