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PROPERTY ISSUES IN LORENZ VON STEIN'S WORK "ON THE AGRARIAN QUESTION" (a historical and theoretical excursus)

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The subject. This article examines the concept of property in Lorenz von Stein's work "On the Agrarian Question". Stein's treatise is analyzed not merely as a historical document but as a methodological resource for contemporary legal philosophy, agrarian policy, and state theory.

Purpose. The research aims to reconstruct, critically assess, and actualize Stein's theory of property in order to test its heuristic potential for understanding modern challenges: property inequality, legitimacy of large-scale ownership, and the search for sustainable development models. A central objective is to determine whether Stein's analysis can inform current debates on the social function of property and the role of the state as an arbiter between economic freedom and social justice.

Methodology. The study employs a systematic-analytical approach that combines historical-theoretical reconstruction, contextual analysis, and projection of Stein's ideas onto contemporary problems. The authors compare Stein's positions with those of his critics (Marxists, liberals, conservatives) and with modern theories (neo-institutionalism, sociology of law).

Results. Stein distinguishes two pathways for the genesis of property: conquest and economic activity (labor, house-building, permanent improvement of land). The latter, he argues, organically transforms mere possession into private property. A crucial social consequence is the conversion of economic inequality into legal inequality: "economic classes inevitably become legal classes". The state, in Stein's view, acts as an active transformative force, converting "unfree" feudal property into "free" bourgeois property through the "liberation of land". The paper systematically reviews comprehensive criticism of Stein's ideas from Marx, Chicherin, Mikhailovsky and other, concluding that although Stein's project of a "social monarchy" was rejected by almost all ideological camps, his diagnostic framework retains substantial value. **Conclusions.** The study confirms the enduring relevance of Stein's sociological approach to property rights, his analysis of the link between forms of ownership and social structure, and his theory of the proactive state. These ideas provide a valuable methodological resource for analyzing contemporary problems of property legitimation, balancing individual freedom with distributive justice, and defining the state's role in economic regulation. Stein's work is thus presented not as a mere historical monument but as a living source for interdisciplinary legal and social research.

1. Introduction.

Lorenz von Stein (1815–1890) was a German economist, legal scholar, and sociologist whose work had a significant influence on the development of the social sciences in the 19th century. His concept of the "welfare state" (Sozialstaat) and his analysis of the interaction between society, state, and law anticipated many 20th-century ideas [1, 2, 3, 4, 5, 6]. L. von Stein's work "Die drei Fragen des Grundbesitzes und seiner Zukunft" ("Three Questions of Land Ownership and Its Future..." (1881) [7] is well known in Russia and formed the basis for the publication "On the Agrarian Question" [8], published by A. Yu. Manotskova in 1901. The historical part of Stein's work was chosen for this edition, as it is the most complete and retained its significance despite the changes that had already occurred in both the content and form of the agrarian question [9, pp. 1–2]. It is to this part that we will turn.

Stein considers the agrarian question as a complex socio-legal phenomenon, at the center of which is the problem of property. His analysis covers the genesis of property, its functional purpose, and its transformation under the influence of the state.

The relevance of the study of von Stein's work is determined by several factors.

Modern jurisprudence, experiencing a crisis of positivism, is seeking new foundations for understanding law. Stein proposes a historical-sociological approach that demonstrates that property rights are not dogma, but the product of a long evolution, reflecting the balance of power in society [2]. His analysis of the dual nature of property (as a source of both freedom and inequality) remains important for discussions about the limits and social function of this institution in the context of growing wealth inequality.

Globalization, European integration, and their shortcomings and limitations have once again brought a comparative analysis of legal systems into demand. Stein's method, based on a comparison of

the development of agrarian relations in England, France, and Germany, exemplifies this approach. It demonstrates how general trends (for example, the emancipation of the land) are realized in unique national conditions.

In the era of post-liberal consensus in the West and its criticism (from the perspective of illiberal democracy), the role of the state as a participant in economic processes has become relevant. Von Stein's concept of the active, transformative role of the state in regulating socioeconomic relations is a direct precursor to his theory of the welfare state. Understanding the state not as a passive "night watchman," but as an entity interested in resolving social contradictions and improving the nation's well-being to strengthen its own power, is extremely relevant.

In light of the above, we consider L. von Stein's work not simply in the context of the history of political and legal doctrines, but also as a possible source for the development of a scientific methodology for solving contemporary problems.

2. Methodology.

The methodological basis of the study is a systems-analytical approach, including historical and theoretical reconstruction, contextual analysis, and the projection of Stein's ideas onto contemporary issues. The main objective is a holistic reconstruction of L. von Stein's concept of property in its internal logic and connection to his overall socio-philosophical system. This involves analyzing the source text, identifying key categories, and tracing their interrelationships. Stein's concept is examined within the intellectual context of the era—its polemics with classical political economy, its dialogue with early socialist theories and nascent Marxism, and the influence of the German historical school of law. This allows us to understand the genesis of his ideas.

We do not limit ourselves to presenting Stein's views; by addressing criticism of his ideas, we identify and analyze the contradictions and

"blind spots" of his theory.

A key methodological approach is to project von Stein's ideas onto contemporary issues. In our view, they offer significant scholarly potential for analyzing such phenomena as the "social function" of property; restrictions on property rights in the public interest (ecology, urban planning) and the expropriation of foreign investors' assets; the development of welfare state institutions; the crisis of representative democracy and the impact of economic inequality on political equality.

Stein's position is compared with criticism of his ideas by contemporaries, as well as with approaches developed in the 20th century (neoinstitutionalism, property rights theory, and the sociology of law). This allows us to determine the place of this German researcher in the history of political and legal doctrines and to evaluate the novelty of his approach.

3. Analysis and reconstruction of L. von Stein's ideas.

Stein begins his work with an analysis of the ancient state of the Germanic, Greek, and Roman peoples, highlighting the common features of their social structures. His starting point is "communal land ownership" based on conquest: "The entire people conquered the land, and therefore the entire people as a whole owned all the land... An individual, both for himself and for his clan, could only obtain the right to use the land, that is, what the Romans called *usus et fructus*" [8, p. 12].

Thus, the concept of private ownership of land was initially absent. It did not belong to specific individuals, but was held in common, transferred for use to individual families on the condition of military service. Possession (*possessio*) did not mean ownership (*dominium*); it was conditional, linked to the fulfillment of public duties.

Three categories of land were distinguished: lands of religious worship (*res sacrae*) [8, p. 15]; public lands (*almenda*) [8, p. 18]; lands for personal

use (*allods*) [8, pp. 21-22].

This division reflected not only the economic but also the socio-legal organization of society. The most important consequence of the communal principle was "mutual responsibility," which, according to the thinker, is a lost but important principle of social solidarity [8, pp. 13-29].

According to Stein, the transition from possession to private property occurred in two ways. Through the seizure of land and the subjugation of the local population [8, p. 44], and through economic activity, primarily the construction of a house and the maintenance of a sustainable, rational economy [8, pp. 49-50].

Stein considers the second path to be the most organic and significant. The construction of a house and the long-term development of the plot created an inseparable connection between the family and the land, which gradually led to the recognition of the family's right to this land as its own. The community could no longer arbitrarily redistribute such plots. "...the legal content of this common ownership was split into two parts: the community still had the right to all duties..., but no longer to the ownership itself. It belonged to the house" [8, p. 51]. Consequently, private property arose as a natural result of labor and economic necessity, and not only as a consequence of violence or conquest (a change in terminology occurred - κλήρος (*kliros* - lot) among the Greeks was replaced by the word κτήσις (*acquisition*), and the Germans developed the concept of *Hufe* (*gufa*), associated with construction (*Hof*)) [8, pp. 42-51].

With the emergence of private property, the entire legal and social structure of society changes. Stein emphasizes that property inevitably leads to inequality. While ownership could be equal, property, by its very nature, tends toward concentration and differentiation through the mechanisms of inheritance, mobilization

(sale), and economic competition. "Ownership can be equal; property must become unequal and therefore must create inequality" [8, p. 57].

This inequality manifests itself not only in the economic but also in the legal sphere: classes arise that differ in the scope of rights and freedoms. Property becomes the basis of civil status. Stein formulates a fundamental law: "economic classes" necessarily transform into "legal classes" [8, p. 65]. This leads to a profound social rift, which subsequently transforms into relations of dominance and subordination.

He also noted that with the emergence of property, the concept of "freedom" also changes. Whereas previously freedom meant participation in public affairs (public assemblies, courts), it is now associated with independence within the framework of one's own economy. The peasant increasingly retreats into private life, and the burden of public duties begins to be perceived as a burden [8, pp. 57-77].

One of the key themes of Stein's work is the establishment of the role of the state as a force capable of overcoming the negative consequences of private property – "inequality" and "unfreedom."

To this end, he distinguishes three eras in the history of land ownership:

- the era of feudalism, during which the principle of dominium eminens (supreme property) of the overlord over the vassal's fief prevails [8, p. 85];
- the era of the power of sovereign princes (Landeshoheit), when state power emancipates itself from the system of land ownership and begins to subordinate the private rights of feudal lords [8, p. 92];
- the era of land emancipation (Grundentlastung), during which the state actively intervenes in agrarian relations in order to transform "unfree" feudal property into "free" bourgeois property [8, p. 99].

Stein believed that the state, represented by the monarchy and bureaucracy, is guided not simply by the will to power, but also by an awareness of its own interests (the power of the state depends on the well-being and freedom of its citizens); it is interested in eliminating the vestiges that hinder economic development and generate social tension: "The state has achieved what its idea demanded and what kings wanted. It has destroyed the lack of freedom of property..." [8, p. 104].

Thus, Stein's state acted not as a "night watchman," but as an active subject of socio-economic transformations, an arbitrator between classes, and a creator of new law [8, pp. 79-105].

The thinker did not limit himself to economic and legal analysis; he also considered the "ethical" function of property [8, pp. 53-54]. "Property fosters a respect for labor that non-ownership knows not; "The same property compels... one to rely on oneself" [8, p. 54].

The peasant-proprietor becomes the pillar of order and stability in society; he is interested in preserving the existing system, since his well-being is linked to the stability of the legal and economic order. Stein, following Aristotle, reflecting the idea of the "middle class," saw in average landownership the foundation of a healthy society (civil society), assessing it as a conservative but positive principle, opposing both the tyranny of the aristocracy and the revolutionary aspirations of the propertyless masses [8, pp. 53-57].

4. Analysis of the criticism of L. von Stein's ideas.

Stein's theories, despite their innovation, were criticized not only by his contemporaries but also by future researchers.

Marxists and socialists saw in Stein an ideologist of state socialism, masking the class character of the bourgeois state. For the founders of Marxism, he was an important, but misguided,

competitor in the analysis of modern society and the state [10, pp. 289, 547]. K. Marx saw in Stein's methodology Hegel's speculative idealism transferred to the realm of social analysis, viewing the state as the embodiment of an idea rather than a real product of material relations. Even in *The German Ideology*, Marx calls the approach of the "Doctor of Laws" L. Stein a "speculative construction," contrasting it with his own method, based on "real premises" and "empirically ascertainable" conditions [11, pp. 18, 36, 164, 192, 198, etc.].

We were unable to find any direct statements by G.V. Plekhanov about Stein. However, in his work "Our Differences," Plekhanov attacks the idea of a "people's state" capable of rising above classes. This idea had one of its sources in Stein's concept of "social monarchy." Plekhanov argues that any state in a class society is a dictatorship of the economically dominant class, and that dreams of a supra-class arbiter are a "harmful utopia" and a "petty-bourgeois illusion" [12, p. 325]. Consequently, although he does not directly quote Stein, his criticism extends to the "welfare state" project as theoretically untenable.

The most fundamental criticism is contained in F. Engels's work "On the Agrarian Question" (1894-1895) - "The Peasant Question in France and Germany" [13]. In it, Engels primarily criticizes the French and German opportunists, but directly points to Stein as the ideological precursor of this entire line. Engels accuses him of striving "to replace the class struggle with petty reformism." Stein's idea that the state ("social monarchy") should become a supra-class force and protect the peasantry from decay through laws and associations was utopian and reactionary for him.

Stein was also accused of misunderstanding economic laws and criticized for interpreting "use value" as a "good" [14, pp. 12, 21], for believing that legal and administrative measures could halt the objective economic law of capital concentration

and the decay of pre-capitalist systems.

Marxists argued that the state is, in any case, an instrument of the ruling class [15, p. 329], not a neutral arbiter. Therefore, its "aid" to the peasantry would either be ineffective or would serve the interests of large landowners [13, p. 41].

Continuing this line, Karl Kautsky, in his "Agrarian Question," polemicizes against the ideas of "state socialism" and, by implication, against von Stein. His critique is built on the same foundation of economic determinism [16].

V.I. Lenin, in "State and Revolution" (1917), examined the ideas of "state socialism." Lenin's critique also applies to Stein: the state cannot be an instrument for reconciling classes, for it is a product and manifestation of their irreconcilability [17]. For Lenin, von Stein and his followers are "apologists for the bourgeois order," whose theories serve to lull the class consciousness of the proletariat and preserve the power of capital under the guise of a "people's" monarchy.

In turn, liberals, as supporters of classical political economy, reproached him for excessive historicism and an underestimation of economic laws in the spirit of D. Ricardo. They believed that this approach complicated the analysis by introducing historical and legal variables [18, 19] and criticized Stein from the right, from the standpoint of defending the rule of law and individualism from statist and socialist intervention.

Thus, B.N. Chicherin, in his work "Property and the State" (1882–1883), opposed any state intervention in economic relations, seeing it as a violation of individual freedom and property rights. The state must be neutral, not an active participant in economic life, otherwise it destroys the foundations of civil society. Therefore, state support for small peasants artificially hinders progress and impedes the flow of resources to more efficient sectors of the economy, while

protectionism leads to rising prices and a decrease in industrial competitiveness. Chicherin emphasizes that a state that takes on the task of regulating private affairs (as in Stein) inevitably falls into arbitrariness and despotism [18, pp. 189, 215, 226–227, 245]. Although F.A. Hayek's creative years fell later, his criticism of "state socialism" directly relates to the ideas of Stein as one of its forerunners. Criticizing the boundless faith that the institutions of society can be consciously restructured to achieve social goals, he notes: "... within the framework of the market order, the concept of social, or distributive, justice ... is meaningless. It is filled with real content only in the conditions of a centralized economy, where some body determines the share of the total wealth due to each member of society, so that the pursuit of the mirage of "social justice" ... sharply increases the danger of a gradual "creep" into a totalitarian society [19, p. 255], that is, into a regime of suppression of individual freedom and spontaneous market order in the name of a utopian ideal of social justice imposed from above.

Conservatives also criticized von Stein's ideas from the left, arguing for the preservation and inviolability of the autocratic principle, seeing in his ideas a dangerous borrowing of Western liberalism.

For example, K.P. Pobedonostsev, in his work "Moscow Collection" (1896), attacked all forms of representation as undermining the divine and patriarchal essence of autocratic power. There are no direct references to L. von Stein in his work. However, Pobedonostsev consistently criticizes any attempts to introduce Western theories of "social reformism" and "constitutional illusions" into Russia. Since Stein was one of the most prominent theorists of "social monarchy" in the West, his views fall under this criticism as a typical example of rationalism alien to autocracy. For Pobedonostsev, all these ideas are "the great lie of our time" [20, pp. 25-52]. In essence, conservatives and proponents of the communal way of life saw his

apology for private property as a threat to the traditional foundations and social harmony of the village.

Even Otto von Bismarck, Germany's "Iron Chancellor," although he carried out social reforms, rejected Stein's philosophy in practice. For Bismarck, "social reforms" were not the embodiment of the idea of a "social monarchy," but a tool of *realpolitik*.

Bismarck was opposed to any systemic social theory. His method was pragmatism and opportunism. Essentially, he rejected the idea of the state as a moral arbiter: "The state is not a philosophical seminar, but an apparatus of power. Social laws are passed not out of love for one's neighbor, but to disarm socialists and strengthen the loyalty of subjects." This position directly contradicts the concept of the state as the expression of the "public interest." The German politician believed that reforms should be measured and pursue specific goals, rather than attempting to build an ideal system of "social peace." His famous phrase: "Questions of time are not decided by majority votes, not by parliamentary decisions, but by iron and blood"¹ was the antithesis of Stein's theorizing.

In the Russian Empire, the Narodniks, also familiar with Stein's ideas, valued his historical analysis but used it to justify a non-capitalist path for Russia's development through the peasant commune, which directly contradicted Stein's conclusions about the inevitability and progressiveness of the transition to private property [8, p. 17].

Thus, P.L. Lavrov advocated bottom-up reforms through education and popular organization. The state in Russia, however, was perceived as the main oppressor. Therefore,

¹ "Bismarck didn't say any of this and wasn't a Russophile." Electronic resource // - URL: <https://histrf.ru/read/articles/bismark-vsieghe-etogho-nie-ghovoril-i-nie-byl-rusofilom?ysclid=mfii5wbgvz713693853> (accessed 14.09.2025).

Stein's idea of the state as arbiter and benefactor seemed utopian and reactionary. All history is the struggle of critically thinking individuals against a rigid state and social forms. The state is a product and instrument of inequality [21, pp. 79-94, 112, 120].

Von Stein believed in reforms from above. Lavrov, though not a Marxist, saw struggle as the main driver of history. Passively waiting for reforms from the authorities contradicted his entire concept of the intelligentsia's duty to the people. The "civilized minority" was obliged to "pay for progress" by actively working for the benefit of the majority, rather than relying on the state [21, pp. 83-86].

N.K. Mikhailovsky's criticism of von Stein's ideas, in our opinion, is one of the key moments in the history of Russian social thought. Mikhailovsky, a leading theorist of populism and subjective sociology, directly polemicized against positivist theories of progress (Spencer, Comte, Stein), which viewed the development of society as a natural, organic, fatalistic process, analogous to biological growth. He rejected Stein's idea that the state could be an impartial arbiter and driver of progress. For him, the state is always a product and instrument of the ruling class. Progress is not the spontaneous growth of "all aspects of public life," but a conscious movement toward an ideal developed by a critically thinking individual. The goal is not to strengthen the state, but to develop and protect the individuality of the common man from the division of labor and the state machinery [22, pp. 17-166].

N.K. Mikhailovsky combats any doctrine that sacrifices the individual to the "whole." According to Mikhailovsky, the model of a "supraclass state" demands that the individual submit to the state machine, which kills their individuality [23, pp. 278-306]. While Stein believed in the power of institutions (the state), Mikhailovsky argued that historical change is always initiated and carried out by individuals, not impersonal institutions.

The theorist of populism, L. von Stein, criticized him systematically and fundamentally, forming the basis for the split between the Western-liberal (and conservative) movements. For Mikhailovsky, Stein's theory was dangerous because it disarmed the intelligentsia, justified the existing order through its "naturalness" and "legality," and sacrificed the individual to the impersonal state mechanism. Thus, for Mikhailovsky, the debate with Stein was not an academic dispute, but a struggle for the ideological foundation of the entire populist movement.

All of the above allows us to assert that, in the eyes of many of his contemporaries, Lorenz von Stein's concept was a complete failure because it attempted to occupy a methodologically and ideologically incompatible position.

His attempt to combine Hegelian idealism ("the state as an idea") with an empirical analysis of social conflicts was rejected by materialists (Marxists) as speculative, by pragmatists (Bismarck) as divorced from reality, and by evolutionists as constructivist and dangerous. The very project of a "social monarchy" proved unacceptable to everyone: for the left, it was insufficiently radical, for liberals, too "socialist," and for conservatives, too rationalistic and secular.

In fact, Stein's theory became a classic example of the "Enlightenment project" in the social sphere, affirming the belief that a state, led by enlightened bureaucrats and scientists, could rationally organize society and resolve its contradictions. But this faith was swept away by both the wave of Marxist revolutionism and liberal individualism, and the resulting conservative traditionalism and pragmatism of power.

Stein's legacy lies not in the practical implementation of his ideas, but in the very

formulation of the "social question" as the central problem of the era. Despite criticism, von Stein's work was universally recognized as a fundamental contribution to understanding the historical dynamics of property rights and their social consequences.

Criticism of his ideas in 19th-century social thought, while comprehensive, was largely biased. The "flank attack" on his theory of "social monarchy" testifies not only to the ambiguity but also to the fundamental significance of this approach.

In modern scholarship, analysis of L. Stein's legacy is more structured and analytical, focusing on the historical context, methodological miscalculations, and ideological influence of his concepts [24, 25, 26, 27, 28]. His theory (on property, society, the state, and governance) is assessed differently.

Some (for example, Jürgen Habermas) consider it historically conditioned (it contains a brilliant diagnosis of the "social question," but the proposed remedy is "conservative and authoritarian," more a strategy for preserving the power of the traditional elite than a project of emancipation) [24]. Others (K. Tribe) see methodological contradictions in it, viewing it as an attempt to synthesize the incompatible traditions of Hegelianism, cameralism, and utopian socialism [25, p. 162]. Others (H. Arendt, E. Wood, K. Pearson) note that it is ideologically compromised (his ideas are interpreted as a technocratic deviation from genuine democracy and class analysis [26, p. 79; 27, p. 64], as a paternalistic model that generates citizen passivity [28, p. 42].

Some researchers deny Stein the status of a forerunner of the concept of the modern welfare state. In their opinion, he appears as a thinker whose works are important as a historical source for understanding the intellectual quests of the era, and not as a current guide to action. For them, his legacy is a warning about the danger of replacing

political freedom with social administration. Other authors, on the contrary, believe that it was he who found "the saving recipe for preserving capitalism in Western Europe" [29, p. 44].

5. Conclusions.

The significance of von Stein's work "On the Agrarian Question" extends beyond the study of the history of ideas. His methodology and conclusions remain relevant for the social sciences and humanities. For philosophy and legal theory, Stein offers a sociological understanding of property rights, demonstrating that law does not create property, but rather formalizes and legitimizes the relationships that develop through economic activity and social struggle. This approach anticipates legal realism and sociological schools of law.

For economic sociology and history, he was one of the pioneers in analyzing how forms of property determine social structure ("economic classes" become "legal classes"). This thesis is central to understanding the stratification of traditional societies. His concept of two paths to the emergence of property (conquest and economic) allows for the construction of complex models of the genesis of capitalism that do not reduce it solely to violence or economic progress. The thinker demonstrates that the legitimacy of property rights stems not only from the law but also from social recognition based on ethical principles (labor, justice). This approach is crucial in a context where debates are growing in society about the legality and fairness of large fortunes acquired through privatization or public service. The work of Lorenz von Stein, discussed in this article, represents a living source of theoretical ideas and methodological approaches. His comprehensive view of the problem of property, linking law, economics, history, and sociology, continues to stimulate scholarly discussion about the nature of one of the fundamental institutions of human society.

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