

Place and Role of the Biy Council and People's Assembly in the Traditional Kazakh Society of the XVIII-XIX Centuries (Following the Data of the Pre-Revolutionary Russian Historiography)

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Abstract

This work is aimed at studying the issue of representation of degree of biys' influence on the khan authority, including one performed through the Byi councils and people's assemblies, by the Russian pre-revolutionary researchers of the traditional Kazakh society. Biys in Kazakh steppes were not only the judges, but also served as clan leaders and were the driving force of the Kazakh society. Their role can be traced in on the works by the pre-revolutionary researchers of the region. Pre-revolutionary sources of the XVIII-XIX centuries show that all the issues of the inner and outer policy of the Kazakh clans were solved by the biys. Here we should point out the fact that such a strong position of biys is characteristic not only for the times of decay of khan authority in the steppe (the second half of the XVIII century), but also for the period of a quite strong centralized authority of the Tauke-khan era. Some sources call the Tauke-khan era the "golden century". He shared his authority for many issues with biys and didn't take any serious measures for the Kazakh steppe administration without biys' advice. The degree of biys' influence of the khan authority can be traced in the question of a khan election, which vividly illustrates the force and significance of the biy-batyr class while his electing. Analysing the works of the pre-revolutionary researchers which explain these institutions almost completely, the author make a conclusion that such government authorities allowed controlling the khan's activity and decisions in such a way that no important conclusion could be made regardless of the people's interests. In the conclusion the author summarises that the biy council and people's assembly gradually decline their importance while the Kazakh grounds entering Russia.

Keywords: biy council, biys, people's assembly, administration, Kazakh society

1. Introduction

The history of the traditional nomadic societies has always attracted the attention of scientists. We can observe the interest of both Russian and foreign scientists in early historic period and on the modern stage (Herodotus, 1972; Olcott, 1981; Saray, 1982; Litvinskii, 1989; Singer, 1989; Kradin, 2001; Bocharo, 2013). Among the questions which awoke the most vivid interest of the researchers are the problems of authority institutions functioning in the nomadic societies, including the Kazakh community.

2. Methods

One of the requirements to the researchers of the modern history is the transfer from the descriptive style to the methodological analysis of the historiographical facts, from the simple affirmation of the historical events to the comparative analysis of the material which allows to reveal the problems in the theme of investigation, these of that sides of the historical process which due to different momentary or other reasons are left beyond the scientist's vision. The requirement is to make an objective comparison and basing on it to define the prospects of the future investigations aimed at the continuation of knowledge in the scientific idea development.

The article uses general scientific and special methods of historic and historiographical investigation. These include the methods of objectivity and comparison analysis.

The objectivity in the historiographical investigation is one of the most important conditions for the sources analysis. A researcher uses it as a mean which allows to completely eliminating the biased attitude while

interpreting and evaluating facts. As a consequence, the principle of objectivity gives a researcher an opportunity to fully study the historic processes and phenomena, which lead to the authentic scientific results.

One of the main methods, used by the author of this article, is the method of comparative analysis. This method leads to the mutual benefit for the society as well as to the development of the history on new bases. This is connected with the fact that one and the same questions of the historic development of Russia and Kazakhstan (such as biys institution), as well as the problem of Kazakhstan's annexation to Russia, Russian-Kazakh relationships and so on have different interpretations and forms of expression both in Russia and Kazakhstan. Despite this fact, due to the commonality of the historical development of our nations it is time to create new ways of common development, new values, and new sense-containing guides. It should be added that the historical comparativism, while pointing out types of social organisation, peculiarities of culture, management, social structure, uses the general and the particular, dialogue and polylogue, analogies and parallels which allows to completely study the object and reveal its diversity.

One of the forms of performing legislative authority on the territory of the Kazakh steppes in the pre-revolutionary period was the so-called biy councils, which played an important role in the life of the traditional Kazakh society. Let us stop on the characteristic features of this authority institution, which are found in the pre-revolutionary historical literature. We didn't find a specific works devoted to the study of the biy council. But this subject was (directly or indirectly) touched in the context of investigations of biys activity and functions (judicial, administrative, military, diplomatic etc.), "Zhety Zhargy" legislative provisions by Tauke-khan and general characteristics of the Kazakh society of the XVIII-XIX centuries.

3. Results

The conclusions and results of the historiographical investigation, conducted within the framework of this work, are of both theoretical and practical character. Scientific-theoretical problems and working-outs, described in the article, will be the basis for the further investigative activity of the author. Moreover, these materials can be used for writing special and general works on history of the Kazakh society, Russian-Kazakh relations in the pre-revolutionary period.

4. Discussion

One of the first scientists who paid attention to this authority institution in the Kazakh steppe was A. I. Tevkelev. He wrote: "In the Middle Horde didn't see khans, sultans and officers, and in May they have council where khans, sultans and honorable officers are present, and I will see then this day of May 1732" (Red Archive, 1936). Using this short statement it is difficult to define issues which were discussed on such meetings, but indirect statements of the fact that such meetings were of "battle-council" format (Fuchs, 2008) allows us to suppose that one of the main questions of such forums were the questions of the war and peace, territorial arrangement, extension of pastures which were vital for the nomads who were engaged in extensive cattle breeding.

It is difficult to speak of the yearly quantity of such meetings since the sources show different numbers: from one to three. Famous geographer and traveller P. S. Pallas pointed out three such meetings per year: "Te Khan of the borderline Small Kirghiz Horde which delivers a certain payment from the Russian Empire has little power over his free people. As many people obey him, as they can buy by his wealth and gifts. He also has no right to judge them; but every year there are three councils of statesmen from every family and generation, this council then solves the occurring quarrels" (Pallas, 1771). The existence of such council was described by N. Rychkov in his diary, who in 1771 visited khan stavka and saw the khan sitting among the statesmen and sending his advisor-statesmen to meet him (Rychkov, 1772).

According to the sources the permanent biy councils existed in khan stavkas and were not only of advisory nature but more of legislative one since during such meetings the main course of the state development were being determined. The council consisted of permanent and statutory councillors. Without their participation khan did not discuss important political questions. This tradition was established by the period of Tauke khan (1680-1715/18) and was strictly followed in the first half of the XVIII century when advises for the "councils right" became a common case. This statement is proved by the archive materials. Thus, in 1743 the sultan Abylay was back from Dzhungariya where he had been in captivity. "On the arrival of the Sultan Ablay the council stated that the next spring sultan Shygay, Bakak's son shall be given in amanat to Shaldan Chirin and thus he will replace Abulmambet's son" (Central State Archive of the Republic of Kazakhstan-CSA RK, F. 4).

If khan didn't take into account the biy's decisions, it triggered a protest of biys and statesmen. For example, biy of Zhagaubailinsk clan Serek-batyr sent his son to Abulkhair khan with the following message: "if the khan wishes to acquire the wellbeing and peace for himself and his nation, he is to give ear to his consent (italics are

mine-Zh. M.) And the translator Araslan, who is now by him is sent back to Orenburg" (CSA RK, F. 4). Biys and statesmen set a high value on their "right of advice". One of the many reasons of biys' opposition to the khan of the little juz Nuraly in the 80s of the XVIII century was the fact that the khan didn't admit this right of biys and statesmen while administrating the Kazakh juz.

The permanent council of biys during the reign of the khan was accompanied by the annual meetings of the nobility which performed the role of jüzs' representatives. According to some of the researchers (Ya. Gaverdovskiy, A. I. Levshyn and others) this tradition traces back to the era of Tauke khan. According to Y. Gaverdovskiy, it was Tauke khan who defined one autumn month for the general Kazakh meeting of the statesmen, sultans and the khan during which they were to solve all the social issues including the election of the khan. The author made some notices about the fact that such "the most important national assembly" was announced only during the war period, when delegating people's deputies to the Russian court and during the election. Everyone, who was present at the assembly had to have weapon, also the custom demanded that only the noble people and leaders of the families visited the assembly". The representatives of the clans were chosen in the following way: "Every aul and almost every family elected their authorised delegates and delegated them to the general council" (Kazakhstan History, 2007). Thus, at the beginning of the XIX century the Kazakh territories preserved the ancient institution of the congeneric organisation, which allowed the people to participate in the state administration in the questions which were urgent for the life of every community. Though people's participation was performed through biys, statesmen and batyrs. "After the rejecting the authority of Khans the Kirghiz (the Kazakhs-Zh. M.) elected for managing their issues judges or biys, those were elected from the kirghiz environment, without considering their advantages" (Shangin, 1820).

Besides Ya. Gaverdovskiy, the Kazakh society was described by G. N. Spasskiy at the beginning of the XIX century. He considered that the khan authority in the Kazakh society was of hereditary nature, but the social acceptance of this authority was performed only after its execution according to the norms of the common law. For example, when electing Abylai khan, the great council was gathered, during which the process of a new khan election was performed in the presence of the great number of people. After the discussions of the biys and statesmen "the four of the noblest old men rose from their seats and raised him (the khan-Zh. M.) On their heads, and lowered him on his place" (Spasskiy, 1820). Unlike other authors, G. Spasskiy defined the summer months for the Kazakh general national assembly. In this time the khan and his honoured biys moved to the middle of the subjected territories and held a court and punishment. Pointing out the dependence of the common nomads on their rulers, the author marked them according to the degree of influence on people in the following manner: "Many of them were the ancestors in their aimags and had their names:" batyr, biy, sultan, khan" (Spasskiy, 1820). Here we should point out the fact that the Kazakh leader-the khan-takes the last place for his degree of influence.

This ranking order of the social powers could be the consequence of Spasskiy's inattentiveness of the lack of knowledge of the Kazakh society foundations. But the other researchers pointed out the insignificant role of the Khan comparing to that of the ancestor of the clans and divisions. For example, Savva Bolshoy, who was in the Kazakh's captivity for some years, also noted: "They are slightly governed by their Khans, but they are ruled more by the wealthy comrades or by those with family" (Bolshoy, 1822). Similar description of the political constellation at the beginning of the XIX century was also made by the other researcher of the Kazakh region E. K. Meiendorf. He said: "The Kirghiz (the Kazakh-Zh. M.) Are governed by the statesmen, fathers of the families, begs, begadirs, sultas and khans" (Meiendorf, 1826). As we can see from this abstract, the khans took by that time the last place at the hierarchy of political positions. This speaks of the severe crisis of the khan authority of that period. Moreover, in his work E. Meiendorf presented the words, which demonstrate the attitude of the common people to the khan authority and a biy authority. "One Kirghiz bek, a wealthy cunning man, the father of the large family, sang me once these words: "You want me to sing a song for you; well, I shall say that a poor but kind beg is worthier than the unhhonoured khan". These words represented his thought since he is an obvious enemy of the Kirghiz khan" (the Kazakh-Zh. M.) (Meiendorf, 1826).

The investigator of the Kazakh history A. I. Levshyn presents the text of the Code of Laws "Zhety Zhargy" according to which the supreme power of the Kazakh khanate was consolidated by the khan. A. Levshyn calls the period of Tauke khan reign "the golden century which is reminded of with a sigh" (Levshyn, 1832) since in that time the khan managed to unite the Kazakh clans and jüzs. But the administration of the general state issues was performed in cooperation with those who took the dominant position in the society. Obviously, this occurred because "The Khans themselves are afraid of the statesmen of the large families and try to make friends with them" (Levshyn, 1832).

The Code of Laws by Tauke-khan contained the scheme of the khanate management by sultans and tribal statesmen. Thus, the khan, sultans, statesmen and leaders of the clans every year were to assemble. This was made "in autumn, on one place in the middle of the steppe in order to discuss the problems of the people" (Levshyn, 1832). During the assemblies the participants shared their opinions, led discussions and provided reasons by means of which every clan was included into the khanate administration. Usually the notice of the call of assembly and its reasons were reported beforehand. That's why everyone arrived there having a certain goal and being ready to fight for his opinion till the end. A. Levshyn added the following note to this material: "The main orators, who every evening reported to their group about the results of the day and got to know the opinion of the group for the disputable questions" (Levshyn, 1832).

Biys, statesmen were the permanent advisers of the khan during the assemblies, pointed out V. V. Veliaminov-Zernov (Veliaminov-Zernov, 1853). This was also described by L. L. Meier. In his opinion, any question in the Kazakh society needed to be solved collectively and could depend on the will and wish of one person, be it the khan or a common nomad. "That's why khans could not act independently both in private and social issues, but they were always more or less dependent on biys and famous batyrs of people" (Meier, 1865). In his opinion, in order to solve disputable questions the people's assembly was called. During this assembly a person without any weapon didn't have the vote. This assembly was the last resort in administrating of the nomadic communities. At such assemblies the nobility of the clan was of no significance, the moral qualities of the participants were of crucial importance. If a participant, being wealthy, brave and clever could not solve "the most difficult disputes, he was of no importance for his people" (Meier, 1865).

According to the sources, the content of the Khan assembly was numerous. Besides biys it included statesmen, sultans, and other noble representatives of the big clans. The position of every participant of the council corresponded to the position taken by his clan in the family tree model of the Kazakh nation. The sources pointed out the presence of the clans' representatives in the council under different names-"nak", "nakibami", "khanyn-nagy". The materials of the common law, which were collected and systematised by L. F. Ballyuzek and sultan Seidalinym, had the following statement, which speaks about these institutions: "In the case of emergencies for meetings ad in order to keep people in the proper obedience to khan, two or three authoritative persons were assigned to the khan from the most numerous clan. They were called "khanyn-nagy" or "khak", i.e. khan's assistant. They served as a permanent army of the khan, since the whole people of their numerous clans were by them, should they call people" (Ballyuzek, 1871).

Thus, the importance of biys-advisers' role at khan's reign is undoubted. The political structure of the society is a pyramid. The peak of this pyramid is occupied by the khan; he is supported by his advisers, who relied upon common people, the nomads, while performing their actions. Here we can observe a direct dependence which allows us to make the following conclusions. First of all, the pyramid construction was built using the forces of the common nomads, who were the real power, and potential which supported the authority of the clan communities' representatives-statesmen, biys and batyrs, who, in their turn, served as the basis and the guarantor of the khan's power. The strength of the power of the clans' nobility and, consequently, the khan's power depended on the size of the subjected clans. Secondly, the real power of the biys, clan leaders served as a guarantor of the khan's power, but, on the other hand, was the limiting factor of the khan's ambitious pursuits. And, if the khan's plans concerning the strengthening of his power cut across with the opinions of the clan leaders, the conflict in the form of clan pyramid destruction was inevitable. This could lead to the fall of the khan authority. Thirdly, this dependence was mutually beneficial since the khan's military functions allowed him to broaden his territories and the lower steps of this structure were very interested in that. Any failure of this system, consisting of the three chains, led to the destruction of the whole system, that's why every chain strictly followed the correct work of its components under the conditions of meritocracy. And finally, fourthly, the biys council allowed controlling the khan's activity in the sense that any important decision can be made in spite of the national interests.

We didn't find any other nation-wide permanent council, except the above mentioned, in the sources. The authors notice that during the autumn-spring period there were the meeting of the noble people, during which all the vitally important social questions were solved, such as: camping ground places, serious inter-clan disputes, questions of war and peace etc. In the works by N. I. Grodekov we can find the information about the fact that these meetings took place on the certain spot, on the Martube hill, in the Sairama Mountains. The questions, discussed during the meeting were as follows: where to spend summer, where to spend winter, "how to achieve calm", how to carry on war (Grodekov, 1889).

The general-lieutenant and ethnographer and the specialist in the Kazakh common law A. K. Geins wrote about the influence of the people's assemblies on the Kazakh's life. During his working trips in the Kazakh steppes and

gathering the material of the unwritten Kazakh law he pointed out that the Kazakh were governed by their own laws or customs which once were gathered by Tauke khan. In the middle of the XIX century due to the administrative reforms which were performed by Russia on the Kazakh territory, these laws lost their power though they remained in the people's memory as "their own feelings and wishes" (Geins, 1897, p. 69). Pointing out the importance of the chosen beginning, A. Geins wrote that all the daily social routine was discussed during the people's assemblies. Together with such people's assemblies the author describes another form of the national will expression-these are "the most important national assemblies", which agenda included the questions of war and peace, deputies' delegations to the Court and khans election. While calling this assembly every aul had to elect the most authorized delegates, who were delegated to the assembly, those in the course of time the cohort of the participants "due to the self-will and riot which are characteristic for the Kirghiz (the KAZakh-Zh. M.) Was changed, everyone who had the wish could take place in such assemblies" (Geins, 1897, p. 94).

The previous authors didn't mention the geographic position of the assembly of the Kazakh nobility, or mentioned the southern borders of the Kazakh jüzs, as for example N. I. Grodekov. But A. K. Geins noted that the place of the general assembly of the deputies was the Russian border "in order the Parliament could manage the choice" (Geins, 1897, p. 94). Change of the people's assembly location together with the intervention of the Russian authorities into the institution of the traditional elective origin was one of the main reasons of riots in the steppe. This violation of tradition, from the viewpoint of the researcher, dented confidence of Kazakh to the Russian government since "the authorities chose people who were hated by people and unreliable" (Geins, 1897, p. 95).

We see the gradual reduction of the nobility assembly role as the legislative body of the Kazakh steppe, especially in the border districts. This tendency was especially noted by A. K. Geins, who was sympathetic to the biys court and considered it as a legal institution of the Kazakh people. But we see the loss of authority not of the biy community, which still actively participated in all the spheres of life of its community, but of the khan, who became the puppet and an obedient tool of not only biys, statesmen and batyrs, but, first of all, of the official authorities. This fact evoked protests of biys and statesmen. But even in such a form, the elections always evoked discussions among the deputies, who (though indirectly) realized the importance of the new khan election. A. K. Geins noted: "The meetings were not always ended in one day. As soon as there was determined the fact of who would become the khan, all the participants of the council raised and raised the new khan on the white felt (Geins, 1897, p. 97).

The source data about the biy council and people's assemblies allowed us to draw a conclusion about the fact that these councils were a kind of the state institutions in the Kazakh society. The decisions made during these councils were of compulsory character. In most cases the minority subjected to the power and authority of the most representative clans and tribes; in the case of rejecting obedience the unsatisfied tribes had the opportunity to travel to the other regions which were not under the subjection of the members of this council. This could completely change the material basis of their nomadic economy and even lead to the death in the steppe as the result of the clan loneliness. Thus, the complaint was hardly expressed (if any) due to its non-beneficial conditions for both sides. This allows us to draw a conclusion about the fact that the biy and statesmen council had certain authoritative functions which gave them the opportunity not only to take definite vectors of movement of the Kazakh society, but also to observe their fulfillment up to the coercion.

The historian and ethnographer of the Kazakh region A. I. Dobromyslov wrote about the dependence of the Kazakh khans on the biy councils. He thought that most khans of the end of the XVII-the beginning of the XIX century depended on "the national leaders who was called atalyks. Besides atalyks, the khan was supported by the four advisers, chosen among the wealthy and authoritative people, who were called "nakibs". The khan could not solve his issues without their participation" (Dobromyslov, 1900. Turgaiskaya). A. I. Dobromyslov can be referred to those researchers who worked on the basis of the archive sources. Thus, for example, while studying the Russian-Kazakh relationships the scientist based upon the data of the Orenburg archive, which, in his opinion, fully developed this theme. In his works, which are the valuable historical-ethnographic data, we can find the information about the history of the Russian-Kazakh relationships appearing, as well as the data about the outer and inner political condition of the Kazakh khanates.

The materials of A. Dobromyslov depict the active role of the Kazakh biys in the relations of Russia and Kazakh khanates. Thus, for example, the scientist presents two letters of the Bokenbai batyr who was very authoritative in the Kozakh steppe. These letters were addressed to the Russian officials I. Kirillov and A. Tevkelev. In these letters he points out his readiness to faithfully serve to Russia and slightly notes the fact that the ambassadors were sent to the Orenburg administration and were captivated (Dobromyslov, 1900. Materials). We should also point out the fact that A. Dobromyslov did not include the khans' and sultans' letters into the selection of the

documents for publication. We consider it as a wish to show the real political constellation in the Small Horde, the degree of influence and significance of those social groups which Russia should engage in negotiations and make priority in the further successful colonial movement in the region.

In the works of A. I. Dobromyslov we find the information about the national meeting of 1748 when after the killing of Abulkhair khan, his son Nuraly was to be elected as a khan. The scientist shortly described the custom of khan election and pointed out some peculiarities of this assembly: first of all, for the first time the people's assembly of this level is carried out with the participation of the Russian official authorities which were to legitimize the activity of this forum: "Gulyaev arrived in the khan stavka in the Karakush district on the 4th of September, 1748. Here he saw the arriving statesmen, biys and authoritative Kirghiz for who came to discuss the election of the new khan"; secondly, we can observe the tendency of change of the assembly format. Earlier the assembly gathered "usually all the people and they elected khan", and now for the first time the elections were carried out with the violation of the common Kazakh law, by means of inviting in stavka "only the noble biys, who were invited into the nomad tent, where the election took place, only by ten people from every clan" (Dobromyslov, 1900, p. 268. Turgaiskaya).

Together with this fact Dobromyslov pointed out the violations of the khan succession order, which, in his opinion, was of hereditary nature and changed due to the transfer of the authority through the collateral relationship and not through the lateral one, which also contradicted to the foundations of the Kazakh society. Thus, such changes discredited the khan authority in the eyes of the nomadic society. This led to its crisis and decay. The activity of the Orenburg Governor-General Baron O. A. Igelstrom aimed at elimination of the khan authority is considered by A. I. Dobromyslov as the consequence of the mentioned crisis. Moreover, during the carrying out of the reform an invitation for statesmen, biys and authoritative Kazakhs were sent (the first half of 1785). Its content was as follows: "to call a council in order to discuss the most important national issues, elimination of the khan and sultans" (Dobromyslov, 1901, p. 185). The leader of the council was Syrym Datov-the biy of baibaktin clan. Being an opponent of the khan authority and sultan clan, he pursued the people's assembly that the further existence of khans in the Horde is useless and offered the assembly to take the oath for the allegiance to the Russian empress. The assemblies did so and promised to stop their robbery and invasion to the Russian frontiers as well as resume order in the Horde, but instead it demanded overthrowing of Nurali khan and forever elimination of the khan authority (Dobromyslov, 1901, pp. 185-1860).

It is known that the Igelstorm's reform failed due to some reasons, including the fact that he "having affected the long-term traditions of the Kirghiz (the Kazakh-Zh. M.) Administration brought new rules too quick and inconsistently" (Dobromyslov, 1901, p. 196). However this first political act concerning the overthrowing of the khan authority, which was headed by the group of biys and statesmen, had further consequences, including those of its elimination according with the reforms of the beginning of the XIX century. Finally, after the society's losing the khan authority, the tendencies of the gradual nation's forgetting of this institution. This allows the authors of the "road map" of the Russian Empire to draw the following: "The Kirghiz, who never knew the supreme power, which was impossible to be created in the free steppe, where the traditional form of authority belonged to the self-governing nation and its leaders, entered the steppe regions in the XIX century" (Russia, 1903).

5. Conclusion

Thus, the moving force on all the levels of the authority were biys-ancestor, who through the representative authorities such as biys and statesmen assemblies and meetings, played the role of the higher class in the state administration. Basing on the numerous relatives, who were the part of his nomadic community, the biys took place not only in the decision of all the outer, but also of the inner political life of the state. This was expressed in the khan election, which opposing to the opinions of some researchers, was not just a ceremony, but was the opportunity of the group of biys and statesmen to control the khan's actions.

The khan's influence and power were less than those of the authority of biys in the Kazakh society. Having no resources to control the actions of the biy group (such as army, enforcement mechanisms, punitive sanctions etc.) the khan was supported by the wish and will of the latter ones.

It should be noted that the above mentioned problem cannot be fully explored within the frameworks of this article. This fact makes us hope and be sure that there will be further successful work of the scientists concerning the problem of the authoritative institutions in the nomadic societies, including the Kazakh society.

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