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ON LEGAL ASPECTS OF STATUS DETERMINING OF
KALMYKS BEFORE JOINING RUSSIA

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Abstract

Russia is a multinational and multi-confessional country that unites peoples who used to be at different levels of cultural development. The relations with many of them were difficult and often dramatic. It is not only of historical interest, but also of modern interest to comprehend on what state-legal basis the Russian system of state administration was introduced in the region inhabited by Kalmyks. After entering Russia on a voluntary basis at the beginning of the 17th century, the Kalmyks occupied the territory within the Astrakhan and partly Stavropol Governorate. This territory became known as the Kalmyk Steppe or Kalmykia. The process of development of the Kalmyk statehood, which, on the one hand, had been developing based on the state structures of the Kalmyk Khanate, and, on the other hand, had been under significant influence of Russia is of considerable interest. The institutions of social organization of Kalmyks in the conditions of political dependence on the Russian state had been gradually changing. The Russian government had been trying to limit the powers and independence of the Khan. For this purpose, the institution of governorship was introduced. The development of the system of public administration in Kalmykia took place in the conditions of the use of general imperial principles based on the flexible application of national approaches and political and legal institutions combined with the national characteristics of the Kalmyks, taking into account the existing systems of traditional government and traditional law of the Kalmyk people.

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1. Introduction

The closest ancestors of the Kalmyks were the Oirats (Western Mongols). At the end of the 16th and the beginning of the 17th centuries, some part of the Oirats separated from the bulk of the Mongol people. They began to move from Dzungaria in the northwestern direction towards the lower reaches of the Volga.

As ties with Dzungaria were becoming weaker, these tribes began to strengthen the economic, political, cultural and everyday ties of the Volga Oirats with their new neighbors, primarily with the Russian people. This is how the conditions and preconditions were formed for the development of a new nationality in the lower reaches of the Volga. This nationality became known as the Kalmyks.

Oirats (Kalmyks), having entered the borders of Russia, began to search for ways of accepting Russian citizenship. The development of relations between Russia and the Kalmyks and their acceptance of Russian citizenship was multi-stage and long (Maksimov, 2000).

The initial stage is characterized by a mutual search for mutually acceptable conditions regarding the establishment of official relations in the form of regulatory legal acts. This stage covers a significant time, i.e. from 1607–1609 (the first official contacts at the level of cities and uluses; a visit of Kalmyk ambassadors of the Russian Tsar Vasily Shuisky; the first official letters) to the mid-1650s, when contractual relations had not been established yet. This period could be characterized as the beginning of the process of voluntary joining Russia, but not as a one-time act of formalizing the acceptance of voluntary citizenship by Kalmyks (Ochir-Garyaeva, 2014).

The convergence of interests of Russia and the nomadic Oirats (Kalmyks) within its territory began in 1607. This is evidenced by one of the first written sources, i.e. the Letter from the Order of the Kazan Palace dated 30 March 1607 to the Tara governor Gagarin about sending servicemen to Kalmyk uluses to bring Kalmyk taishas to sherti (agreement, obligations). Starting that period and following the order of Tsar Shuisky the Kalmyks were being actively admitted into Russia.

2. Problem Statement

From that time on, Russian central institutions began to search for ways of legal introduction of Kalmyks into the State.

Russia, offering the Kalmyks its territory and protection, in return demanded tribute in horses, camels and other animals avoiding it being a burden to the people. However, as there was no complete trust to the nomads, the Russian side insisted on hostages (Kolov, 1967).

Pursuing a policy of bringing foreigners into its citizenship, the tsarist administration pursued the following goals: to ensure the security of state borders, to develop trade and economy (including the benefit from tribute).

In the next few years, there were no special shifts in the establishment of relations between Russia and the Kalmyks, so the Boyar Duma at the end of December 1616 decided to continue the policy of attracting Kalmyks to join Russia.

3. Research Questions

The subject of the study is the historical and legal aspects of determining the status of Kalmyks before their official joining Russia, the social structure of the Kalmyk people and its legal regulation, relations between central and local government bodies, competence and activities of national managerial apparatus.

- Kalmyks and Oirats are different peoples, although they are genetically connected: Oirats are the ancestors and Kalmyks are the descendants. The history of the Kalmyk people is not a simple continuation of the Oirats. Events of the late 16th and early 17th centuries are the border separating the Oirat history from the history of the Kalmyk people.
- At the time described, the Oirat society was divided into several large uluses. In the late 16th and early 17th centuries, the most important role was played by the uluses of Khoshout, Derbet, Torgout noyons. The nominal head of the Oirat society at that time was the ruler of the Khoshout ulus. He was the darga (chairman) of the Oirat khural (congress of noyons), which met to resolve disputes and conflicts between noyons, to discuss other important issues.

4. Purpose of the Study

The aim of the work is to study the political and legal processes in Kalmykia in the specified period and associated political situation of Russia.

This work attempts to generalize the accumulated theoretical material to understand the advantages and disadvantages of the regional policy of the tsarist administration, to assess the significance of the domestic management experience including the negative one. The historical and legal aspects of determining the status of Kalmyks before their official joining Russia are considered, the attention is paid to the specifics of the management of national regions as well as the traditional forms of self-government of foreigners.

5. Research Methods

In the process of the study, the authors were guided by the dialectical method of scientific knowledge, which implies the study of all processes and phenomena in evolution. There were also used systemic, comparative law, historical, structural and functional as well as other methods of cognition, including the principles of unity of the historical and logical, abstract and concrete. These methods made it possible to consider the problem of introducing nomads into the system of state administration, taking into account the peculiarities of social organization of the Kalmyks as well as the development of Russian statehood and law.

6. Findings

In March 1618, the ambassadors of the Kalmyk taishi Dalai-Batyr arrived in Moscow. The ambassadorial order, having clarified the mission, analyzed the developing relations between Russia and

the Kalmyks. It is clear from the certificate of this Order that Russia had not previously had written treaty agreements with the Kalmyk ulus.

The Kalmyk ambassadors received an official regulatory document from the Russian state, i.e. the letter of grant from Tsar Mikhail Fedorovich to the Kalmyk taisha Dalai-Batyr on his acceptance into Russian citizenship, dated 14 April 1618.

This regulatory document shows some changes in Russian policy towards the Kalmyks. Before 1618, the tsarist government demanded a certain tribute and hostages as the main mandatory conditions for being a part of Russia, in addition to faithful service. Later on, the military service was established as the main condition. This adjustment was facilitated by the insistence of the Kalmyks not to give “yasak and pledges”, as well as the statements that they roam the lands occupied by Russia.

Having begun the process of the official introduction of the Kalmyks to their citizenship, the Russian authorities continued to combine peaceful diplomacy and a policy of forceful pressure.

By the end of the 1620s, the tsarist administration handed over the decision making regarding the introduction of Kalmyks to citizenship to the governors of Siberian cities, who were strictly guided by the instructions from above for each specific case. Kalmyk taishas, on the other hand, sought to formalize the acceptance of citizenship by state acts of the highest Russian administration, seeking to send their ambassadors to Moscow. However, the governors of the Siberian cities strictly followed the Tsar’s decree.

Presumably, there were several reasons for the termination of the issuance of the Tsar’s Letter of Grant to the taishas. The Russian state recognized it as inexpedient to conclude short-term relations with certain Kalmyk uluses and preferred an internal servility. This showed a certain caution of the Russian authorities towards the nomadic people, especially as they advanced to the Volga.

Within the period of the emergence and development of the Russian-Kalmyk relations (1607–1640) there can be traced two stages. From 1607 to the beginning of the 1620s, a mutual interest was manifested, the desire to formalize the established relations with official state acts, as well as to support diplomatic ties (exchange of envoys). In the Letters of Grant from Mikhail Fedorovich (1618 and 1620) given to the Kalmyk taishas a dignified, respectful attitude from the Russian authorities towards them was expressed. According to these letters, Russia guaranteed the territory and its patronage, and the Kalmyks, in turn, guaranteed their faithful service.

Consequently, from the very beginning of the establishment of official relations between Russia and the Kalmyks they were based on contractual principles, i.e. the independence of individual Kalmyk nomads within the Russian state. However, since the 1620s the tsarist authorities had been striving to change the legal status of the Kalmyks, who took Russian citizenship, to the level of suzerainty – tsar, voivode (governor), taisha. Therefore, it was no coincidence that the tsarist administration denied the Kalmyk ambassadors an audience, limiting them to the governors, who in turn imposed certain conditions for the Kalmyks to become citizens, namely, “direct servitude forever”. However, these conditions were not formalized by the official state acts. The oral shertis were given to the governors not by taishas themselves, but by their delegates.

In all likelihood, such a policy of the tsarist government was designed to preserve the disunity among the Kalmyk taishas and the subordination of the uluses to separate Siberian cities. Therefore, the

tsarist authorities sought to negotiate with individual uluses without entering into contact with everyone at the same time.

In the late 1640s and early 1650s, the movement of Kalmyks from Siberia to the west of Russia was completed, and the habitat was determined, i.e. the interfluvium of the Yaik and Volga rivers.

The emerging consolidation of the Kalmyks, their awareness of the need for a strong patron from external enemies, and on the other hand, Russia's need for a real force capable of protecting its southern borders – these two factors played a positive role and marked the beginning of a new stage in the development of relations between Russia and Kalmykia.

7. Conclusion

The regulatory documents 1655, 1657 and 1661 had finally formalized the acceptance of Russian citizenship by the Kalmyks and their territory. From the second half of the 17th century the Kalmyks acquired a permanent and vast territory, i.e. both sides of the Volga, along which they could freely roam, conduct duty-free trade, contributing not only to the development of the economy in the region, but also to the Kalmyks' interest in Russian patronage. The Russian state, in turn, acquired a loyal ally, i.e. the Kalmyk people capable of defending its interests.

From the point of view of *de facto* and *de jure* this factor proved the fact that Russia having accepted the Kalmyks to its citizenship, and the Kalmyks having become part of it worked out and established their relations on the basis of regulations and terms of agreement. Having finally settled in a certain territory of Russia, the Kalmyks consolidated into a single people (Ochir-Garyaeva & Komandzhaev, 2017).

The citizenship of Kalmykia was of a political and state nature. It was based on a sense of state and territorial unity, as well as on the consciousness of common external threats, both for the Kalmyk people and for the southern borders of Russia. Russia provided territory, took Kalmykia under its patronage, empowering it with independence regarding the management of internal affairs and assigning a special status. The Kalmyk people, in turn, guaranteed loyal service to Russia, joint participation in campaigns, and non-entry into any relations with the enemies of Russia.

Issues of political and military nature were coordinated through specially authorized envoys from both sides, who enjoyed special provisions (at the level of ambassadors). This nature of the citizenship of the Kalmyk people and their relationship with Russia is explained by the fact that “the Kalmyks were not defeated by the force of Russian arms, but voluntarily recognized the state power of the country where they settled” (Komandzhaev, 2005, p. 30).

The treaties before 1661 determined the mechanism for observing and ensuring the fulfillment of the accepted conditions, i.e. giving *amanats* (hostages) by the Kalmyks. However, in the time following the Russian side found an effective approach to ensuring the fulfillment of mutual obligations. The tsarist administration, taking the Kalmyk nobility on the state salary, included it in the category of special government officials (Complete Collection of Laws ...). The guarantor of the fulfillment of all the obligations assumed by the Kalmyks were their actual participation in the military campaigns, as well as solemn assurances given in observance of Buddhist rituals – “I give a kiss to my God the Burkhan and a prayer book *Bichik* and rosary” (Complete Collection of Laws ...).

Thus, the objective factors of social and political, state, and economic development of the Kalmyks resulted in the development of a national statehood in the form of a khanate within the Russian state (Essays on the History ...).

In the second half of the 17th century, as is known, the process of strengthening the Russian state as a single and centralized one had continued. In these conditions, changes were gradually made to the legal status of the national regions of Russia. If the previously concluded contractual acts formalized, clarified and consolidated the acceptance of Russian citizenship by the Kalmyks, the 1677 shert entry introduced new elements into the legal status of Kalmykia.

The reason for drawing up a new document (Sherti in 1677) was the accession to the throne of Tsar Fyodor Alekseevich, as well as the five Kalmyk uluses, headed by their tayshas, who had again migrated to the Volga region. The reasons that accelerated the adoption of sherti were the peasant unrest that swept through the Volga region and the Kalmyks' non-observance of certain points of sherti in 1673. The real reason was the need to formalize new provisions in the legal status of Kalmykia and its population (Ochir-Gariaeva, 2014).

The shert record of 1677 introduced fundamental changes not only in relation to both sides, but also in the status of the Kalmyk Khanate. For the first time it was indicated in the document that Kalmykia enters into "absolute obedience to the Russian Power" and its ruler will "receive letters of honor, standing up and taking off his cap with great honor" (Complete Collection of Laws ...).

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