

## SCTMG 2020

### International Scientific Conference «Social and Cultural Transformations in the Context of Modern Globalism»

## ON THE ESTABLISHMENT OF THE TRUSTEE SYSTEM OF GOVERNANCE IN KALMYKIA

Ochir-Gariaeva Irina (a)\*, Komandzhaev Evgeny (b)

\*Corresponding author

(a) Kalmyk State University named after B.B. Gorodovikov, 11, Pushkina st., Elista, Russia,  
Kalinovna7@yandex.ru

(b) Kalmyk State University named after B.B. Gorodovikov, 11, Pushkina st., Elista, Russia,  
Komandzhaev@mail.ru

### *Abstract*

An adequate idea of the features of regional governance in the conditions of autocracy can be formed only by understanding the legal status of non-Russian peoples within the empire. The formation of the public administration system in Kalmykia was based on the flexible application of all-Russian approaches and political and legal institutions, combined with ethnic characteristics and taking into account the prevailing system of traditional governance and customs of the Kalmyk people. The foresight of the Russian authorities was that for the more “developed” peoples they tried to preserve their legal, and sometimes the state system, and in the course of lawmaking for others they used their usual law to the maximum extent, that is, in essence, they acted in the same way – kept their habitual legal system. Over time, the socio-legal status of all categories of the Kalmyk peasantry was gradually developed, which meant for them an equation in rights with different classes of the taxable population of Russia.

2357-1330 © 2020 Published by European Publisher.

**Keywords:** Chief trustee, Kalmyk Administration Council, Ulus Zargo, Lama Spiritual Board, “trustee” system.



## 1. Introduction

By the 19th century Russia was a unitary state with a more or less unified centralized administration. At the same time, national specific features were not completely eliminated from the outskirts governance system; local sources of law, including customs, were still widely used.

A traditional feature of the policy of the Russian Empire in relation to non-Russian peoples was a weak desire for their ethnic assimilation. Apparently, the predominance of political reasons over economic ones in the process of expanding the empire partially affected this.

The expressed desire to unify management was gradually coming to the fore, which did not exclude the possibility of preserving the uniqueness of the legal, but by no means administrative systems of the peoples that made up the empire. The newly affiliated regions used the old institutions for some time, but subsequently they were almost always replaced by the general imperial ones.

Since the middle of the XIX century all classes, without exception, began to be involved in the local government. The central government learned to influence local affairs more subtly, through political and legal means. This meant that the direct administration of the center was gradually becoming history again, and with it the police state was transforming towards liberal principles. True, this process was lengthy, and at the end of the XIX century it is far from over.

Russia united peoples that at one time stood at different levels of cultural development. Relations with many of them were difficult, and often dramatic. To comprehend on what state and legal grounds the Russian system of government was introduced in the region, populated by Kalmyks in particular, is of not only historical, but also modern practical interest.

Consistently pursuing a policy of abolishing the institutions of self-government in Kalmyk nomads, the Russian authorities, with the aim of "a better arrangement in the Kalmyk people and a greater convenience for ending the frequent strife in it," by the highest decree of October 25, 1803, finally eliminated the guardianship. Kalmyk administration passed into the competence of the Astrakhan military governor.

The reasons for the unsuccessful restoration of the guardianship should, in our opinion, be sought not only in the relations between the Russian authorities and the nomadic people, but also in the situation that has developed inside Kalmyk society itself. The first group of reasons is represented, first of all, by the lack of a clear national policy towards the Kalmyks in the Russian government, and by the desire of the imperial authorities to include the nomadic people into the system of state administration at all costs. This explains both the limitations and the tactical concessions to the Kalmyk ethnic power in the person of the Guardian and Zargo, which often misled the political groups of the Kalmyk nobility, who still sought to establish ethnic institutions of power.

The second reason is the contradictory state of Kalmyk society, which led to a lack of unity among the nomads themselves. In addition, the Guardian could not be the conductor of Russian politics in the nomads, as he did not enjoy sufficient authority among the Kalmyk possessors. In the first half of the XIX century a number of changes were made to the Kalmyk administration, which, as one of the researchers of the life of the Mongol tribes Gurii notes, represented the goal of "improving the life of the Kalmyks" and the governance itself to be built "on the same principles on which the governance of the Russian peasantry was organized." Moreover, he believed that in pursuit of its goals the government proceeded

“with wise gradualness, without violating the nature of the people and without neglecting the Kalmyk people’s laws and tribal customs when administering the Kalmyks” (Stepanov, 1915, p. 45). This, apparently, should be considered a feature of the resolution of ethnic issues in Russia at that time.

## **2. Problem Statement**

The formation of the public administration system in Kalmykia was based on the flexible application of all-Russian approaches and political and legal institutions, combined with ethnic characteristics and taking into account the prevailing system of traditional governance and customs of the Kalmyk people.

Conceptually, the genesis of public administration in Kalmykia was expressed in the creation of a vertical of power: “center – region (government – governor – branches for Kalmyk affairs).

The system of government in Kalmykia was built on the basis of already existing experience of institutions that proved viability in other regions of the country and the characteristics of this national outskirts, which was ensured by legislative consolidation without violating general principles aimed at creating a centralized management system from the level of the imperial center to the regional level with the inclusion in it of all the structural units of governing Kalmykia.

To achieve this goal it was necessary to fulfill the following tasks: to determine the content and orientation of the legal policy of the Russian government in the national suburbs on the example of the Kalmyk steppe; consider the structure of state institutions, namely, local government and legal support for their activities; to study the influence of political forces in a nomadic society on the process of introducing Kalmykia into the system of all-Russian governance.

## **3. Research Questions**

The subject of the study is the historical and legal issues of the origin of state administration of Kalmyk nomads during the formation of the all-Russian government in this region, the relations of central and local government bodies, the structure, competence and activities of the national administration apparatus.

## **4. Purpose of the Study**

The aim of the work is to study the political and legal processes in the national region in the specified period and the related political course of Russia.

In this work, an attempt is made to generalize the accumulated theoretical material, to consider the advantages and disadvantages of the regional policy of the tsarist administration, and to assess the significance of the domestic experience of governance for the present. All-Russian governance institutions are considered, attention is paid to the specifics of managing national regions, traditional forms of self-government of foreigners.

## 5. Research Methods

In the process of research, the authors were guided by the dialectical method of scientific knowledge. They also used systemic, comparative legal, historical, structural-functional and other methods of cognition, as well as the principles of the unity of historical and logical, abstract and concrete. These methods made it possible to consider the problem of introducing nomads into the system of state governance, taking into account the peculiarities of the social organization of the Kalmyk people, as well as with the development of the Russian statehood and law.

## 6. Findings

A special trace in the history of Kalmykia in the 19th century was left by the "Regulation on the governance of the Kalmyk people", approved by the State Council and enacted on April 23, 1847 by the highest decree of Nicholas I (Complete collection of laws of the Russian Empire). According to this document, the supreme administration of Kalmykia remained under the jurisdiction of the Ministry of State Property, since it was in charge not only of the national outskirts, but also of the state peasants, and simple Kalmyks – commoners – were made equal in status to them. To quickly resolve issues, the Ministry left the Astrakhan executive of the state property chamber as its representative in Kalmykia while retaining his duties as chief trustee. However, as far as the affairs of the Kalmyk people were concerned, he “was under the supervision and guidance of the head of the (Astrakhan) governorate”. Thus, the Regulation of 1847 introduced an additional link in the management of Kalmykia in the person of the head of the Astrakhan governorate, i.e. horizontal control was strengthened.

It also determined the system of local governing bodies and courts: in the ulus – ulus administration, in the aimak – clan zaisang (if there was no clan zaisang, then the aimak foreman); in khoton – khoton elder. Religious affairs were the responsibility of the lama. In accordance with this Regulation for the first time in Kalmykia ulus and aimak local self-government bodies – assemblies were formed.

The “Regulation” of 1847 introduced some changes in the organization of Kalmykia’s administration. It no longer provided for the formation of a higher regional collegial body – the Council of Kalmyk Administration. Instead, an executive-administrative body was created, acting on the principles of unity of command – the Department for the Affairs of the Kalmyk People under the Astrakhan Chamber of State Property, headed by its administrator (he was also the Chief Trustee of the Kalmyk people). The department consisted of: an adviser, an official on special assignments, two heads of a desk, clerical workers, as well as a deputy from the Kalmyk people, elected for three years from possessors and clan zaisangs and approved in this position by the Minister of State Property. The deputy was simultaneously the representative of Kalmykia in the Astrakhan Chamber of the Criminal and Civil Courts, since in 1848 the regional Court of Zargo was liquidated. (Complete collection of laws of the Russian Empire).

The local executive-administrative body was represented by the ulus administration consisting of: a trustee, who was appointed as the Chief Trustee of the Kalmyk people and approved by the Minister of State Property; possessor-noion (in government uluses – the ruler), two assistants of the trustee. In

addition, the staff included three demchees (collectors of cash taxes) and three sworn appraisers to assess things, losses, (they were elected at ulus gatherings); translator, interpreter, clerks. Since the department was entrusted with the functions of police oversight, a military command was subordinate to it.

Thus, in the field of clerical work, Russian officials, i.e. trustees had the predominant powers. Presumably this stemmed from the availability of relevant managerial experience and their education.

The ulus judicial authority was Zargo, who considered family and criminal cases, guardianship issues, property disputes (if between Kalmyks, they were resolved according to the old Kalmyk laws and legal customs), etc. (Complete collection of laws of the Russian Empire). The ulus Zargo consisted of a chairman (noion-possessor or ruler); two members (the senior was appointed by the trustee, the younger by the assistant of the trustee); two assessors elected by the ulus assembly for three years.

The new "Regulation" specified in detail the legal proceedings of the ulus Zargo. For the first time, such concepts as bail, plaintiff and defendant taking the oath (which, by the way, was composed by the lama, and it was approved by the Minister of State Property), the mandatory presence of witnesses, etc. were introduced. Property disputes, the amount of which exceeded 30 rubles, as well as criminal cases beyond the powers of the ulus Zargo, were referred to a higher judicial body – the Astrakhan Chamber of Criminal and Civil Courts.

According to the new law, the governance of religious affairs was based on the principles of unity of command and was concentrated in the hands of the llama, the highest clergyman and the head of all the khuruls of Kalmykia. His main responsibilities were: monitoring the improvement and maintenance of the khuruls, the morality of clergy, and granting spiritual ranks for them. In addition, he also had judicial functions not only in relation to clergy, but also to lay people, but only in family and marriage affairs (Complete collection of laws of the Russian Empire).

For the first time, the "Regulation" granted freedom of religion, and Lamaism was provided for as the main religion among the Kalmyks. This did not exclude the possibility of adopting another faith by the Kalmyks, and especially Orthodoxy (even certain benefits were established for those who accepted the Christian faith) (Complete collection of laws of the Russian Empire. 1 section).

The "Regulation" of 1847 for the first time in the conditions of Russia in Kalmykia introduced a system of local self-government bodies – ulus and aimah assemblies, which in composition and principles of operation most resembled the institutions of estate-representative bodies formed solely on the basis of census representation. Possessors, zaisangs, foremen, elders, and commoners (one in 20 kibitkas) who had reached the age of more than 25 years, had property and a positive reputation, had not been convicted and had not been under investigation, had the right to take part in ulus assemblies, and zaisangs, foremen, elders and commoners (one from five cabins) – in aimak assemblies. The gatherings were convened by the Chief Trustee and were chaired by: in the ulus – the owner, ruler; in aimak – zaysang, guardian under the supervision of a trustee.

## **7. Conclusion**

As an analysis of the "Regulation" of 1847 shows, it was aimed at implementing "trusteeship" for improving daily life of Kalmyks, the legal status of social groups in order to accelerate their entry into the social structure of Russian society. Particular "trusteeship" was manifested in the introduction of

“improved” economic methods for that time, in the development of new sectors of the economy, agriculture, culture, and education. And all these planned activities were carried out not at the expense of the treasury but at the expense of the Kalmyks themselves (public capital fund, taxes and various duties) and were aimed at “benevolent guardianship” of the Kalmyks, on increasing the income from the Kalmyk economy, on strengthening the support of tsarism by the local top feudals.

The very system of “trusteeship” in relation to the Kalmyks has turned into strict state guardianship through central and local (provincial) state bodies through bureaucratization and monopolization of governance and control, regulation of the entire sphere of Kalmyk life.

Dubrova (1898), who lived six years among the Kalmyks of the Bolshe-Derbetov ulus (in the 80s of the XIX century), who witnessed the so-called trusteeship policy of tsarism in Kalmykia, speaks of the "Regulation" of 1847 on the governance of the Kalmyk people as "alien to any system and practical suitability" (p. 74). In his opinion, even after the adoption of this legislative act, the Kalmyks remained a powerless people, "with an extremely disordered socio-economic system. Studying the life of Kalmyks, Dubrova (1898) wrote:

“It is necessary to fundamentally change the entire system of governing of the Kalmyk people, which has already fallen apart and has remained behind modern life, ceasing to look at it as something incapable, in need of guardianship of archaic trustees and chief bailiffs, to convert Kalmyks into truly free rural inhabitants and to transform the entire system of governing them, so that the very name of this administration would be erased from the memory of the people and would not remind Kalmyks of the former past. (p. 83)

Dubrova (1898) also characterized extremely negatively the measures taken by the Russian government to settle Kalmyk lands as a part of the trustee system. The author believes that the Kalmyks could not withstand the flow of settlers because of aiding the new people by the Russian and Kalmyk authorities. He accuses representatives of local authorities of bribery, an unfair attitude to the duties assigned to them.

Dubrova’s research is one of the first serious attempts in the Russian historiography to critically and objectively evaluate autocratic policy on the outskirts of an empire.

The leading Soviet researcher Palmov (1932) believed that the provisions of legislative acts of 1834 and 1847 on the ban on settling in Kalmyk lands to people “not belonging to the Kalmyk people” were not efficient. Palmov (1932) explained the transfer of Kalmyk land to tenants as the government’s desire to “put Kalmyks on the feet of cultural cattle breeders”, i.e. settled residents. This measure, the scholar notes, least of all could lead to the desired goal of the Russian government.

The Kalmyk researcher Burchinova (1968) draws attention to the policy of the tsarist government in the Kalmyk steppe in the first half of the XIX century and characterizes it as a colonial one, which “should have led to the complete assimilation of the Kalmyks” (p. 35).

Analyzing the legislative acts of the second quarter of the XIX century, Burchinova (1973) concludes that “every time the so-called new system of governing Kalmykia was introduced, it was not a radical restructuring, but represented the continuation and development of state traditions in governing “foreigners”.

In the period from the second half of the XVIII century to the first half of the 19th century, according to the author, “government competence went far beyond control and observation” (Burchinova, 1983, p. 12).

Representing the system of bailiffs as one of the transitional stages in the implementation of the policy and the gradual introduction of the Kalmyk people “into a general state status”, the government developed the legal status of Kalmyk peasants, finally defining the position of Kalmyk peasants as belonging to the state.

Over time, the socio-legal status of all categories of the Kalmyk peasantry was gradually developed, which meant for them an equation in rights with different classes of the taxable population of Russia.

## Acknowledgments

The study was supported by the Kalmyk State University named after B.B. Gorodovikov within the framework of the scientific project No. 1101 "Peculiarities of the governance of national territories in pre-revolutionary Russia."

## References

- Burchinova, L. S. (1968). *The colonial policy of tsarism in Kalmykia in Russian historiography*. Institute Herald. Elista.
- Burchinova, L. S. (1973). From the history of the governance of the Kalmyk people (XIX century). *Proceedings of young scientists of Kalmykia*. Elista.
- Burchinova, L. S. (1983). Determination of the legal status of the Kalmyk peasantry in the system of Russian statehood. *Social system and socio-political development of pre-revolutionary Kalmykia*. Elista.
- Dubrova, I. A. P. (1898). *Everyday life of the Kalmyks of the Stavropol province before the publication of the law on 15 March 1892*. Kazan.
- Palmov, N. N. (1932). *An outline of the history of the Kalmyk people during their stay within Russia*. Astrakhan
- Stepanov, G. (1915). *Essays on the history of the spread of Christianity among the Mongol tribes*. Vol. 1, part 1. Kazan.