
МЕМЛЕКЕТ ЖӘНЕ ҚҰҚЫҚ ТЕОРИЯСЫ МЕН ТАРИХЫ ТЕОРИЯ И ИСТОРИЯ ГОСУДАРСТВА И ПРАВА

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N.S.Akhmetova, G.T.Baizhanova

*Ye.A.Buketov Karaganda State University
(E-mail: 70_gulzira_70@mail.ru)*

Specific features of state formation in the east

The research of state emergence issues has not only cognitive and academic features, but it also has political and practical ones. It helps to understand in depth state's social nature and its features, to analyze causes and conditions of state emergence. If we consider any social phenomenon, in particular state from the point of its emergence and development, we can see the lesson of the past, the basis of the present and start of the future. This article is about the consideration of the emergence features of nomadic states in the East in comparison with the emergence features of sedentary states. Work is written taking into account extensive historical, political and legal materials describing patterns of eastern state emergence, studying evolution of society.

Key words: state, the emergence of state, the emergence of eastern states, the emergence of sedentary states, the emergence of the nomadic states.

The emergence of state is a complex phenomenon which goes differently in different countries all over the world. Presently there are eastern and western ways of emergence of state in theory of state.

Disintegration of primitive communal system and emergence of state chronologically started the first in eastern countries. Even through states based on asian production method are on the front by the time of formation, but by the research level and assessment in the world their condition is not so good. The questions such as how and why the small social formations of only a hundred people changed into organized large social systems of hundreds of thousands of people, how ancient states in the Middle East, India and China, the states of wide steppe nomads emerged are still of a great interest. Even today there is no systemic response to this questions, but there have been attempts to explain them by certain factors as population growth, changes in the weather, the expansion of exchange, the conquest, i.e. the class struggle.

In order to get a little bit closer to the urgent issue let's try to answer the following question: Why the formation of large social systems bound up with farming, expansion and complexity of agriculture? A few ten thousand years before our days a form of public union associated with using plants, processing of useful plants and animals training firmed up and widely spread. These forms could provide the possibility of passing the social experience from generation to generation rather than gathering and hunting.

Farming required from people knowledge and professional skills: they should feel and predict sufficient degree of moisture, years of harvest and land recreation and season changes. They had to plan activities for several years and thus communicate with their neighbors. The community that was satisfied previously only with the gifts of nature, then began to engage in process economics. Sedentary lifestyle and farming ensured stable growth of human population. good Complete possession of the farming specifics increased productivity, thereby the threat of starvation reduced, there was excess production which allowed storing, the number of people rised. Increase of the tribe meant the growth of its productive power and wealth, enhancement of its internal unity, strengthening its position in comparison with other tribes [1; 75].

As the features of farming and sedentary lifestyle gathered tribes on the shores of rivers and lakes, they demanded the formation of a common technology of operations and general organization of work in time and space. Agro-technical need to regulate the general activities gradually began to change into general social organization, the problem of its capacity in time and space. There was a need for tools and powers of support

forces of the internal stability and external security. First, in the community of tribes a special sphere of activity which regulates common work, special apparatus, providing the production demand was formed. Later due to the increase of excessive production the division of production came in the power of this apparatus. It has then become difficult to separate the internal problems of the tribe and intertribal actions, i.e. increasing of society rapprochement process. The function of regulatory apparatus was not only to combine in the same space different types of actions, but also to unite the workers of the corresponding class. It defined the sequence of actions and work in the respect to the space, biological, economic rhythms and their different durations.

Organization defined the issue of saving the organization order of farming and providing external security, i.e. means of forcing and controlling its structure and border strengthening. Such apparatus implemented activities like interrelation and personal organizing, management, prediction, protection, punishment and in order to provide itself needed continuously expanding financial resource. Is not difficult to foresee the strengthening power of this apparatus on society considering given the above scope of its activities and functions of the division of excessive production. Thus it seems to be the beginning of society consolidation through political power, preconditions for the formation of the state.

At that time along with economic development there were social changes. As division of production was carried out by regulating apparatus (the head of a clan, tribe), part of it was collected in their pockets. The result was the tribal aristocracy and the phenomenon of "power-property". The meaning of this is manifested in disposing of public property in connection with the entry to rank. A man who lost his rank, is also deprived of "property".

Due to the specialization of management and raise of its role the share of the tribal aristocracy began to increase. Management efficiency was recognized. Because of growth of society dependence on leaders and elders in connection with their "rank" and economic dependence the old "election" remained formal. Tribal aristocrats became a special social group which implements control.

Nomadism and sedentarism are customs of life which developed together in the same space and in the same time period. It is no wonder of what Rashid al-Din said, "First: you need to know that on different poles of the earth some people may be (one) sedentary, (second) nomadic." Therefore, evaluation of all sides of mankind social life only by settled people and trying to explain at their level will bring a loss to history of humanity. Nomads are the special phenomenon for a science known for peculiar worldview to the social life phenomena, despite of large number of the studies, still didn't receive a sufficient assessment. Including a problems which interests us are the issues concerning the power, statehood in nomadic society.

For the millennia of reign in Eurasia nomads managed to build state institutions, recognizable in a certain level of permanence and stability several times. Sometimes they turned into types of empires covering a large area, where lived the tribes different on economy, cultural ties, and even on the level of development. Whether the formation of the state on the basis of pure nomadism is possible? Questions such as whether state structures created by nomads are only result of internal development or there is an influence of other external factors are the problems which were raised at different periods, and solved on different levels. Before stating our point of view on these problems and on a question about what social and economic relations dominate in such states, it would be correct to stop on features of a nomadism.

The main features of nomadism which emerged as a way of humanity adaptation to changed natural conditions are as follows:

- cattle breeding is predominant type of farming;
- prevalence of the extensive nature of the farming due to the fact that the cattle could find and eat fodder all over the year;
- the need for continuous change of places due to the character of the economy;
- dominance of a natural type of an economy [2; 32].

The emergence of nomadic cattle breeding is the result of society adaptation in production economy to a certain ecological region and the synchronous action of different factors in social and economic, natural and geographical, specifically historical order. Preconditions of nomadism as economic, cultural and social phenomenon: 1) availability of an appropriate geographic environment. Belonging to the Aryan region, drought didn't allow to be engaged in other type of an economy except for nomadic cattle breeding; 2) breeding of a type of cattle well adjusted for steppe conditions. разведение вида скота. The predominance of horses, sheep — this is due to the fact that they are easier to herd as they are hardy to a lack of moisture and have herd-colonial reflex. They also complement each other in economic need. The presence of the model of cattle species structure in a nomadic society is determined by a set of environmental and biological, socio-

cultural factors; 3) existence of riding transport and wheeled harness transport belongs to one of nomadism preconditions. Course of nomadism development goes through several stages. At first the type of small movements similar to an output on one-seasonal pasture was used, later with enhancement of supply of horse transport equipment and means of transport cattle harness transferred to pure nomadism; 4) inequalities in wealth of a certain level justifies a private property to cattle.

Concerning the way of development nomadism is divided into three stages. I — stage. Formation for certain objective reasons of nomadic cattle breeding as a new economic form of humanity, breaking through the material production of sedentary lifestyle in between the second half of the II millennium and the beginning of the I millennium B.C. At this time, sedentary tilling material production, which was formed in IY-III millennia B.C., suffered a crisis, as it had fully exhausted all its potentiality. Along with it climatic changes in the geographical environment prepared ecological conditions allowing to be engaged in a new type of an economy. At this stage the groups of farms engaged in grazing came to a scene of history. II — Stage is characterized by deepening the possibility of the system adapting. At this time seasonal pasture resettlement passed to a pure nomadism. Different systems of nomadism are formed, changed into the closed cycle of nomadism. In the middle of I millennium AD bogie nomadic system reached its peak and the new fund of information was accumulated as a series of technological breakthroughs (the emergence of the stirrup, solid seat, yurts and widespread skin). It was a stage of pure nomadism, it coincided with a new period of aridity of the geographical environment. III — stage began with the general crisis of nomadism, decreasing its influence in the military-political sphere in XV–XVI centuries. Earlier there was a resettlement possibility on new places as a way of recovery from the crisis, but now nomads lost this possibility in connection with strengthening of the sedentary states. One of the main features of this stage is that there were no worth technical discovery, organizational and social modernization and this formed the basis of gradual weakening of nomadic society.

In literatures published in foreign countries in the XVIII–XX centuries the internal inequality of nomadic society is stultified, the emergence of nomadic statehood and empires is explained by nomads capture of areas engaged in sedentary agriculture or strength of the tribe leader, a high level of his organizational skills. Pre-revolutionary Russian scientists describe the social organization of nomads as organization based on nomadic tribal relations. As proof of the aforesaid we can quote N.A.Aristov's point of view about state emergence: "They emerge as a result of amplification of one of the tribes, which was headed by brave, intelligent, and happy in their enterprises ancestors, who have already under their influence generations of their tribe and conquer other tribes" [3; 184]. Bartold was of the same opinion, but he distinguished a social inequality and inequality in wealth [4; 95]. A.M.Hazanov said that the presence of quickly assembled and easily divisible property — cattle became a muzzle for the emergence of social inequality and inequality in wealth among the nomads, he also acknowledged that the nomadic society in the known for science Eurasian steppe to the level of development was not lower age of class formation. Doubting that in the pure nomadic society may emerge a strong state, he spoke of the need for internal and external preconditions for its occurrence. Internal factors affecting the formation of the state are characterized by the relation inequality to land and pasture. Yet this inequality is not interpreted by the category of property, but by inequality of use and ownership. Firstly, the rich owner of the cattle uses a large extent of pasture in comparison with the poor people of his tribe. Secondly, the nomadic aristocrats divided and controlled the correct use of a pasture, water resources, a season and direction of moving. In this regard in spite of the fact that they left to themselves pastures with a juicy grass, for customs and the right organizational-administrative activities took from others the unregistered rent. It actually shows the transformation of useful for society activities into the source of the wealth and power by controlling groups. "For emergence of comparatively strong statehood of the nomads in addition to internal preconditions external ones are also required. Therefore, the basic aspirations of their aristocratic elite aimed at conquest and exploitation of other societies, primarily agricultural" [5; 179]. The nature of state structures develops in two directions, depending on the relations between the conquerors and the conquered. In the first case, the nomads confined with taxes from settled farmers. The relations between them didn't influence bases of social and economic structure, and took place only in a political sphere. Development can be in two different ways: a) state is destroyed, dissolved, b) nomads gradually transfer to a settled way of life (sedentarization). The second direction is characterized by transition of conquerors to sedentary lifestyle, implementation of their aristocracy.

L.N. Gumilev as a result of a comprehensive study of nomadic society formed a concept passionarity as the driving force of society life. "Passionarity — is characterological of a dominant, invincible inner desire to work towards the realization of a purpose" [6; 57]. This purpose seems to people more valuable, than their own life, and life and happiness of their companions and people of their tribe. To achieve this humanity

works sparing neither himself nor others. Pulse of energy released as a result of this will be the reason for the formation and existence of a large system. "The community of people is formed united not by the habitual way of life, material interests, but by the consciousness of the unity of destiny, the unity of the activity to which they gave their lives" [6; 68]. Gumilev calls its consortium. The high degree of ethnic system passionarity gives a positive result when there is only one social cultural dominant. If in a condition of high degree of a passionarity the individual has to submit to system rules, in the akmatic period the system of a mutual responsibility and mutual protection, collective responsibility is formed. Each person is responsible for himself, for his small team, for his country. This is a law where ethics are written — Great Yasa of Genghis Khan. On the above mentioned stages of ethno genesis new state structures are formed and developed.

The next considered point of view is allocated with the special relation to a problem. According to Murad Adji the nomads are the owners of high-worthy, broad outlook. It can be said that the rule of Khan Erke (Kushan Khanate), who presented the east faith Tengri (Kushan Khanate) "be good, and then the world will esteem you"-is still relevant. The Great nomadism, moving from Altai to Europe is not resettlement of the poor states, but migration of culture. As in this way nomads without touching another's lands, used undeveloped lands, realizing need of mankind. As a result of the Great nomadism in Europe there were the new states based on economy of nomads, leaning on their outlook [7; 23].

Along with the above views we would like to express our point view about statehood of the nomads, which is the main requirement is that the existence of a society. The necessity in the statehood and its possibility of formation within pure nomadic community is characterized with following conditions:

1) Collectivization. Different actions of work in cattle breeding: dig well because of limited water, to water the cattle, graze the cattle in winter, stay on pasture in autumn, care for early fertilized cattle, milking, shearing, doing other artifacts (fooling felt) require collaboration different population groups. Elements of system of production of goods in the nomadic environment generated need for joint types of work, association of labor of weight of direct producers. Collectivization was carried out at level of production group and a community.

2) Began to accumulate fond as a result of the proper organization of production. This stock proves enrichment and accumulation of material resources in hands of owners of a small property.

3) Passed rapprochement process arisen from the need to co-existence. The need to interact with one another was being resolved in accordance with the requirements of existence of the contemporaries living in one space. The main reasons for rapprochement are existence of a similar method of production, the general enemy or a common goal.

4) The need for regulation of models of military-political and other external economic relations in a nomadic society. Due to the mentioned reasons on the basis of general integrity of the economic and non-economic goals begins interconnected functional and structural convergence of various social organizations, are required to provide a communicative work and coordinate social activities. They are intended for regulation of system of non-economic, military and protestarian, socio-cultural interaction and providing their coordinated activities aimed at the general social purpose.

In a nomadic environment dominated diachronic system of data link between the generations. The proof of this is the fact that the main instrument of production - cattle was inherited from father to son. Also the experience was transferred this way. On this basis in the economic and cultural homogeneous areas the process of ethnogenesis was passed intensively. Since there in comparison with marginal regions the cultural unity, arisen by homogeneous economy, the general lifestyle and a special method of production under similar living conditions started to be formed rapidly. Thus, all necessary preconditions of statehood formation were created.

Extensiveness of an outlook is shown in all aspects of life of the nomad. Features in the state structure are also connected with it. In the West human life, its organizations was regulated strictly by concrete written laws, it was not allowed to take an extra step in the East, the relationship between the people governed by the rules of justice and morality. When it was necessary even the public opinion served as a strict regulator. As they say "Reed kills the horse, honor kills a man", fear of public reprimand was stronger regulatory tool than the strict law. If in the West everyone was responsible only for himself, here the person lived for the sake of children. The child was brought up cherishing, caring as much as it was possible, and as a result the matured child took care of parents. Perhaps this is the customs of their ancestors, the continuation of time.

As a whole concluding a theme, we want to mention need of conclusion concerning concept "nomadic method of production". If there will be a possibility to completely prove its features, need of reference of a nomadism to the socio-economic formation characterized by "feudal" or other "class" methods of production

will disappear, and opens a possibility to investigate it separately. «Nomads methods of production» are considered for the first time in G.M.Markov's works. Considering together the views, supplemented in recent years, it is possible to note its following features:

- natural-autarkic character of a social production, indivisibility of needlework and trade;
- the system of social division of work serves at the level of collective, mutual assistance and the cooperative work;
- in connection with it the communal model of social association dominates. Here special importance is given to a community concept;
- all elements of material production system are considered in inseparable unity;
- use of natural resources was carried out by a biological way, that is the cattle, instruments of production. It proves the high extent of work and compliance of its products to possibilities of the living environment;
- social-class stratification justifies domination of economic models of a property, prevalence of economic models of subordination, limitation of coercion out of economy;
- prevalence in development of society of the direction a distance from the center defines weakness of social and legal institutes and government infrastructure.

This main contradiction in the method of production is shown as a contradiction between the collective organization of social production, a generalization of work in the community and the personal possession of the product of that work.

We won't be mistaken, if we say that, one of exclusive preconditions of the state formation on Asian type is effective use for own need of control of the created administrative apparatus of leading groups, economy, policy and military service. The emergence of the administrative state structure strictly based on economic necessity was formed before private property (in the majority ownership of the land). In eastern countries the state is not only a means of class domination, it also serves as a source of class formation. In the east not the instruments of production were owned, but management of them.

With the increase in volume of association community labor activity «the origins of the government power», arisen in a hollow of a tribal community turned into community managing and ruling authorities. Depending on the volumes of economic goals they created a micro-or macro-states, united with the centralized authority power.

The common feature of the eastern states are as follows:

- based on the state and public property on the main instruments of production, in this regard society is classified concerning a place in hierarchy of the state system, but not with respect to private property;
- legal systems of such states are developed predominantly poorly, rely on religious and moral dogmas, in many respects supported by traditions.
- the states during historical development similar to east development changed slowly.

The state served as a deity in society and the representative of an order on the earth, it was the indication tool to society its internal unity and external isolation. It having developed and strengthened, tries to involve this in the being formed state models. The result is a special structure, where at the head there is a head of state, in the middle the officials who are carrying out his power, on the basis members of the community, gradually losing tribal characteristics.

Development of political ideas in different countries is characterized by specific features, therefore it is impossible to unite all of them in one project. In order to thoroughly and comprehensively understand the processes taking place in today's time, it is necessary to try to leave the limited area of the most investigated and self-proved views and ideas and move forward, to be able to open and strengthen the overall measurements.

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Н.С.Ахметова, Г.Т.Байжанова

Шығыста мемлекет қалыптастырудың өзіндік ерекшеліктері

Мемлекеттің пайда болу мәселелерін зерттеудің танымдық, академиялық, саяси-тәжірибелік сипаты бар. Ол мемлекеттің әлеуметтік табиғатын, ерекшеліктерін терең түсінуге, мемлекеттің пайда болуы мен дамуының себептері мен шарттарын талдауға мүмкіндік береді. Қандай да болмасын қоғамдық құбылысты, соның ішінде мемлекетті де пайда болуы мен дамуы тұрғысынан қарастыратын болсақ, өткеннің тағылымын, қазіргінің негізін және болашақтың бастауын көруге болады. Мақалада Шығыстағы көшпенділікке негізделген мемлекеттердің пайда болу ерекшеліктері отырықшы мемлекеттермен салыстырыла қарастырылды. Жұмыс шығыстық қоғам эволюциясын зерттеп, мемлекеттің пайда болу заңдылықтарын сипаттайтын кең көлемдегі тарихи және саяси-құқықтық материалдарды есепке ала отырып жазылған.

Н.С.Ахметова, Г.Т.Байжанова

Особенности возникновения восточных государств

В статье отмечено, что изучение процесса происхождения государства имеет не только познавательный, академический, но и политико-правовой характер, что позволяет глубже понять социальную природу, особенности государства, дает возможность проанализировать причины и условия их возникновения и развития. Определено, что, изучая любое социальное явление, в том числе и государство, с точки зрения его происхождения и развития, мы можем увидеть уроки прошлого, основы настоящего и начало будущего. Авторами рассмотрены особенности возникновения кочевых государств на Востоке в сравнении с оседлыми государствами. Работа написана с учетом исторических, политико-правовых материалов, характеризующих эволюцию восточных обществ, закономерности возникновения государств.

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