

The Appearance of Agrarian Property in the Nomadic Society in Central Asia in the 18th and the First Half of the 19th Centuries

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Abstract

The main aim of the research is to analyse the process of transformation of the nomadic Kazakh society in the 18th Century and the first half of the 19th Centuries. Based on the archival materials, the authors concluded that in the period under study, actual private ownership of pastures was emerging in the nomadic Kazakh society.

Keywords: History of Kazakhstan, Colonisation, Nomadic Economy, Community, Pasture Isolation, Emergence of Private Land Use

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Introduction

The study of land relations, while preserving the nomadic way of life as the principal means of production in the conditions of the colonial policy of the metropolis, is one of the under-explored issues in history. The necessary information on the land policy of the Russian Empire in the Kazakhstan steppe zone can be found in legislative materials, official records of higher, central and local institutions; reports of governors-general, military governors and vice-governors of the colonial administration. However, historians still find it extremely difficult to familiarise themselves with these sources of information in the Russian Federation, in the archives of which these documents are stored. The problems of declassifying archival documents, funds, related even to the 19th Century, the access to the archives, the development and implementation of automated archival technologies and information retrieval systems, have not been completely solved.

In the 18th Century society, there was a rethinking of the historical role of Russia in the international arena. It is important to note that the official doctrine based on the views of Western philosophers and thinkers, it was believed that the power of the state and the glory of the ruling monarch are determined by the size of the subject territory and the number of subjects. The acquisition of the latter is a natural result of victory on the battlefield, or complex combinations of diplomatic struggle (Hobbes, 1991: 382).

This was the reason why the nature of Russian policy regarding nomads was determined by those ideas about the people in the colonies, which was developed in the worldview of Europeans under the influence of the enlightenment concept. According to it, the culture of different people was comprehended through the ideas of the unity of the human race, based not on evangelical postulates but on the scientific explanation of the differences that existed among peoples influenced by the features of their natural and geographical

habitat. This approach served as the basis for the formulation of a universal concept of the worldwide historical progress: from the wild state common to all peoples through barbarism to the heights of civilisation represented by the European culture. The way of life of non-European peoples – the natives of the colonies – was a reflection of the history of Europe, which became the rationale for Eurocentrism. Hence, the “backwardness” of the culture of other peoples of the eastern borderlands that became part of the Russian Empire was explained by natural scientific reasons: climate, natural conditions, etc.; and moral and ethical appraisal of European civilisation was used to describe their way of life. Their culture did not take European rights to its own “natural” progress, that is, to their original development. In the cultural system, it was assigned the lowest step, and its fate was predetermined – European culture with its achievements was destined to prevail over the forms of community that do not conform to it (Tokarev, 1978: 243).

Parallel to this, a scientific justification was given for an indulgent paternalistic attitude towards peoples of foreign cultures. It is especially noted that all things the other people consider objectively (from the European) norms and values, was recognised as a manifestation of progress and historical maturity. Everything that did not correspond to them seemed necessary to change, as there was a belief to introduce universal values into any society. The idea of the legitimacy and necessity of European aid and guidance justified the imposition of more “advanced” forms of life on “backward” peoples. In the concept of the stability of social development, equality of cultures was understood as equal quality, identity, and not as uniqueness and irreducibility to each other (Tokarev, 1978: 243).

However, the experience of Europe’s Renaissance, penetrating Russian society, acquired here a somewhat different value. Russia remained a feudal country; that is, the bulk of the Russian population was in the hardest slave conditions. In this environment, other

values were always more dominant than those of the ruling upper classes as N.A. Berdyaev once wrote Russian culture was characterised by duality, and this duality was heavily reflected in the destinies of the peoples of the empire (Tuchkova, 1999: 447-456).

The penetration of European culture in all regions, and the resulting sense of historical optimism, the belief in the victory of civilisation over nature (and therefore, the confidence in the possibility of changing the life of nomads) did not contribute to the formation of world outlook tolerance for the manners and customs of other cultures and did not give rise to recognition of rights equal to European ones and opportunities for original development in someone else's "incomprehensible" culture.

Therefore, in the state approach of the Russian Empire to the solution of the "foreign matter", these fundamental foundations of the cultural and political existence of the Russian state were manifested, permeated with the idea of Eurocentrism and the idea of the special historical mission of the Russian people. "The Russians did not observe other civilizations, because simply peoples as the appraising vision of Russians was distorted by the special prerogatives of the chosen people," noted S. Panarin Russia's attitude towards the East, including the nomadic culture of the Kazakhs (Panarin, 1993: 188). The centuries-old experience of ethnocultural heterogeneity and the archaic way of building relations between supreme power and subjects had led to special conditions for the inclusion of Kazakhs in the socio-political structure of the state. Kazakhs formally were equal with other categories of delivered nations, but in reality relationships for them was worst.

All these changes in public consciousness pushed the ruling elite to more active actions in the sphere of foreign policy; and the Russian empire began to pursue a policy of expanding its territories, carrying with it the bases of "civilisation".

In addition, the conditions for economic development prompted Russia to the expansion of its influence to the southeast. At that time, the

Russian government, which experienced considerable difficulties in connection with the long wars, the maintenance of a huge army and administrative bodies, demanding large expenditures, was interested in the Dzungarian affairs as it had information about the "gold placers" in the area of the city of Yarkand. From the archival materials (Central Archive of the Republic of Kazakhstan, Russian State Archive of Ancient Acts, State Archives of the Orenburg Region, etc.) it is clear that the Siberian authorities were tasked to clarify the situation on the border with Dzungaria, "at what time and from which positions to fight its *kontaishi*..." (Old Russian *kontiashi* – *khuntaidzhi* – title of a Dzungarian ruler) (Popov, 1853: 188).

In the case of Kazakhstan's accession, Russia expected to use its armed forces, which, their owners "could easily be brought to fifty or sixty thousand or more of the most efficient horsemen" (State Archive of the Orenburg Region, Fund 3, Series 1, File 2, Pages 1-12). This meant that from the outset both political, economic and military interests, they were viewed through the policy of the tsarist government about Kazakhstan. A liberal-paternalistic standard acted in relation to the Kazakhs that placed them outside the administrative and fiscal hierarchies of the Russian society, claiming to know the true interests (real needs) of nomads, symbolic and financial support for a settled way of life.

This research begins with the methods deployed in the research. Following this, it discusses the results of the analysis.

Methods

The methodological basis for the study employs modern concepts and approaches to the study of traditional culture, which offers other policy principles for indigenous peoples: rejection of paternalistic attitudes and attitudes towards aboriginal peoples as partners; recognition of their rights to sociocultural identity and their own goal setting and control of their own development.

Considering these, the following methods were applied here:

- historical and ethnographic (scientific description, specific historical analysis, retrospective reconstructions) (Artykbaev, 2017: 38).
- statistical – allows by means of the comparative analysis of historical texts to determine the frequency, depth, the degree of intensity of those processes that occurred in the Kazakh society during the studied period; (Hantrais, 2009: 106)
- comparative-historical. History is diverse in all its manifestations. A comparison with similar processes among settled peoples and the development of this phenomenon in a different chronological period helped to understand the essence of the formation of land ownership and land relations among the nomadic Kazakhs;
- the historical-areal method that gave the opportunity to take into account the intraregional and interregional phenomena more clearly, the main direction and spatial scope, the trends of ethnocultural development in the region under study (Razdykov, 2007: 21).
- the synchronous method that was used to establish the connection between individual phenomena and processes occurring at the same time, but in different parts of the country or abroad (Ashforth, 1969).

Results

In the 19th Century, A. Krausse noted that “the whole history (of the Russian Empire) is a chronicle of aggression, conquest and absorption of conquered countries” (Krausse, 1899: 1-2). Regarding the Kazakh lands, Russia was not original. In the tsarist conquest of new lands, military colonisation continued to play an important role.

In 1731, the Khan of the Junior Kazakh Zhuz Abulkhair began negotiations with the tsarist government about the voluntary entry of the Junior Kazakh Zhuz into Russia, which, according to some researchers, met the needs of the political, socio-economic and cultural

development of the Kazakh people. The issues of the adoption of the Russian protectorate by the Kazakhs have not yet received the proper assessment.

In our opinion, the main motive and reason for the Kazakh-Russian rapprochement at this period of history were trade and economic reasons. Since the crisis of the Turkestan-Tashkent region, the decline of industry and trade caused by the decrease of the role of the Great Silk Road had been dominating the Kazakh tribes. Kazakh nomadic people had to look for a new trading partner for selling agricultural products and purchasing vital items. Kazakh rulers saw this essential partner in the Russian state. After the annexation of the region by Russia, the relationship between the Russian administration and the Kazakh rulers came to a qualitatively new stage. This was saturated with events that played a significant role in the further history of Kazakhstan, whose territory, the tsarist government planned to use to implement its policy in the East.

In the years 1755-1758, the Dzungar Khanate was defeated by the Ch'ing army and then was virtually erased from the geopolitical map of the continent. The only nomadic civilisation remained in Central Asia was the Kazakh people. According to the precise definition by Chokan Valikhanov, “the fall of strong Dzungaria, a former menace for Central Asia, and finally, the conquest of the one-of-faith Minor Bukhariya, terrorized the whole of Asia, especially since, according to the prevailing tradition, superstitious Muslims believed that before the end of the world the Chinese would conquer the whole world” (Valikhanov, 1984: 432).

The emergence of China instead of Dzungaria as an even more powerful competitor in the interstate rivalry for spheres of influence in the Kazakh steppe alarmed the tsarist authorities of different levels who came to common opinion about the need to spur their offensive-dominated policies in Central Asia. To this end, military lines began to be strengthened, and fortresses were built, and only in the territory of the West Siberian Governorate General, its

length was almost 2 thousand *versts* (1 *verst*=1.067 kilometre).

The conquered lands of the Kazakhs were declared Russian territory.

It is generally known that a vast natural territory and the necessary uninhabited space were required for the full-fledged existence of a nomadic economy.

The Kazakhs, who remained nomadic until the 30s of the 20th Century, roamed for long distances during one year turning their entire life into an uninterrupted nomadic movement from place to place, not because they loved such an eternal “movement” but because this was an economic necessity conditioned by the specific character of the basic means of production.

However, from the 18th Century, the colonial administration began the seizure of pasturelands: first for the Cossack military lines and then for the peasant migrants. Under the confiscation fell the pasture lands located along the banks of rivers and lakes, wintering grounds, legally not registered but in practice belonging to people according to the traditional right of the Kazakhs. This was beneficial to the representatives of the colonial administration; moreover, as pre-revolutionary researchers categorically asserted, the migrations, during which a distance of 1,000 *versts* a year would be overcome, would have been impossible if private lands had appeared on their way. Thus, in the materials of “The folk customs, which had, and in some cases still hold good in law in the Little Horde” collected by order of Orenburg Governor L. Balluzek in 1870 from the Kazakhs. It was said that “according to the conditions of their nomadic life and with the almost daily change of nomadic places, according to the needs of their livestock breeding, there could not be and there is no landed property” (Notes of the Orenburg department of the Russian Geographical Society, 1872: 32).

The Cossacks began to be moved into the newly built outposts from the old line; then the settlement began between these lines. An unknown author of notes on the Kazakh steppe written by the beginning of the 50s of the 19th

Century wrote that, “... From the depths of the centuries, according to established traditions, and that is, according to the concepts of Kazakhs and actual possession, the wintering grounds belong to the person ... and also to cattle-owners. A good wintering for the Kazakh is invaluable; his well-being is closely connected with it, that is why, we should regret that during the establishment of Russian settlements this circumstance was not paid attention to, and most of them are located on the places of winter travel” (Materialy po kazakhskomu obychnomu pravu, 1948: 74).

Thus, the reduction of pastures already in the second half of the 18th Century led to the fact that the Kazakh population had nowhere to keep their livestock. The attempt at isolation caused the emergence of land ownership and consequently a desire to consolidate it for a certain time. These processes accelerated the development of social differentiation of Kazakh tribes and their stratification.

What were the characteristics of the Kazakh community in the period under investigation?

The Kazakhs engaged in extensive cattle breeding were nomadic collectives various in their number, known in Russian sources as generation or “tribes” with their “branches”. The core of these collectives was *aul* (village). It was established that in the 18th Century the Kazakh *aul* represented the main economic form of the nomadic association – the *aul* community. According to its social content, the Kazakh *aul* community was a class collective, one part of which – the feudal elite – appropriated the results of the labour of the main producers – feudal-dependent pastoralists (*sharua*) unevenly provided with livestock. However, it retained its ancestral appearance (nomenclature of kinship, family genealogy, patriarchal-clan life). The central core of the village consisted of families that were in blood relationship. This nucleus could include other families or individual family members who were not related to it by blood. Relatives through female lineage, belonging to another tribe, the poor who broke away from their communities, families of slaves released to freedom were allowed in the *aul* community.

The quantitative composition of the blood-bearing families that entered *auls* varied. Nomadic cattle breeding associated with long-distance travel inevitably included large groups of people on its nomadic routes. Therefore, when it was the dominant form of economy, *auls* of large sizes prevailed.

The *auls* combined during the summer camps, using pastures together, as well as in case of military danger (raids from neighbours) when it was necessary to repel the attack. In winter, large nomadic groups disintegrated into separate *auls*, which occupied certain winterings.

Nomadic routes of *aul* communities were regulated by the ancestors, *aksakals* (*aksakal* – lit. white-bearded, elder), *biys* (*biy* – a foreman) and *batyrs* (*batyr* – honorary title given for military exploits). Leading the communities, they controlled their nomadic places determining the places of the seasonal encampment. In the records of the Kazakh customary law, it was noted that the elders appointed the places where *auls* migrated a few days before migration.

The scope of the feudal right to manage the nomadic places expanded depending on the number of nomad tents (families) constituting communities, which was under the rule of a *biy* or *batyr*. Some *biys* (elders) were in charge of a large number of communities belonging to the same generation consisting of several tribes. So, for example, *batyr* Bukenbay was in charge of nine tribes, including three tribes of the Middle Zhuz. Bukenbay and Yeset had 7,000 tents under their authority. Several tribes were headed by those *biys* who, according to their position, were “no lower” than the khan. The branches of the tribes (*ata-balasy*) were ruled by lesser noble *biys* and *batyrs*. The economic superiority and power of the *biys* were determined by the nobility and the numerosness of the tribe they controlled.

Average pastoralists had very limited opportunities to use wintering grounds, which was explained by their feudal dependency and by the increased seizure of the best lands by feudal nobility. Ordinary cattle breeders

(*sharua*) were forced to carry out various feudal duties: pay taxes and chief-rents to the khan and the sultans, make offerings to them (“gifts”), work for *biys* and elders under the guise of “tribal help”, etc. These duties were obligatory for ordinary cattlemen because they roamed the land, which the feudal lords were in charge of.

However, conditional “distribution” does not mean possession. In the period under investigation, attempts were made to isolate the most favourable pastures. The researchers of Kazakh land use noted that “the sign of belonging to the *aul*’s camp is the litter of the wintering livestock from which the very name of such winter stands comes – “*kouin*”. *Kouin* has literally trampled excrement; there was a steppe rule if a Kirghiz’ livestock spent winter in a place and left *kouin* there, so for the next winter, the Kirghiz had the right to consider this wintering as their own. According to the size of *kouin*, it [was] possible to judge the number of grazing cattle on it, therefore, it [was] possible to approximately determine the space of surrounding pastures that [were] used by these cattle (*orys*), which in its turn determine[d] the areas where new sites [could] be built without straining the livestock of the first and subsequent winterers” (Chermak, 1908: 8-11).

Scientists, relying on L. Chermak’s evidence, believe that these processes date back to the beginning of the 20th Century. The process of isolation of pastures could begin much earlier.

The most influential *biys* and *batyrs* that were at the head of many communities could control large nomadic routes, which expanded their possibilities of appropriating vast and better pastures. As large owners, they were primarily interested in large pastures. Especially the *biys* were involved in providing cattle with good fodder for the winter.

Establishment of constancy in the use of individual winterings of the nobility signifies the beginning of the process of assigning them at the property of the nobility. If a *biy* or *bai* used the same winterings for his cattle for a long time, they became, in fact, his property.

During this period when isolating a pasture, people began to put *oba* (tall stones visible from afar that are dug into the ground, sometimes with *tamga* (*tamga* – a tribal sign) indicating the tribal ownership of pasture on their winter and summer encampments. Land-grabbing (making an application) method of land use continued to dominate within the tribal land use among separate tribal groups and farming units. Pre-revolutionary researchers of nomadic farming quite definitely note that “there was the need for such regulation of land use only when the winter migrations significantly decreased, and many farms began to come to the same place every year and spend several winter months on it” (Materials on Kyrgyz land uses, 1905: 237).

One of the issues, which arise while considering the problem of property is water sources ownership, especially wells. They were important in the conditions of nomadic cattle breeding in the waterless steppe. From 1896 to 1903 at the direction of Emperor Nicholas II, an expedition was sent to Kazakhstan to inspect the Kazakh farms and identify the land colonisation fund. The management of this expedition was entrusted to F.A. Shcherbina’s Researchers of Kazakh land use, who writes about the community use of wells in Pavlodar district (Maraldy district): “Well-known *auls* have certain campsites on autumn and summer pastures, waterings; the right to use them belongs only to these *auls*. It is not allowed for an outsider to camp by someone else’s watering; it is also impossible to dig your own well near someone else’s watering place. However, if the use of watering points is strictly conditioned, then the very use of areas is completely free, without observing any boundaries between the two neighbouring groups so that when the neighbouring groups graze, the cattle mix. The land is considered to be in common use, and only the fact of the well construction and the labour expended on it creates the right to a certain territory” (Materials on Kyrgyz land uses, 1903: 184). Further, the members of the expedition write: “Such significance of wells is due precisely to the fact that the pasture is practically the same everywhere, but the water cannot be reached from anywhere; that is why the

availability of water creates the right to the land. The right is quite strong and jealously guarded: not to mention that strangers are not allowed to waterings of this group, the village may, for example, not allow the owner, who does not have sons, to take the son-in-law into the house in order to transfer his right to land to him” (Materials on Kyrgyz land uses, 1903: 184).

Moreover, in pre-revolutionary literature, the opinion was established that the Kazakhs began to build permanent houses only in the 19th Century. It should be noted that this point of view has its supporters nowadays. However, modern ethnographic and especially archaeological materials refute this claim. Clearly, the main and the most important dwelling of Kazakh cattlemen for many centuries was a portable dwelling – a yurt, but according to archaeological data, Kazakhs built wintering settlements in the 16th and 18th centuries, which were characterised by powerful walls with three to eight households with outbuildings. Such *kystau* (winterings) or *kystak* were widespread mainly in Southern Kazakhstan, but they were also found in Central Kazakhstan. Thus, the issue of the degree of distribution of permanent residential buildings in Kazakh winterings until the middle of the 19th Century is also not settled in historical literature. This issue is not included in the range of interests under our consideration.

All these facts indicate the processes of destruction of communal land use and the emergence of private land use through its transitional forms. Further, colonisation of the Kazakh lands, declaring them the property of the Russian Empire, in our opinion, detained these processes; although the colonial administration agreed with the existence of the land-grabbing rights, it gave priority to the use of this right only to Russian peasants.

In the first quarter of the 19th Century, the so-called “uncertainty” of the Kazakh lands almost liquidated. Speransky prepared the “Charter of the Siberian Kirghiz” dated 22 June, 1822, which practically meant the complete annexation of the Middle Zhuz to tsarist Russia and marked the end of the period of the legal citizenship

uncertainty policy (Complete Collection of Laws of the Russian Empire, Vol. 38, No. 29127: 417-433). The reform paved the way for the further colonisation of the steppe and the promotion of Russia's strategic colonial interests deep into Central Asia.

The legal status of Kazakhs, according to Russian laws, had been studied to some extent. This problem had been raised in the works and monographs of Western, Russian and Kazakh scientists who worked on this issue (Olcott, 2002; Otepova et al., 2015).

However, the issues of land use and land property among the Kazakhs are still debatable.

As contemporaries of the period wrote, "the increase in population caused the restriction of Kirghiz roaming migration, this emerged the need to determine the order of land use. For solving this problem the government needs to adopt a measure that, on the one hand, would satisfy the modern requirements of the people without violating their life, and, on the other hand, would be beneficial for Russia" (Meyer, 1850: 328). Therefore, all legislative acts and other measures concerning the Kazakh population were adopted and resolved only in the interests of the Russian Empire.

The adoption of the "Provisional Regulations" of 1867-1868 can be considered the final stage of dismantling the entire traditional model of the Kazakh society. Thus, the "Provisional Regulations" defined the legal side of the property, that is, the entire territory of the Kazakhs was declared the property of the Crown of Russia (Otepova et al., 2015).

The final status of the territory of Kazakhstan was enshrined in the Regulation "On the management of Akmola, Semipalatinsk, Semirechenskaya, Ural and Turgai regions and the amendment of some articles of the regulation on the management of the Turkestan Krai" or the so-called "Steppe Regulation" of 1891. Here are some points from it:

"119. The lands with nomad encampments and all the accessories of these lands, including forests are recognised as state property.

120. The lands occupied by nomadic tribes are left in the indefinite public use of nomads, on the basis of customs and rules of this Law" (Complete Collection of Laws of the Russian Empire, Vol. 11, No. 7574: 133-147).

There is no doubt that the commission that worked out this project did not at all take into account that land ownership of the Kazakhs had already taken shape and everything written in the laws was very smooth on paper, but not applicable in the life of the nomads. The tribal method of land tenure established by the Kazakhs on the customary law had nothing to do with land tenure, which the commission ordered to arrange. Tribal areas were strictly guarded against any invasion of other tribes, and the administration was initially powerless here. With the development of colonisation in many Kazakh households, the land was taken by the administration, so they lost their plots; of course, they were not given any other plots. As a result, most of these households were forced to move to summer pastures, which are still in common use and to arrange winter camps there. This abnormality in land tenure had the most detrimental effect on the entire domestic and economic life of the Kazakhs.

Thus, the government colonisation of the steppes of the Russian Empire, which began in the middle of the 18th Century and continued uninterrupted until the last quarter of the 19th Century, gradually took more than 10 million *dessiatines* (1 *dessiatina*=2.7 acre) of the best lands from the Kazakhs. Formerly, the land belonged to the people who conceded part of it to their *aksakals* – the family rulers for use. Now, it became the full property of the Crown of Russia, and the people were obliged to pay burdensome taxes and servitudes to officials of the local administration for its use. If the Kazakh population did not obey the order of things that they hated, then they were forced to abandon their native land, which in this case the tsarist officials tried to settle by migrants from Russia.

Discussion

The issue of ownership of key natural resources in nomadic societies, primarily pastures, is still

unresolved. Foreign researchers, comparing the nomads of Africa of the new and modern period with sedentary societies, believed that they (nomads) have a much less complete and developed private property than the settled population (Dahl and Hjort, 1979: 32-33). On the other hand, researchers note that the corporate ownership of pastures inherent in most nomadic societies demonstrates greater diversity than family and individual ownership of livestock. They use an example of the nomads of East Africa (Culliver, 1955: 31, Spencer, 1965: 5, Dyson-Hudson and Dyson-Hudson, 1969: 78, 79), some nomadic societies of Sudan (Cunnison, 1966: 27, 74; Asad, 1970: 13), Somalia (Lewis, 1955: 331-332) or Al Murra (Cole, 1975: 28, 95). This is understandable, since the primary means of production there were cattle, and the land was considered as a means for keeping livestock.

Regarding the Kazakh land ownership, Russian authors of the second half of the 19th and early 20th Centuries, when considering the pre-colonial period, were dependent on the directives by A. Levshin, who noted that Kyrgyz-Kazakhs, moving from place to place did not have permanent dwellings and own land (Levshin, 1832: 36).

The same opinion was expressed later by Haruzin A., Sedelnikov T.I. and other Russian researchers of the Kazakh society (Haruzin, 1889; Sedelnikov, 1902). The absence of land ownership was a general postulate in the works of subsequent Russian and Kazakh Soviet authors (Shakhmatov, 1964; Tolybekov, 1971; Markov, 1976; Pershits, 1976; Khazanov, 1995).

With careful study of the economic mechanism of the Kazakh society, it turns out that the economic side of the issue of ownership differs from legal ownership. In any case, Russian researchers noted that the economic category of property continues to be a vague phenomenon. These statements were beneficial to the representatives of the colonial administration who acted on the principle: whose land is it – nobody's (nobody means it belongs to the state).

It seems to us that the representatives of the colonial administration, as well as pre-revolutionary Russian researchers who were in

its service, gained their benefits from showing the unsettled nature of land relations among the Kazakhs. Therefore, in the "Materials" of the F.A. Shcherbina's expedition concerning the Pavlodar *uyezd* (district), it is noted that the process of isolation had not yet come to an end: "[t]he abundance of mowing lands makes it possible to practice the stalled method of keeping livestock relatively widely, as a result of which the main basis of the economy is not pastures but mowing lands; sheep and cattle graze on the fodder in most cases until the middle of November and only in a small number of *auls* – until the middle of December. Thus, winter pastures for this group are not as important as in areas poor in mowing lands, where not only horses but also "*karamal*" (literally black cattle, to which all farm animals that require feeding and care during winter belong) are at grass all winter." Further, the researchers wrote that "therefore, there are absolutely no boundaries between pastures belonging to different *auls*, or these boundaries are so vague, "*nobai*", as the Kirghiz say, that clarifying them is not possible" (Materials on Kyrgyz land use. Semipalatinsk region, Pavlodar district, 1903: 43).

The question is: to what extent did they try to find it out? How objective were they?

Speaking about the institution of land ownership, A. Kaufman, at the beginning of the 20th Century also noted the existence of a grabbing right that he compares to private property; however, he also recognised this right only for Russian peasants (Kaufman, 1897: 345).

Kaufman's contemporary L. Chermak, speaking about the right of pasture ownership, noted that in some cases there is a right of grabbing, and in other cases, the form of assigning a pasture was the application of labour on a particular pasture. Most often, this right is created with the construction of an artificial reservoir. Having arranged a well, having cleared the spring, a Kazakh establishes the right for encampment – "*jurt*", and on the district pasture – "*orys*". Further, the author continues, "[h]owever, in practice, although no one observes the order of encampment use of the last tribe, somehow it

happens that the same persons stop at the same places from year to year” (Chermak, 1908: 8-11).

Again the concept “from year to year” is indefinite: did the Kazakhs come to the same pastures and were they the actual owners of it for 10, 20 or 100 years?

At the end of the 19th Century, exiled to the Ishim, Chermak L.K. noted that “the first and significant influence on Kyrgyz (Kazakh – S.R.) land use was the seizure of winter camps” (Chermak, 1908: 8-11), defining the chronological framework of this process 100-150 years ago.

It should be noted that there are scientists who believe that in the past in the most developed nomadic societies, ownership of pastures, if not legally but in practice, acquired private property, specifically bearing feudal character (Vladimirtsov, 1934; Potapov, 1954; Zlatkin, 1973; Kräder, 1979: 230).

Modern Kazakhstan historical science claims that when studying the history of Kazakhs, it withdrew from using formative approach. Of course, abandoning the dogmas of the imperial and Soviet totalitarian past has enabled modern historians to explore specific problems more openly. Apparently, such a change in priorities has required society to rethink the whole system of habitual political, sociocultural, and axiological views as they are inevitably actualised in developing positions on issues related to the existence of other cultural components in the structure of a politically unified organism.

At the same time, the opinion remains that the Kazakh people have passed the stage of feudalism moving immediately to socialism. However, the existence of elements of feudal relations in the Kazakh society is well known. If one considers the history of the nomadic Kazakh people through the prism of the civilisational approach, then, perhaps, they will look at the problem of land rights and Kazakh land ownership rather differently.

Conclusion

At the beginning of the research, the authors set up the scientific problem of substantiation and analysis of private ownership pastures origin in the nomadic Kazakh society in the 18th Century and the first half of the 19th Century. Land as a substantial foundation of the vital activity of the human community determines the main contours of the social and ethnic organisation and serves as a life-supporting force. According to some researchers of the nomadic society, the concepts that were formed on the European material on the attitude to land do not quite fit the nomadic society since it represents another type of culture.

The same can be said about land ownership in a nomadic society. Based on the archival materials and the analysis of pre-revolutionary sources, we concluded that in the period under study actual private ownership of pastures was emerging in the nomadic Kazakh society.

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