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## **ETHNO-SOCIAL NATURE OF LEGAL ORIGIN OF COOPERATION IN THE RUSSIAN EMPIRE**

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**Abstract:** *Input information/relevance: In the history of the cooperative movement of Russia, the end of XVIII - beginning of XIX centuries is traditionally called the time of legal formation of domestic cooperation. This period of the country is characterized by a sharp stratification of the social structure of society into the bourgeoisie and hired workers. This was the economic and legal prerequisite for the establishment of cooperatives. However, a subdivision into oppressors and the oppressed has always existed, except for a classless primitive society. The manifestation of elements of primitive cooperation or pre-cooperation can be traced throughout Russian history. Therefore, it is necessary to find out, when and how the first forms of association of "pre-cooperative" time have appeared in territory of present Russia, to establish, what social and legal functions of a communal economy of concrete society they carried out.*

**Keywords:** *Pre-cooperation; community; social needs; ethno-social nature; common law; legal origins; economic prerequisites; Russian Empire; legal regulation.*

### **INTRODUCTION**

Cooperation in modern interpretation was formed by the XVIII century, but its preconditions can be traced back to the primitive communal system. At that time, a collective way of managing through joint labor, governed by common law, was developed. The results of the work were common, regardless of the individual participation of each of the community members. This arrangement was typical of

autonomous farms and provided for the necessary social and legal needs of the community for its survival. Community management was based on the right of all to own natural resources, which were the basis of common welfare. In the process of the "industrial revolution" there was a change in the social structure of Russian society, which did not lose the experience of community mutual assistance. These social and legal prerequisites led to the emergence of the first cooperative societies among salaried workers.

## LITERATURE REVIEW

In the work on the article the works of Russian and foreign scientists in the field of the investigated problem were used, including classical scientific works, monographs, dissertations, teaching materials and periodicals. The research of reasons of origin of cooperatives revealed that social classes appeared not in the XVIII century, but, as F. Engels (1848) proves, at the slave-holding system in which there were slave owners and slaves, as well as free peasants, craftsmen, citizens (Marks, Engels, 1961, p. 185). In rural communities of Ancient Greece free farmers carried out cooperation of works and mutual assistance. In large estates and communities there were preconditions for naturalization and economic autonomy of agriculture (Filinova, 2015, p. 221-222). It is known that in Ancient Rome, as the researcher of this problem A.I. Kosarev (2008) notes, community agriculture was preserved near the large latifundia (Kosarev, 2008, p. 23). The English scientist of the end of XVIII century J. Rogers (1884) left after himself the work devoted to centuries-old development of guild production in Great Britain. In the study, he noted that the activities of the guild include the organization of mutual assistance by craftsmen: "The rich members of the guild bequeathed money to their poorer fellows to sustain their lives" (Rodgers, 1884, p. 78). Community activity, according to D.V. Guriev (1973), a major specialist on this topic, can be regarded as a prototype of cooperation, with which it is brought closer together the labor efforts of a particular group of people and the common goal of collective labor - the satisfaction of vital interests of members of this group (Guriev, 1973), which was the beginning of primitive cooperation. The earlier origins of pre-cooperation can be found in feudalism, when the formation of craft and trade guilds, associations and artels began. They united people on professional, social and even religious grounds, but they had a common goal - to protect the needs and interests of their members. At that time, the division of pre-commercial cooperation into consumer and production began.

M.I. Tugan-Baranovsky (1921), a well-known Russian theorist of cooperation, investigated the social prerequisites of the origin of pre-cooperation in world history, the conditions of its formation and development in rural communities of pre-revolutionary Russia (Tugan-Baranovsky, 1921). The Russian scientist P.A. Kropotkin (1922), studying the peculiarities of the disintegration of communities into independent farms, came to the conclusion that the main reasons for the loss of social traditions of mutual assistance between its former members, replacing the community relations with commodity-money ones (Kropotkin, 1922). Modern Russian Scientists A.U. Kuzubova (2010), G.B. Polyak and A.I. Markova (2002), analyzing the historical and economic aspects of relations between the land community and cooperation, revealed the importance of pre-cooperation in the development of the world economy. The textbook "Economic Theory" edited by V.D. Kamayev (2003) highlights the evolution of market relations and historical stages of their formation in pre-cooperative societies. The ethno-social nature

of the origin of pre-cooperation has become the subject of research by Belgorod scientists. L.E. Teplova investigated the tendencies of development of cooperative movement in Russia (Teplova, 2006; pp. 140-148). G.S. Pratsko - axiological problems of human existence and society order (Pratsko, 2013, pp. 21-31). V.V. Malay (2005) investigates the problems of international politics concerning the history of Russia. There are scientific publications of authors of this article. B. V. Nevlev (2018) studies the ethnosocial nature of the legal origin of pre-cooperation in the Russian Empire (Nevlev (2018, pp. 7-15). L.V. Solovyova (2019) in the course of history of economic teachings highlights the process of formation of market relations in the community (Solovyova, 2019, pp. 18-23). N.N. Oleynik, A.N. Oleynik, U.A. Oleynik (2009) studied the development of this process in Ukraine.

Some aspects of the investigated problem have found parallel or similar reflection, touched upon in modern articles of magazines of international system SKOPUS. M. Ahmadian (2019) analyzes the development of rural communities, including community and cooperative ones, and studies the impact of public actions leading to sustainable social transformation. It suggests a set of influencing parameters on the evolution of society (Ahmadian, 2019, pp. 277-278). M. Dickmann, L. Toivsen (2019) from Germany, investigating the current state of rural cooperative communities, offers new directions for the development of their social and economic activities (Diekmann, Theuvsen, 2019, pp. 1-10). A. Peacock, S. Pemberton (2019) in the Journal of Rural Studies highlight the special social situation of elderly people living in remote places from cultural centers. They tell about the increase of their mobility when they join in cooperatives to solve their life problems (Peacock, Pemberton, 2019; pp. 9-18). Ch. Si, L. Tsoi (2019) study the agrarian changes in rural areas of modern China, proposed ways to overcome the crisis of food security through the development of state and cooperative systems using the experience of ancient Chinese communities (Si, Zhou, 2019, pp. 87-96). B. Traore (2019) describes the peculiarities of rural migration and the spread of their cooperative activities in the Republic of Mali (Traore, 2019), pp. 6-13). Rural tribal communities in Africa have historically had the roots of pre-cooperation. Today, agricultural and credit cooperatives are the most developed. In African countries today, the credit cooperative model plays an important role in the development of local economies. The autonomy and independence of cooperatives, however, have suffered greatly from State sponsorship. New laws on cooperation are aimed at eliminating those contradictions and promoting the agrarian development of African countries. The process of analysis of the problem has defined the methodology, necessary scientific methods of cognition - analysis, forecasting, modeling of social and legal processes, statistical and other methods of research.

## METHODS

Theoretical and methodological basis for writing this work are legislative, regulatory and instructional documents, certain provisions of legal theory, state and law history, legal laws. Proceeding from a theme of the studied problem the methodology of article was constructed on set of methods: universal (dialectics, metaphysics), general scientific (the analysis, synthesis, comparison, forecasting, modelling of social and legal processes, system and functional) and private scientific (historical, statistical, formal-legal and comparatively-legal).

## RESULTS

Separate forms of primitive cooperation or pre-cooperation were known in the history of Russian statehood, to which it is possible to refer peasant community, artel types of management, institutions of folding and mutual assistance, which determined the gradual entry of consumer cooperatives not only in the life of Russian peasantry, but also other nationalities, including small nations of Russia. Their use in the process of research allowed to create the necessary picture of the theoretical basis, to determine the practical situation in the history of pre-cooperation, to identify mechanisms of legal regulation of various aspects of pre-cooperative activities in unstable conditions of historical time of the Russian Empire.

## DISCUSSION

Many Russian nations, which from ancient times inhabited vast lands of Eastern Europe and Northern Asia, have always lived in communities, which formed the first elements of pre-cooperation. Let us consider through historical retrospective ethnic and social origins of the legal origin of domestic cooperation. Ethnicity (from Greek - tribe, nation) - an ethnic community, historically formed group of people with a common identity and self-name (ethnonym), community of origin and culture (most often language). At its origin, ethnos relates to a certain territory, during further migrations representatives of different ethnic groups live in one territory (The Great Russian Encyclopedic Dictionary, 2006, p. 1885). The traditional form of social association aimed at mutual assistance and interaction in rural conditions was the peasant community, which performed administrative, economic, social, fiscal and educational functions. Mutual aid, as voluntary assistance to each other by persons in the same living conditions, has always been present in the life of the peasant community, when the "whole world" organized the construction of a school and church, digging a well, building a dam. Thus, peoples of Russia not only developed in the ethnos or diaspora, but also actively communicated with neighbors, solving economic and economic problems. N.N. Pomuran (Novosibirsk, SUPK) devoted his research to this issue. In it he tells about mutually beneficial contacts between Russian and Buryat peoples.

Russians gave part of their cattle for summer grazing to the Buryats who had land surpluses. They built their borrowings on free lands leased from the Buryats. In domestic affairs and customs, the Russian Transbaikalian population learned a lot of Buryat customs, deeds and dexterity, techniques of making products. Russian women, following the example of the Buryat, began to sew "yargachi" - goat or tarbagany coats in winter, with silk embroidered on the chest and the front floor was made wider than the underbody. At banding it is applied over the other floor, fastened on the side of the neck, so that the floor covers the chest. The Russians borrowed from the Buryat many skills of saddling horses and harness accessories, retaining their Buryat names (Cooperation: History and Modernity, 2011, p. 103). Moral and psychological climate in the community, based on religious and spiritual unity, allowed to cope with all difficulties, solve economic and legal problems at the domestic level. The communities practiced mutual assistance, the so-called "pomochi", which have survived to this day, especially in

rural settlements of Siberia and the Far East. The most common practice of "pomochi" was during field work and harvesting or for other purposes - logging, removal of forest from plots, construction of a residential building, repair of buildings.

The pomochans worked without any payment - they were never paid any money. In gratitude, the owner arranged a feast and a feast for the workers' guests. T.G. Stefanenko notes the manifestation of collectivist (cooperative) values of Russian culture, moral norms of mercy, equality and justice in "pomochi" (Stefanenko, 2000, p. 173).

However, here we are talking not so much about mercy and altruism, but above all about mutual benefit: help is needed by the community itself; whose well-being and condition depend on the economic stability of each of its members. Collective work has shown not only mutual support, but, most importantly, the education and upbringing of children, adolescents and youth. This has been the way in which economic and legal cooperation has been passed on to the younger generation. During joint activities, optimal labour methods were developed, maximum collective efficiency was achieved, and rules of legal mutual respect were developed. The study of historical forms of cooperative management of the past allows to find striking examples of economic cooperation in Russia and foreign Russian communities, how it is possible and necessary to meet not only the needs of people, but also the stable development of the community. One of such examples, according to N.N. Pomuran from Novosibirsk, are Old Believers' communities, which have survived in several places in the Altai, in Tyva, Siberia, USA (Oregon, Alaska), Canada to the present day (Cooperation: History and Modernity, 2011, pp. 100-101).

Old Believers always had strong community unity; all decisions important for the community were made at the meeting - "cathedral". Decisions concerned all aspects of life - the distribution of land when settling or settling new places, control over the payment of taxes, military service, participation in volost events and solving many other problems (Minenko, 1989). The meetings also decided on the distribution of income and the amount of the contribution. Thus, the money received from the sale of the caught beast in the Old Believers' settlement in Manchuria was divided equally among the families. Gifts from visitors were also not given to individuals. Contributions were collected fairly, rich families made bigger contributions, and poor families made smaller ones (Nakamura, 1992, pp. 217-221).

It should be noted that the community, despite its kinship activities, was not a real cooperative, as it did not always express the social and economic goals of its members. As A. U. Kuzubova believes, "The community has historically been a forced association of individuals belonging to one social strategist. The cooperation was created artificially as a voluntary association of representatives of different social layers. The cooperation supposed voluntary cooperation in the economic sphere, not pretending to interfere in the private life of its members (Kuzubova, 2010, pp. 86-87). It should be noted that by supporting most of their differences, the community was not, however, a forced organization, as it could withdraw from it with the allocation of the share of its participant. Here, conscious participation in the community economy should be borne in mind. It increased productivity and better met the needs of community members than in private farming. There was a certain division of labour in the community with a specific specialization, whereas there was no division of labour in the individual farmstead. The private sector had to perform all types of agricultural and other work itself.



Except for communities, since ancient times in Russia there were various arterial forms of management, which are associations of several persons who realize labor efforts for joint occupation of any work or craft. Law historians, political scientists and sociologists have not yet developed a unified idea of the artel phenomenon in the pre-revolutionary Russian state. Most definitions are descriptive, and only A.A. Isaev's research takes into account the diversity of artelian self-organizations. In I.A. Novikov's opinion, an important quality of such an alliance is its independence (voluntariness), which is the basis for the following definition. Artel is understood as a characteristic for the pre-industrial (agrarian) stage of human society development independently created based on a contract an alliance of several equal persons, jointly pursuing economic goals, connected by mutual responsibility and participating, when fishing, labor or labor and capital. This collective was more often informal and existed in temporary seasonal work (Cooperation: History and Modernity, 2011, p. 35). The spread of artel associations in pre-revolutionary Russia predetermined the commonness of the word "artel" for that time. That was the name of the national economic self-organized union, aimed at solving household and labor problems. There was a common understanding, and in the most general sense, it meant the very fact of association for something - "collective" in contrast to "single".

This explains why, in the second half of the 19th century, the organization, which received the name "co-operative" in the West, became known as "artel". Hence there are so many references to "artels" which are quite different from free folk unions of the Russian Middle Ages epoch. The Decembrists, creating a consumer cooperative in the conditions of severe Siberian hard labor in 1831, gave it the typical for that time folk name "Big Artel". Gradually, the new coming word "cooperative" practically replaced the term "artel" from the Russian vocabulary, taking the general interpretation of the latter and becoming synonymous with "association". Already in the 20s, the term "artel" was replaced by "association". As early as in the 20th century, in the sphere of industrial labor, the word "artel" was replaced by "brigade," while in agriculture it remained only as the official name of agricultural cooperatives "agricultural artel", later referred to as collective farms.

I.A. Novikov explains that in Russian pre-revolutionary and Soviet practice, the notions of "artel" and "cooperative", with rare exceptions, refer to the same thing. At the same time, the word "artel" is used to designate the newest production association, rather than pointing to a self-organized informal collective of the pre-industrial era. Identifying the specificity of the artel form of national self-organization against the background of legal associations for economic cooperation will help domestic legal historians in studying the cooperative movement in Russia. It will support the scientific view of "artel" as a phenomenon of agrarian class and corporate society (Cooperation: History and Modernity, 2011, p. 35-36). Of particular interest in the process of studying the legal aspects of cooperation are the institutions of folding and mutual assistance that have existed for centuries. The first one was a union of contributions in cash or in kind (products, works) and was used for the purchase of consumer goods, organization of economic activities and holidays (Kropotkin, 1922, p. 28). Although the idea of mutual assistance and collective action was equally present in the labor artel and in the cooperative, they have a fundamental difference in the purpose of association and the means to achieve them. The artel union was based on joint labour and the aim was to receive remuneration in the form of a salary or a natural product. In the cooperative, the main thing was trade and monetary relations, the management of profits from the

turnover or sale of products with minimal costs. This further served as prerequisites for the emergence in Russia of the basis of cooperation or pre-cooperation.

## CONCLUSION

The study of many primary sources has yielded the following results. Dozens of peoples and nationalities lived at the territory of the former Russian Empire. Many of them were settled on the outskirts of the State or in remote places from the centres of civilization. This helped such communities of people to preserve the centuries-old patriarchal way of life, to lead a natural economy at the expense of which they survived. To preserve their ethnic culture, small nations tried to continue to lead secluded lives that did not violate their habitual behaviour and existence. Ethnic separateness had its pros and cons as well as its cons. People of the ethnoses had to survive at the expense of community and collective work. The rules of economic self-preservation or cooperation were born in such societies. The result of agriculture in most regions of the Russian Empire compared to Western countries was significantly lower, which was due to insufficient technical equipment of farms. Moreover, the communal form of farming did not always contribute to the search for more efficient farming. Under such conditions, only cooperation could help to ease the plight of peasants. It was possible to pay taxes, purchase land, seeds, tools, machinery and other equipment. The cooperation became a part of Russian social practice in the third quarter of XIX century due to the state intervention, against the background of development of commodity-money relations, transition from closed natural economy to market economy, weakening of communal form of agriculture. This institute organically developed art-community traditions of the rural world, helping peasants to acquire practical preferences of market, financial and industrial development of the city, while maintaining national forms of management. Cooperation became a real instrument of modernization of Russian society, which managed to ensure social stability and harmony of interests of the industrial city and patriarchal village.

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