



# ИСТОРИКО-ПРАВОВЫЕ ИССЛЕДОВАНИЯ

## HISTORICAL AND LEGAL RESEARCH

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Research Article

### HISTORICAL-LEGAL FUNDAMENTALS OF THE STATE RUSSIAN POLITICS IN XVI–XVIII CENTURIES TOWARDS ABORIGINAL PEOPLES ON THE EXAMPLE OF THE MORDVINS

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**Abstract.** The rationale of the study is the uniqueness of the system of the multi-national and multi-confessional Russian state. Peoples' inclusion into a single state legal framework determined the need to develop a relevant ethnic legal policy. In this regard, this paper is aimed at articulating the legal fundamentals of the Russian politics in XVI–XVIII centuries towards aboriginal peoples on the example of the Mordvins. The paper discusses the key aspects of the Mordvins' life under the Russian law. It looks into 16th–18<sup>th</sup> centuries regulations regarding non-Russians that determined the specifics of their adaptation within Russia. The study is mainly based on the formal-legal, historical-legal methodology with emphasis on sociocultural and legal-anthropological approaches, which made it possible to historically and legally assess laws and regulations that reflect specifics of Mordvins' position in the 16th–18<sup>th</sup> centuries. The paper has a practical value for improving the legislation for inter-ethnic relations and strengthening the foundations of federalism as the key characteristic of the Russian state.

**Key words:** Mordvins, aboriginal peoples, non-Russians, ethnic legal policy, customary law

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Научная статья

## **ПРАВОВЫЕ ОСНОВЫ ГОСУДАРСТВЕННОЙ ПОЛИТИКИ РОССИИ В XVI–XVIII ВЕКАХ В ОТНОШЕНИИ КОРЕННЫХ НАРОДОВ НА ПРИМЕРЕ МОРДВЫ**

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Актуальность исследования обусловлена уникальностью устройства Российского государства как многонационального и многоконфессионального. Включение народов в единое государственно-правовое пространство обусловило необходимость выработки соответствующей национальной правовой политики. В связи с этим данная статья направлена на раскрытие правовых основ государственной политики России в XVI–XVIII вв. в отношении коренных народов на примере Мордвы. В статье освещаются наиболее значимые аспекты государственной национальной политики, затрагивающие положение мордовского народа. Анализируется законодательство XVI–XVIII вв., действовавшее в отношении «инородцев» и определявшее особенности их адаптации в составе России. Основными методами к исследованию проблемы являются формально-юридический и историко-правовой в сочетании с социокультурными и юридико-антропологическими теоретико-методологическими подходами, позволившими выделить наиболее существенные меры государственной политики по адаптации Мордвы в составе Российского государства в XVI–XVIII вв. Материалы статьи представляют практическую ценность для совершенствования законодательства в области межнациональных отношений, укрепления основ федерализма как важнейшей характеристики Российского государства.

**Ключевые слова:** Мордва, коренные народы, «инородцы», национальная правовая политика, обычное право

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## Introduction

Issues on legal pluralism and ethnic legal policies have become widely discussed among specialists from various socio-humanitarian fields. It is now common to argue that Europe's intermingling legal systems demand a pluralist interpretation, since state-centred models of legal systems cannot accommodate this phenomenon (Barber, 2006:306). Customary legal regulation is playing an increasing role in both public and private ordering. The nation-state increasingly faces various forms of local customary, religious, and indigenous law. As these forms of non-state law persist and proliferate alongside the nation-state, the relationship between state and non-state law becomes more complex and multifaceted (Helfald, 2015). Besides that, modern world, regulated by multiple legal or quasi-legal regimes, searches for alternative jurisprudence to fulfil productive interaction among various, overlapping legal systems. Global legal pluralism provides a broad synthesis across a variety of legal doctrines and academic disciplines and offers a novel conceptualization of law and globalization (Berman, 2012). Human rights develop the mechanisms of protection of collective ethnic rights (Provost, Sheppard, 2013). Legal fundamentals toward aboriginal ethnoses as collective subjects of law, considerations in official legal system of customary law present significant part of legal pluralism in multinational state. The article discusses the key aspects of the Russian politics in XVI–XVII centuries toward aboriginal ethnoses on the example of the Mordvins.

The Mordvins are a unique ethnos living in the Russian Federation. In modern times the interest of foreign scholars toward aboriginal ethnoses of Russia is constantly increasing, what causes not only new research, but reprinting of the previous works, dating back to the 1900's and before (Abercromby, 2010). With its centuries-old inter-ethnic ties, Russia has evolved as a large multi-national state and a home to more than 150 peoples<sup>1</sup>. The major goals of the contemporary Russian state are to preserve the ethnic and confessional diversity and peoples' traditional economic and cultural life support systems, develop national languages, support Russian citizens living abroad, promote their contacts with Russia, etc.<sup>2</sup>. At the same time, many problems, including those originating from "missteps in the state ethnic policy", related to countering xenophobia, inter-ethnic intolerance, ethnic and religious extremism, and terrorism, are still to be solved<sup>3</sup>. Understanding the historical-legal evolution of an

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<sup>1</sup> Vot kakie my — rossiyane. Ob itogakh Vserossiiskoi perepisi naseleniya 2010 g. [That's What We Are: Russian Nationals. On the Results of the All-Russian Population Census of 2010]. *Rossiyskaya Gazeta*, Dec 16, 2011 (the federal issue), p. 14.

<sup>2</sup> Decree of the President of the Russian Federation No. 1666 of December 19, 2012, Strategy for State Ethnic Policy of the Russian Federation for the Period up to 2025 (accessed through the GARANT Legal Information Resource Complex).

<sup>3</sup> Decree of the President of the Russian Federation No. 1666 of December 19, 2012, Strategy for State Ethnic Policy of the Russian Federation for the Period up to 2025 (accessed through the GARANT Legal Information Resource Complex).

ethnic group in historical and legal retrospective review is instrumental not only to interpret the past and present of Russian peoples but also to implement real projects in the area of the state legal policy of managing ethnic relations.

There is an opinion, needed to be overcome, that many facts in history are recorded by “victors”, “conquerors”, “oppressors” and “executioners” rather than their “victims”. “When the victims are ethnically distinct their records remain unwritten or vanish”. The position is not objectively substantiated that “legal” acquisition was all too often based on “one-sided declarations of ownership by the aggressive side or on a “treaty” with some indigenous person who did not own the land, or who could not read or understand the text, or who yielded under threat of death” (Taagepera, 2000:155). In the article we show that the politics toward aboriginal ethnoses was complex, a combination of repressive and supportive measures.

The sources of the article include documentaries, most of which are used for the analysis of this aspect for the first time. Another main source is legal normative acts of the Russian state (XVI–XVIII centuries), which are systemized to provide grounds for legal review of the Russian politics toward aboriginal peoples, particularly mordvins. monographs, written by the russian and foreign researchers, present variety of views on the complexity of approaches in multiple fields of the russian politics, especially christianization and education systems adopted for better adaptation of the aboriginal peoples in russia.

### **Research methods**

Formal-legal method has been used for analysis of the legal acts and law enforcement practice. At the same time the materials, reviewing politics in regards of aboriginal issues and cases, are based on the sociocultural and legal-anthropological approaches. Research of the social, political, and legal processes during the evolving of the Russian state as a multi-national state was based on legal functionalism, which allowed to outline the conditions and circumstances of a better adaptation of the Mordvins within the uniform state legal framework. The legal-historical analysis contributed to identify and compare Russian laws, regulations, and paperwork on the problem, to complete a better assessment of the model of legal regulation in the conditions of multi-ethnic and multi-confessional society, to provide additional value of unique legal mechanisms and ways to manage inter-ethnic relations, effectively functioned in the past.

The study of customary law is based on a civilizing approach, which involves consideration of the historical and legal development of legal phenomena as a reflection of the legal values of a particular people, their legal consciousness through the established worldview. Consideration of the historical and legal development of individual civilizations is enriched by the cultural, ethnographic, and anthropological characteristics that the civilizational approach provides. Sociological approach provides understanding of law throughout the need to apply and address the socio-

cultural foundations of the society, to which it applies (Nemytina, 2017:28–30; Miheeva, Trikoz, Grafshonkina, Andreeva, 2019:463–464). Legal pluralism concept promotes exploration of various ways in regulation of ethno-social relations. It aims to bridge the social and theoretical space between small scale case studies and abstract generalization. The state is seen as remote from local settings and others in which local populations are actively engaged in widening the scope and validity of state law (Franz and Keebet Von Benda-Beckmann (ed.), 2008).

### **First steps in legal integration of the Mordvinian people with the Russian state**

The Russian Empire and its legal institutions provide a unique example of empire-building, ethnic rights, and legal practice, revealing how legal reforms adopted multiple aboriginal ethnoses under unified political-legal system. The state institutions served as instruments of integration: the integration of new lands with the imperial center and the integration of the non-Russian peoples with the Russians (Kirmse, 2019:334).

Being an archaeogenetical ethnic group of Eastern Europe, the Mordvinian people played a significant role in the formation and development of the Russian state. The reunification of the Mordvinian and Russian territories was a lengthy process. It lasted centuries and had three main periods: the Kievan (10–12 centuries), Vladimir-Nizhny Novgorod-Ryazan-Moscow (13–15 centuries) and Moscow periods (16 century). During the Tatar Mongol invasion, Mordvins resisted the conquerors together with Russians. The connection between the Mordvinian and Russian lands became inseparable, and consequentially, the Mordvinian Volga region appeared in the last will of Ivan III (1504) as a geographic region that had long been functioning as part of the Russian state. In summer 1551 in Sviyazhsk, the peoples of the right Volga bank swore an oath of allegiance to the Russian Tsar, which was the legal confirmation of the Mordvinian people becoming part of the Russian centralized state. Mordva not only contributed to build Russian statehood (which initially was multi-ethnic) but also became an integral part of the Russian ethnic group itself (Mokshin, 2012:38–43). Mordva is currently Russia's largest Finno-Ugric people (about 745,000 people)<sup>4</sup>.

The legal system of the Russian state is a very important source of understanding the processes of non-Russian peoples becoming part of it. It reflected a set of complex and oftentimes contradictory ways of adapting the traditional lifestyles to the official political management system for the ethnic and social relations. The state policy of managing the non-Russian people, its rapprochement with Russians, and strengthening the taxation system was partly ethnically differentiated, which was enshrined in the law. The relations involving non-Russian were usually managed by his-

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<sup>4</sup> Zotikova V. Rosstat: Mordva — samyi mnogochislennyyi finno-ugorskii etnos v Rossii [Rosstat: Mordva is the Largest Finno-Ugric Ethnic Group in Russia]. *Rossiyskaya Gazeta*, March 29, 2012.

torical and cultural areas (North, Caucasus, Volga region, etc.) with specifying the peoples for which individual sets of laws and regulations were adopted considering the specifics of their settlement, traditional mentality, and legal customs (Sushkova, 2019:52).

Mordva, alongside the Tatar, Mari (in pre-revolutionary legal acts referred to as Cheremis — *Iu. Sushkova*), Chuvash, Udmurt (in pre-revolutionary legal acts referred to as Votyaks — *Iu. Sushkova*), and Bashkir peoples, were a part of the Volga region or Ponizov'ye [Volga Lower Reaches] peoples.

Accession to the Russian state in the early 16<sup>th</sup> century marked a new stage in the people's ethnic history, which radically changed the course of social, economic, political, and state legal processes. After Mordva, the Mari, Udmurt, Chuvash, Tatar, and Bashkir peoples joined Russia. The multi-ethnic nature of the Russian state predetermined the need to develop a new legal model of the country in order to strengthen the ties between non-Russian and Russian peoples and including them in a single legal framework.

One of the first legal acts concerning non-Russians of the Middle Volga region was the last will of Grand Prince Ivan Vasilyevich (1504), who granted his son Vasily lands, including those inhabited by Mordvins. It said: "...I grant my son Vasily... Nizhny Novgorod with the volosts and roads and villages and all the duties, and with Mordvins and Cheremis taxable to Novgorod... And to him I grant the city of Murom with the volosts and roads and villages and with all the duties, and with Mordvins and Cheremis taxable to Murom; and Meshchera with the volosts and the villages and everything taxable to it... and all the Mordvinian Princes with their ancestral lands I also give to my son Vasily"<sup>5</sup>. Bringing the Mordvins to the "shert" (the oath of allegiance — *Iu. Sushkova*) to the Russian Tsar in 1523 is also mentioned in a little-known chronicle documented by M. N. Tikhomirov (Mokshin, 1997:78). The Mordva being under the rule of the Moscow Prince was also reported by the Austrian ambassador S. Herberstein in his book 'Notes on Muscovite Affairs' that was published in 1549 (Mokshin, 1997:78).

In view of the specifics of the legal everyday life of non-Russian people, the authorities, from the time of its accession to Russia, in a number of cases began to recognize and take into account the validity of individual legal customs, in particular, in ascertaining the truth of testimonies in court trials. For example, in solving disputes, state officials often relied on long-term residents to give testimony or other explanations on the case, adhering to the traditional principles of their honor and authority and their special social and legal status in the community as people's judges.

For instance, in census, investigation, and survey books dated May 20, 1599, a boundary dispute is described between the landlords Olenin and Lyutikov and Vas-

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<sup>5</sup> *Sobranie gosudarstvennykh gramot i dogovorov, khраниyashchikhsya v Gosudarstvennoi kollegii inostrannykh del* [A Collection of State Certificates and Contracts Stored in the State Collegium of Foreign Affairs]: In 5 volumes. Vol. 1, Moscow, 1813, p. 392.

ka Kechemasov and Zamorka Semenov, Mordvins of Pokstyanovy village. To resolve the dispute, investigators Ofonasy Shchukin and Yumshan Lobanov, on arrival at the estate, took participants for each side from “long-term residents and multiple outsiders” (Grekov, Lebedev, 1940:173–178).

Historically and legally interesting are numerous documents in which Mordvins swear an oath “by their Mordvinian faith,” “by their faith and shert”. Such documents include the court list of April 4, 1508 on the case of the monks of Pechersky Ascension Polyansky Monastery and the Mordvin Ivanta Ramsteev about the possession of forest lands beyond the Pyanaya river. In this document, in order to clarify the circumstances of land ownership, the judges asked the Ivanta's doctors, Mordvins Uchevat, Ivan, and Uzvet, and monastery doctors Emos and Mares to answer “in God's truth, by their Mordvinian faith”. Swearing an oath “by their Mordvinian faith,” “by their faith and shert” in court was recognized as an equivalent to cross-kissing of the great sovereign (Grekov, Lebedev, 1940:141, 161).

State authorities welcomed foreign princes to fight on the Moscow side and encouraged them with guarantees of inviolability of their lands and new estates. In March 1534, Ivan IV allowed the Tatar Prince Tyuvev to cultivate the land in Verkshey, and also determined some rights in the legal proceedings in respect of the Mordvins living on those lands (Safargaliev, 1963:74–75). The encouragement practice reflects in a number of Tsar's legal acts, for example, Charters of March 8, 1564, to a Mordvin Ivashka Keldyaev, the last wills of 1572 on the preservation by the Mordvinian Princes of their ancestral lands in the vicinity of Kadom, Shatsk, Temnikov, Kurmysh, and Alaty (Mokshin, 1977:80–81).

An important legal act that officially marked the final accession of the peoples of the Middle Volga region was the oath of allegiance to the Russian Tsar Ivan IV of 1551 that established their service and monetary obligations (Grekov, Lebedev, 1940:131). The beginning of the relations in fulfillment of the obligations is recorded in the description of the Ivan IV's campaign against Kazan in August 1552: “...Cheremis and Mordvins and others that used to be hostile before then surrendered and came to the pious Tsar, the Grand Prince, resigned themselves to his Tsar's will, and brought everything appropriate, bread, honey and beef...” (Grekov, Lebedev, 1940:132).

### **Specifics of taxation and land relations in regards of the Mordvinian people**

Taxation represented a significant share of the legal relations between the foreign population and authorities. After the defeat of the Kazan Khanate, Mordvins were mostly qualified as *yasak* people who, apart from *yasak* tax itself, were obliged to perform a number of duties in kind or cash: to pay the horse transport tax, *marten* tax, musketeers tax, honey tax, to build and guard outpost lines, since 1718 — to harvest ship timber. *Yasak* people paid tax in kind of fish, fur of foxes, martens, squirrels, ermine, polar foxes, hares, and wolves. In the 17<sup>th</sup> century, Mordva began

to pay a monetary yasak for fishing, beaver runs, and wild beehives (Grekov, Lebedev, 1940:187).

Over time, the taxable base expanded, and mandatory payments for bread, hay harvesting, mills, etc. were introduced. The household was used as the basic taxation unit, therefore in order to ease their tax burden, the Mordvinians at that time almost never separated and lived mostly in extended families. The plight forced people to flee and settle elsewhere and to go into hiding from the authorities (Mokshin, 1977:89–91; Khristoforov, 1896:41).

The legal status of the peasantry was undergoing significant change. Even since the late 15<sup>th</sup> century, Mordvinian peasants, who were mostly state-owned, began to be gradually transferred to the category of palace peasants. In the 16<sup>th</sup> century, palace estates were located in Temnikovsky Uyezd (along the Moksha River from Temnikov to Narovchat), in the early 17<sup>th</sup> century — in Alatyrsky Uyezd (with Ardatov as the center). Not only the yasak people were re-categorized as palace peasants, but also the descendants of Mordvinian Princes and Murzas. The Mordvinian peasants of Saransk, Kadom, Insara and Penza Uezds remained state-owned (Arsent'ev, Yurchenkov, 2001:102–103, 151–152, 157; Mokshin, 1977:91).

In the early XVIII century, Peter I revised the tax legislation. By the Edict of 1719, Mordva was now a part of the state peasantry and levied a poll tax, i. e. non-Russians were equated with the Russian tax bearing peasantry. The state peasants owned individual land plots and managed them under the commune's control. In 1722, an edict was issued to collect draftees from the Mordvins and Cheremis on a par with Russians (Mokshin, 1977:91).

The most crucial aspect of the legal status of non-Russian peoples was land relations. In an effort to consolidate its power in the accessed territories, the tsar's government produced legislation that evinced individual interests of non-Russian peoples. An array of regulations that are aimed at protecting the non-Russian world with their established practices from interference of the local authorities are enacted. Since the late 16<sup>th</sup> century, the basis for consolidating the ownership of land and its division between the authorities and the local people was the actual possession and use. The Mordva retained the right to land plots in their possession, while the uncultivated fields, steppes and needle grass lands passed to the state ownership. For each Mordvinian village, the obod [boundaries] was defined and traditionally designated by natural boundaries, marked trees, and pillars.

For example, the Novgorod Office order of September 18, 1619 stipulated in the name of Tsar and Grand Prince Mikhail Fedorovich that F. I. Sychov and I. Parfenyev should take a census of the wild-honey farming and Mordvinian villages of the Arzamas Uyezd. To reveal the actual state of the land, “good people” were selected from long-term residents that were to help determine the number of Mordvinian and wild-honey farming homesteads, take a census of the people living in these homesteads “by name and nickname, their children, and brothers and nephews, and neighbours, and boarders”. Living in villages and hamlets five together in one *vyl'*



(the taxable unit of land), or living in a homestead together with children, brothers, nephews and boarders, cultivating arable land, having a trade characterized families as prosperous. In the event of refusal to pay state taxes, the order instructed that the families should be re-settled on empty *vyt's* for a uni-personal settlement (Grekov, Lebedev, 1940:249–254).

To encourage the Mordvins who escaped the heavy tax burden to return to their ancestral lands, the authorities established privileges for settling and “homestead works and constructions” for one or two years. The order also established privileges for those who had to live in other people's homesteads because of poverty and dilapidation of their houses. The vacant land that was left from dead or missing people, who did not have wives, children, or other relatives, were to be qualified as state property. The land was inventoried taking into account the traditional marks, signs of property, which retained the traditional significance for foreigners as legal property markers (Grekov, Lebedev, 1940:254). The document emphasizes, as the instruction to the officials Fedor and Isak, the need to act justly with Mordvins. Apart from the above matters, they were forbidden to interfere in the people's life and abuse their power (Grekov, Lebedev, 1940:255).

The most important legal act of the 17<sup>th</sup> century was *Sobornoye Ulozheniye* that was promulgated by the *Zemsky Sobor* in 1649 and remained valid for almost 200 years until 1832. Reflecting the specific features of the legal thinking in Russia of the time, the Code included the regulations the drafters formulated based on the requirements in petitions submitted by various groups, including non-Russians (Tomsinov, 2007:161,174). It regulated the most important branches of government: attaching peasants to the land, the status of patrimonial and *pomest'e* [service estates]. Chapter 16 (On Service Estate Lands) establishes the right of Mordvins and other peoples to lands previously granted for their service (Tikhomirov, Epifanov, 1961:187). The Code specifically stipulates the preservation of lands for non-Russian peoples in case they adopt the Orthodox faith (Grekov, Lebedev, 1940:188).

Subsequently, cadastral survey was in more detail described in the edict by Tsars and Grand Princes Ioann and Petr Alekseevich of March 9, 1685, On the delimitation of the Mordvin, Cheremis and Chuvash lands. Scribes were to draw up a reliable location plan of the Mordvinian, Cheremis, Chuvash and Votyak villages with indication of all inhabitants in the vicinity of the Kazan Palace *Prikaz* by name. By the edict, they were to describe, measure and survey cultivated arable lands, hay meadows, forests and other lands. A separate paragraph was the instruction to study vacant lands (to find former owners and their location, to determine the reasons for abandoning the land and moving to other areas).

Lawmakers focused on studying the areas to which non-Russian were forced to re-settle, in order to determine the number of occupied lands and whether fees had been fully paid to the government treasury. To ensure the accuracy of the collected data, it was recommended to closely cooperate with local residents, long-term residents, and “outsiders of all kinds”. The document points out the importance of the

methods of persuading non-Russian population and gaining their trust to ensure obtaining only true information. For the deception of officials who represented the government, a severe punishment was established, regardless of the amount of caused damage<sup>6</sup>.

Traditionally, the boundaries of the lands were defined “by signs of property and marks separately”, the number and locations of wild beehives were indicated in detail, the number of beehive trees with and without bees, rivers and lakes and fisheries and beaver runs and “various possessions”, the sign of property was put on beehive trees. The edict prescribed non-Russian to fully pay their debts: “honey and marten taxes, and [taxes] for beaver runs, and fish weirs, and various possessions” according to the payment books<sup>7</sup>.

Land rights of Mordvinian peasants were often violated. The most common reason for widespread disputes over land was that the boundaries of plots were only approximate in survey, census, scribe and boundary books. Numerous appeals of the non-Russian peasants, mostly about the compulsory alienation of lands, overwhelmed the state authorities, urging higher officials to remind local authorities that it was desirable to encourage newcomers. Land expropriation from Mordvinian peasants by landowners reached a particularly large scale during the General Survey that took place in late 18<sup>th</sup> and early 19<sup>th</sup> century. An order to Fedor Sarayev, a Mordovian deputy of Saransk, Penza and Petrovsk provinces to the state legislative committee, which he turned over to Empress Catherine II in 1767 (Yakovlev, 1939:160–163), is also an evidence of the widespread violations of land rights.

### **Christianization as a complex measure of the Russian state policy**

Christianization played a special role in the relationship between the government and the non-Russian population and continued from the early 16<sup>th</sup> through the 18<sup>th</sup> century. The conversion to Christianity was one of the important measures of the tsar's autocracy aimed at consolidating power among the Volga region peoples. The complex and contradictory process reflected in the legislative sources of that time. The government quickly realized the need for a comprehensive approach to the non-Christian people: it was impossible to bring peoples to the Orthodox faith only with

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<sup>6</sup> The steps for cadastral survey of the lands of non-Russians, in addition to the instructions, were specified in more detail in the edict by Tsars and Grand Princes Ioann and Petr Alekseevich No. 1111 of March 9, 1685, *O razmezhevanii zemel' Mordovskikh, Cheremisskikh i Chuvashskikh* [On the Delimitation of the Mordvin, Cheremis and Chuvash Lands] (1-e Polnoe sobranie zakonov Rossiiskoi imperii (PSZRI) [1<sup>st</sup> Full Collection of Laws of the Russian Empire], Vol. 2., No. 1111, 654–656).

<sup>7</sup> The steps for cadastral survey of the lands of non-Russians, in addition to the instructions, were specified in more detail in the edict by Tsars and Grand Princes Ioann and Petr Alekseevich No. 1111 of March 9, 1685, *O razmezhevanii zemel' Mordovskikh, Cheremisskikh i Chuvashskikh* [On the Delimitation of the Mordvin, Cheremis and Chuvash Lands] (1-e Polnoe sobranie zakonov Rossiiskoi imperii (PSZRI) [1<sup>st</sup> Full Collection of Laws of the Russian Empire], Vol. 2., No. 1111, 654–656).

regulations and their enforcement. A need arose to develop a system of benefits (privileges) for people willing to be baptized.

On May 16, 1681, Tsar Fedor Alexeyevich signed an edict on granting Mordvinians privileges in case of Christianization. “And tell Mordvins,” the edict read, “that after searching for the pious Christian faiths of the Greek law, all of them to be Christianized. And once they are Christianized, they will be granted privileges in all taxes for six years (Yakovlev, 1939:47).” In 1686, the Tsar's government issued an edict that the eparchs and monastic authorities pay special attention to the newly-Christianized Mordvins, who “are not proven in the Christian faith, do not come to the churches of God and do not have spiritual fathers (Kuznetsov, 1912:53). “As ordered by the edict, lists were drafted of newly Christianized, whose wives and children remained in paganism, and all of them were to be taken to the eparchs' houses or monasteries for homilies and establishment in Christianity. But the largest driver of the conversion of Mordva to Christianity was a governmental measure adopted in the late 17<sup>th</sup> century, according to which Russians began to be settled in Mordvinian hamlets, and Mordvinians were re-settled to Russian hamlets” (Melnikov, 1981:43).

According to the edict of 1685, non-Russians were granted additional privileges for Christianization: provision of deserted lands and wild beehive tree lands, excluding from taxation<sup>8</sup>.

The edict of June 25, 1723, *On Converting Cheremis instead of Punishment for the Concealment of Serfs at their Wish to the Orthodox Faith of the Greek Confession* established privileges in criminal cases in the event of conversion to Christianity. For example, the Governing Senate, upon the petition of the foreman Famendin of the Kazan Uezd of the Alatsk road of Vyzmurin and Cheremis rural districts, the village headman and elders and yasak Cheremis, who asked “not to punish them for concealment of serfs, but to baptize them into the Orthodox faith of the Greek confession,” ordered to baptize “the village headman and elders and Cheremis with wives and children, 545 people, in the Orthodox faith of the Greek confession”, and henceforth inflict no punishment on non-Orthodox who confessed the concealment of serfs and wished to be baptized<sup>9</sup>.

We cannot agree with the position that by the 18<sup>th</sup> century the majority of Mordvins joined the Orthodox Church only as “a result of the aggressive Christianizing campaigns, which involved the destruction of the holy woods”, and Mordvin peo-

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<sup>8</sup> The steps for cadastral surveying the lands of non-Russians, in addition to the instructions, were specified in more detail in the edict by Tsars and Grand Princes Ioann and Petr Alekseevich No. 1111 of March 9, 1685, *On the delimitation of the Mordvin, Cheremis and Chuvash lands*.

<sup>9</sup> *Senatskii ukaz “O kreshchenii cheremis vmesto nakazaniya za utaiku dush, po zhelaniyam ikh v pravoslavnyuyu veru grecheskogo ispovedaniya”* [The Senate edict *On Baptizing Cheremis instead of Punishment for the Concealment of Serfs at their Wish in the Orthodox Faith of the Greek Confession*], No. 4254 of June 25, 1723. 1-e Polnoe sobranie zakonov Rossiiskoi imperii (PSZRI) [1<sup>st</sup> Full Collection of Laws of the Russian Empire], vol. 7, No. 4254, 85.

ple were not regarded as “culturally different from Russians” (Janurik, 2015:202). Mordvins were entitled to the same special offers as other indigenous peoples were.

Mordvins have practiced family and marriage institutions according to the traditional beliefs. Marriage ceremony had many customs and superstitions connected to it (Various, 2010). One of the first legal acts to officially promote Russian-Mordvinian family relations and consolidate the existence of special customary legal relations was the Edict of the Empress Anna Ioanovna of September 11, 1740, On Sending the Archimandrite with a Certain Number of Clergymen to Different Provinces to Teach Christian Law and the Privileges Granted to the New Converts. This edict, in addition to listing multiple privileges granted to the Christianized non-Orthodox, also pointed out the need to get the non-Orthodox to marry the Russians<sup>10</sup>.

In 1740, the Office for the Affairs of New Converts opened with the headquarters in Kazan in order to accelerate the Christianization of peoples living in Kazan, Nizhny Novgorod, Voronezh and Astrakhan provinces. The edict on sending the Archimandrite D. Sechenov, who had been appointed the head of the office for those provinces, said that new converts should be granted three years of tax exemption, exemption from military duty and work at state enterprises, a certain monetary reward, clothes and a number of other benefits. At the same time, the legal status of the unchristianized was deteriorating, because it was determined that all the duties and taxes of the baptized during the “privileged” time “should be levied on the unbaptized non-Orthodox people left in those territories” (Yakovlev, 1939:274).

Among other basic instructions, the Archimandrite and his assistants were also instructed to “report and describe all the indecent deeds that were contrary to the law of Christianity, and according to those reports to teach such new converts the path of truth; and if testimony reveals a serious offence, then fine them with church penance or other fines upon consideration; however, in the cases concerning faith and non-fulfillment of the Christian law by new converts, do not continue more than three days and do not put any obligations on them according to the custom of the Prikaz but render every possible indulgence in order to encourage willingness in other non-Orthodox to conversion to the law of Christianity through such kindness towards them and homilies to the pious and immaculate life”<sup>11</sup>.

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<sup>10</sup> Imennyi, dannyi Senatu (ukaz) «Ob otravlenii Arkhimandritom s nekotorym chislom svyashchennosluzhitelei v raznye gubernii dlya obucheniya novokreshchenykh khristianskomu zakonu i o preimushchestvakh novoobrashchennym darovannykh [Tsar's edict given to the Senate On Sending the Archimandrite with a Certain Number of Clergymen to Different Provinces to Teach Christian Law and the Privileges Granted to the New Converts], No. 8236 of September 11, 1740. 1-e Polnoe sobranie zakonov Rossiiskoi imperii (PSZRI) [1<sup>st</sup> Full Collection of Laws of the Russian Empire], vol. 11, No. 8236, p. 250.

<sup>11</sup> Imennyi, dannyi Senatu (ukaz) «Ob otravlenii Arkhimandritom s nekotorym chislom svyashchennosluzhitelei v raznye gubernii dlya obucheniya novokreshchenykh khristianskomu zakonu i o preimushchestvakh novoobrashchennym darovannykh [Tsar's edict given to the Senate On Sending the Archimandrite with a Certain Number of Clergymen to Different Provinces to Teach Christian Law and the Privileges Granted to the New Converts], No. 8236 of September 11, 1740.

The edict of September 18, 1740 On Non-Infliction on Mirzas, Tatar, Mordvins, Chuvash and Cheremis Maintenance Expenses and Compensations for Delay on Legal Matters, established a fine for maintenance expenses and excessive delays in the amount of one grivna per day, so that “in all the state, the trial would be fair and just”<sup>12</sup>.

On March 11, 1741, the highest resolution passed on the report of the Cabinet “On the Exemption from the Death Penalty of Non-Orthodox for Murder or Other Serious Offence for Conversion to the Greek Confession”, according to which non-Orthodox could be less punished for committing serious offences, if they adopt Christianity”<sup>13</sup>. This provision was revised in 1741<sup>14</sup>. The edict of September 28, 1743, ordered to exempt and release the non-Orthodox from custody for committing minor offences (small theft, quarrels, fights) if they are Christianized<sup>15</sup>.

On April 6, 1742, the Synod's Military Collegium issued an edict that the regimental priests who stay with the regiments, shall diligently seek through the holy Christianization to bring unenlightened Kalmyks, Tatars, Mordvins, Chuvash, Cheremis and other heterodoxes to the holy church (Yakovlev, 1939:282–283). Analogical document was adopted on February 4, 1744, addressed to the Office for the Affairs of New Converts<sup>16</sup>. The Governing Senate, in order to protect the newly-Christianized ordered that nobody toward them should inflict injuries or constraints, but show mercy and benevolence, defend, resolve conflicts according to the “true justice” in presence of officers<sup>17</sup>.

<sup>12</sup> Senatskii ukaz “O nevzyskanii s Murz, Tatar, Mordvy, Chuvash i Cheremis po sudnym delam proestei i volokit” [The Senate edict On Non-Infliction on Mirzas, Tatar, Mordvin, Chuvash and Cheremis Maintenance Expenses and Compensations for Delay on Legal Matters], No. 8245 of September 18, 1740. 1-e Polnoe sobranie zakonov Rossiiskoi imperii (PSZRI) [1<sup>st</sup> Full Collection of Laws of the Russian Empire], vol. 11, No. 8245, pp. 263–265.

<sup>13</sup> Vysochaishaya rezolyutsiya na доклад Kabinetu “Ob osvobozhdenii ot smertnoi kazni inovertsev, okazavshikhsya v ubiistvakh ili v drugikh tyazhkiikh vinakh, za vospriyatie grecheskogo ispovedaniya” [The highest resolution on the report of the Cabinet On the Exemption from the Death Penalty of Non-Orthodox for Murder or Other Serious Offence for Conversion to the Greek Confession], No. 8349 of March 11, 1741. 1-e Polnoe sobranie zakonov Rossiiskoi imperii (PSZRI) [1<sup>st</sup> Full Collection of Laws of the Russian Empire], vol. 11, No. 8349, pp. 369–370.

<sup>14</sup> Senatskii ukaz “Ob otmene ukaza marta 11 sego zhe 1741 goda o nechinenii kazni inovertsam za smertnye ubiistva, kotorye vosprimut veru grecheskogo ispovedaniya” [Senate edict On the Abolition of the edict of March 11 of the same year of 1741 On the Exemption from the Death Penalty of Non-Orthodox for Murder or Other Serious Offence for Conversion to the Greek Confession], No. 8482 of December 15, 1741, *ibid.*, p. 549.

<sup>15</sup> Senatskii ukaz “O nakazanii i posylke v Sibir' shesti latyshek za ubiistvo detei svoikh” [Senate edict On Punishment and Exile of Six Latvian Women to Siberia for the Murder of Their Children], No. 11.122 of October 16, 1760. 1-e Polnoe sobranie zakonov Rossiiskoi imperii (PSZRI) [1<sup>st</sup> Full Collection of Laws of the Russian Empire], vol. 15, No. 11.122. pp. 532–533.

<sup>16</sup> *Istoriya Tatarii v dokumentakh i materialakh*. [History of Tatars in Documents and Materials]. Moscow, 1937, p. 330.

<sup>17</sup> Senatskii ukaz “O neprichinenii obid i utesenii novokreshchennym v Kazanskoj i drugikh guberniyakh; o netrebovanii ikh v Sudebnye mesta po delam, do nikh kasayushchimsya, bez snoshenii s opredelennym zashchite ikh chinovnikom; o udovletvorenii ikh pretenzii na Russkikh i na nekreshchenykh lyudei po vsei spravledlivosti; i o rassmotrenii del o vzaimnykh ikh novokreshchen pretenziyakh, vybornym lyudyam iz ikh zhe sosloviya, znayushchim russkii yazyk [Senate's edict “On Not Inflicting Injuries or Constraints on the

The state policy involved the infiltration of the indigenous peoples's lands. Mordvins often lost areas because they could not speak Russian, the administrative language of the region, and signed documents in favor of the new settlers (Taagepera, 2000:154). People fled the original territories, which resulted to the certain extent assimilation. The 19<sup>th</sup> century brought about positive changes during the period of industrialization and agricultural progress, the demographical development of the Erzya and Moksha population was characterized by a notable increase. Parallel to this population growth, there was an enrichment of the Erzya and Moksha varieties, and the standard varieties started to develop as more and more books were published in the minority languages (Taagepera, 2000:155).

### Conclusions

The Russian Federation is one of the largest multinational states in the world, home to more than 160 peoples, each of them has unique features of material and spiritual culture. The vast majority of the country's peoples have developed over the centuries as ethnic communities on the territory of Russia, and in this sense, they are indigenous peoples who played a historical role in the formation of the Russian state. Mordva is an archogenetic, indigenous, state-forming, titular people of the Russian Federation, who made a huge contribution to the formation and development of the Russian state.

Mordva becoming part of Russia accepted the Russian legislation. The formation and development of the multi-national Russian statehood were characterized by a complex of adaptation processes: on the one hand, the government was adapting to the traditional way of living of non-Russian peoples; on the other hand, the peoples were adapting to the existing official model of the state legal system. The key aspects of state national policy implementation were: strengthening of tax collection mechanisms, enforcing the Russian legislation in the territories of residence of foreigners, converging aboriginal population into Russian (mastering the Russian language, Christianization, mixed marriages, etc.). The formation of the multinational state predetermined the need to understand the customs of the non-Russian people and the social relations in their world, since the complete ignorance of traditional views often caused management difficulties for the local administration and prevented the higher authorities from establishing uniform procedures, including the legal framework in the state.

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