

CIVIL TRADITIONS AND MENTALITY OF KAZAKH PEOPLE

ABDULMALİK NYSANBAEV*

Social scientists in majority recognize nowadays higher fruitfulness of civilization paradigms in comparison with formation which dominated in Soviet social and the human science. The analysis of civilization bases and preconditions of traditional Kazakh society allows to understand more deeply essence of events occurring today and the processes connected to systemized modernization of a society in Republic Kazakhstan.¹

It's conventional in science the “dihtom” East - west, allowing to define two super civilizations. Thus the East is characterized by a high degree of etatism, nationalization of the property, domination of collective above an individual, absence of concept of the independent person and, hence, categories rights and freedom of the person. For the West inherent individualism, development of a private property institution following from here autonomy of the person allocated inalienable laws and freedom. The basic value of east civilization is stability, western — dynamism. The state in East practically omni potently, in the West — is limited to the right.

The civilization developed in Steppe has absorbed in itself attributes, both the East, and the West. The phenomenon nomad originally combines collectivist and individualist, etastic and liberal bases. It is unacceptable for political culture of nomads' full domination of collectivism or individualism. In a result the nomad turns in certain “centaur” — a strange

* National Academy of Science, Almaty, Kazakhstan

iph@iph.kz

1 Look “О цивилизационных традициях и исторической практике защиты прав человека в Казахстане”: Nysanbaev A. “Адам және ашық қоғам” /Person and open society/ Almaty: «Қазақ энциклопедиясы», Kazakh's Encyclopedia 1998, 219-223-pages. Nysanbaev A. “Қазақстан. Демократия. Рухани жаңару”. Kazakhstan. Democracy. Spiritual updating. Almaty: «Қазақ энциклопедиясы», Kazakh's Encyclopedia 1999, 385-393-pages; Nysanbaev A. *Kazakhstan: Cultural Inheritance and Social Transformation* (Washington, 2004); Nysanbaev A. “Философия взаимопонимания”, *Philosophy of mutual understanding* (Almaty: Kazakh's Encyclopedia, 2001).

interlacing of individualism and collectivism, the prevailing beginning individual-patrimonial consciousness inherent in it making quintessence civil mentality of nomads.

Different influence of the East and the West has resulted in formation in Steppe original nomads' democracy basing on nomadic way of manufacture. Love of liberty of Kazakhs was shown by comparative freedom and equality of women, in the valid attitude relation to the person, and absence of obsequious generation of authority. The freedom-loving way of life of nomads rendered strong influence on institutional structures of political system of a traditional Kazakh society.

One of principles of functioning of authority in the Kazakh society is installation on the compromise and political balancing. Differently, activity and rivalry of various political groups for personnel arrangement in the supreme echelon of the government, as a rule, occurs in an atmosphere of full privacy because of compromise thinking of subjects of authority, that, in turn, has participants of political process to achievement of a consensus or to signing any « the gentlemen's agreement », precisely determining rule of behavior of each "player". That's why, for better understanding character of authority in Kazakhstan, first of all it is necessary to study traditional political culture of Kazakhs, hierarchy of values, political traditions and their roles in life of modern Kazakhstan.

In opinion of Russian orientalist Leonid Vasiliev, «The structure form element of the traditional East is the institute of the authority – property, at a secondary, dependent role of the market and commodity-money relations». Hence, the classical Marxist formula cannot serve as universal research toolkit during studying character of imperious relations in east societies to which number the traditional Kazakh society after many researchers try to prove concerns that the ethnosocial structure of Kazakhs does not correspond to many parameters of east - traditional culture.

Omnipotence of authority, corporationism, clanual communications — this are characteristic features of all east societies. Similar specificity of ethnopolitical structure is an element of the general culture of the attitude in the Kazakh society also. However it is necessary to recognize, that the Asian form of a social grid has found for Kazakhs application basically in political sphere. Weakness in the Kazakh society characteristic for the East political traditions explained by the following factors:

1. There was no special role of the state in life of the Kazakh society, as there was no state in western (Marxist) understanding. Non classic the Kazakh society function basically as a civil society, the behavior of the rank-and-file member of a society was adjusted by means

of the certain rules of “ steppe democracy » but the maintenance and character of imperious relations was determined by classical east traditions of the state management. The Kazakh society can be considered as a certain social organism, as the system penetrated with vertical and horizontal connections.

2. Kazakhs very long time live under the colonial domination, consequence of that was taking household life of nomads the European (western) standards of a way of life. And if tern on the theory of modernization of L. I. Reisner and N. A. Simoni it is possible to explain success of sociopolitical transformations in the Kazakh society at the end XIX of a century and at the beginning and the middle of XX century can be explained by skillful synthesis of traditional values with modern. It finally defines rather successful course of realization of democratic processes in modern Kazakhstan.

Having analyzed fundamental categories of the Kazakh mentality and traditional political culture, we shall try to open a role of political traditions in system of imperious relations in a modern Kazakh society.

Compromise mentality — one of basic categories in mentality of Kazakhs and political tradition is interesting from the scientific point of view. It was formed during several centuries of historical development of the Kazakh ethnos. Special influence rendered “tengriyanstvo”, as the religious concept which is not admitting realizations of mutual exterminate mechanism during existence of those or other organisms. “Tengriyanstvo” preached harmony and called for interosculation, interaction of the resisting parties (the establishment of harmony in mutual relation of the person with the nature usually was meant). Nomads have transferred this installation on system of social relations. Later the Islam has fixed it as system of political rituals, as the form of hierarchical submission and the lever of political pressure. During development of an Islam, its scale penetration into all spheres of public life — the compromise became a making part of political culture of Kazakhs. To this promoted also belief inherent in Kazakhs in preordain of destinies, in firmness of the settled traditions and laws of the Nature. It is necessary to note following curious detail: in many Kazakh fairy tales and legends skill to recognize the defeat to go on reconciliation or to resolve the arisen conflicts only by an exchange of opinions on this or that proposal, not resorting to power variants, — is transferred as an attribute of true humanity. Probably therefore gratitude associates with readiness for self-sacrifice in Kazakh society, taming of own emotions, everyday behavior of the person, according to the accepted norms of life, by restraint, feeling of a measure and the responsibility. Moreover, in ancient legends about outstanding figures of a national history,

those or other heads of the state are estimated by story-tellers as positive or negative proceeding from that: Whether the hero of their stories could will be arrived by own principles or lives of close people for the sake of interests of the fellow tribesmen, the country, etc. All this in aggregate testifies that compliance and the compromise in Kazakhs society meant something greater, than the agreement is simple on the basis of mutual concessions. A principle of the compromise as a category of balance and stability, has penetrated into political sphere of the Kazakh society. The given principle is the sum of formal, at first sight, rituals and the reserves making the preconditions for harmonious development of all society. The principle of the compromise blocks sharp political maneuvers and forces participants of political process to obedience, reconciliation. To a certain extent this principle sometimes acts as the stabilizer of social-political relations, as the mechanism of balancing in activity of political system.

By virtue of that was difficult to operate nomads on boundless steppe open spaces, the authority of khans never was so strong what was in settle-agricultural civilizations authority of east despots - governors. At amplification of oppression or the conflict to authority the sort or a tribe always had an opportunity to move as, for example, it was made with some tribes led by founders of Kazakh state Zhanibek and Kerei.

Human rights were regulated in laws of Tauke-khan — “Zhety zhargy”. The fact of presence of the given code of laws speaks about enough high level of sense of justice in Kazakh society. According to modern terminology, here have found reflection the right on life, marriage, ground, a property right, that is basically personal (civil) and economic rights.

The important parameter of presence of the political rights in Kazakh society is the institute of electivity of khans, exactly, legal procedure of legitimization “Tore-chingyz” authorities, already recognized by public opinion as leaders. The authority of khans was not handed down, and had elective character. From a history it is known, that proclaimed khan and lifted on white caped only most worthy candidates.

The essential role in Steppe was played by institute of “bees”. As wrote C. Valihanov in «Note about judicial reform»: «Erection in a “bee” rank was not caused at the Kirghiz by any formal choice on the part of people and the statement on the part of ruling people of authority; only deep knowledge of the judicial customs, connected with oratory, gave to Kirghiz this honorary title... Value of the “bee” is based on authority and the rank it is as though the patent for judiciary practice». Thus, the main resource bees’ authority, but not force of the state compulsion.

Nomads the big social and political loading carried on itself groups and tribes being the

basic form of self-organizing of society. In particular, Kazakhs had personal property to cattle, but to the ground — only collective.

The mechanism of the decision of arising conflicts concerning infringement of the individual and collective rights was the institute of bees’, carrying out functions judicial and, in part, administrative authority. It is possible to tell, that bees’ carried out functions of vertical and horizontal regulation of ability to live of society. The first is understood as the coordination of interests of power structures, descent-tribe tops and various social layers of the population (political function); under the second — the decision of civil, property, territorial and other disputes between descent and tribes, on the one hand, and between members of one sort and a tribe - with another (social - legal function).

About force of tradition and development of sense of justice in the Kazakh steppe speaks the following fact: the sultan Barrack which has killed Abulkhair-khan, was we judge by bees. In this case it is possible to tell, that one of the major principles of a lawful state here is realized: there are no persons who are switched off from a legal field, all are equal before the law and court. Democratic character of court bees as institute of protection of the rights and freedom of the person in a traditional Kazakh society is brightly described by C. Valihanov.

First, in case of suspicion litigants in engage and injudicious of bees the claimant and the respondent had the right of a choice of any other judge or bee.

Second, each of litigant the parties had the unlimited rights of the appeal unfair, from their point of view, judgments at others bees.

Thirdly, in case of insufficiency of proves against accused by bees had the right to involve jurymen from among the fair relatives using high reputation who the oath accused or justified the defendant. And the number of jurymen and a circle of their choice were caused by weight of accusation.

Fourthly, the court of bees was made verbally, publicly and in all cases supposed legal profession.

Fifthly, bees were in such respect at people that did not demand any disciplinary actions. Differently, the regulating role of legal tradition was so high, that execution of judicial authority was made by a society without the state intervention.

All above-stated with all evidence testifies to high adaptable abilities of political systems of traditional nomadic societies in the Central Asia as the variety of channels of movement of the information, as is known, promoting mass political participation during acceptance of imperious decisions, provides stable and steady functioning all system. As a matter of fact

in a medieval society of Kazakhs already by this time own system of division of authorities has been generated. The institute of khans authorities as all monarchical supposed electivity. Specificity of authority consist in the Kazakh society also that carriers of imperious powers were appointed and selected not so much, how many admitted, i.e. the title of the governor, as such was the deserved honorary title. Ritual of rise elected khan on white carpet, or transfer by bees the term less license for judicial - administrative, military-political and diplomatic activity only at presence of a national recognition just testify to existence of such form legitimation authorities, as «act of a recognition » political will of the applicant. Specificity was shown even in differentiation of imperious powers like nowadays widespread system modesty of the counterpoise. In fact, khans had the right to acceptance of the final decision only legally, but actually they have been compelled to reckon with opinion of the majority during discussion of those or other state questions on khans' council where by the way interests of commoners were lobbied again put forward of national by bees. As a result of a wide circulation of practice of electivity of separate institutes of authority self-reproduction of imperious resources was carried out, it raised a susceptibility of elite to needs of a society, strengthening thus adaptable abilities of political system. About practice of protection of the rights and freedom of the person in a traditional society of Kazakhs speaks that fact, that in a common law of Kazakh people the right of any person on free expression of own opinion has been fixed. This right “date” used, as a rule, condemned or sentenced and the history of Kazakh people abounds many examples when expressed the disagreement and objection to actions of khan or other khans' representative authority.

The further colonization of the Kazakh steppe by an imperial mode, introduction uniform for Russian empire judicial system have resulted in significant deformation of traditional mechanisms of protection of the rights and freedom of the person, unfairly high etatization the given process. Deification of lawlessness of Kazakh people became the period of the Soviet totalitarianism. From the formal - legal side the Soviet person had in some cases even more rights, than citizens of the civilized states. In particular, the second generation of human rights — a part economic is conventional, that, social and cultural rights — have arisen under influence international communistic and working-class movement, and also experience of the socialist states.

At the same time, the USSR showed to the world an example of brazen violation natural and inalienable laws of the person to life, inviolability of person, freedom and the property which are granted by nobody also by nobody can be selected. Millions ruined lives have been

put on an altar for the sake of the doubtful purpose of construction of communistic paradise.

We are deeply convinced, that infringement initial, natural and inalienable laws of the person can “be compensated” by nothing. Unless is it possible something to replace the right to live or the right on inviolability of person? The Soviet political system has been recognized in the world as a classical example of totalitarianism at which citizens are absolutely deprived all political rights of democratic participation in government.

Having woken up from terrible латаргического dream, our society has shuddered from scales of tragedy, done by totalitarian mode. Independent Kazakhstan, as well as other post-Soviet states, has proclaimed the strategic purpose of the modernization returning in a bosom of a world civilization, transition to universal values and democratic institutes of the civil society, the approved world community.

According to first clause of the Constitution, the Republic Kazakhstan approves itself the democratic, secular, legal and social state where supreme values are given to the person, and his life, rights and freedom. At the same time, with a view of increase of success of democratic transformations and the statement of a priority of the rights and freedom of the person on account civil traditions and mentality of the Kazakh people having a wide experience original nomadic democracy, respect and effective protection of the personal and collective rights is represented expedient. Activation of historical consciousness of people, a creative combination of own and world experience of protection of the rights and freedom of the person is necessary during formation of a civil society in Republic of Kazakhstan.