International Journal of Engineering & Technology, 7 (4.38) (2018) 152-156

International Journal of Engineering & Technology

Website: www.sciencepubco.com/index.php/IJET

Research paper

Traditional Law and Russian Peasantry

Pavel Viktorovich Erin[1]*, Natalia Vladimirovna Melekhova[1], Vadim Pavlovich Nikolashin[1]

[1]Michurinsk State Agrarian University, Internatsionalnaya Str., 101, Michurinsk, 393740, Russia
**Corresponding author E-mail: erin.p.v@mail.ru*

Abstract

This article analyzes the application of customary law in peasant legal pro-ceedings. The authors consider reasons for the domination of customary law in the everyday life of peasants in the early 20th century. They also determine the causes of the declining authority of customs in legal regulation. Law becomes the most convenient tool for resolving legal disputes. The paper presents the attitude to the customary law of leading lawyers and public officials and re-veals different viewpoints on the problem under consideration. The analysis of these positions enables researchers to consider the attitude to legal norms in modern society from a moral perspective.

Keywords: *peasantry, custom, law, punishment, village, volost (district) court.*

1. Task and Objectives

This study aims to analyze specific legal proceedings against peasantry in the late 19th and early 20th centuries and examine expert opinions on this is-sue.
To attain the above-mentioned objective, the authors have accomplished the following tasks:
– To study the limitations and applications of customary law in legal proceedings;
– To analyze the influence of official legislation and custom-legal views of peasantry on legal relations in Russian villages;
– To consider the role of customary law in the context of modernization and development of Russian villages.

2. Materials and Methods

This research utilizes principles of objectivity, historicism and systematization. They were realized through the systemic approach to the study of reality. This approach enables to consider the entire complex of facts, processes, mechanisms and phenomena under study as elements of one group. The authors attempted to examine the sphere of legal culture and self-management as a complex of elements significant to the development of society.
The authors used approaches and principles for studying legal culture as an integral phenomenon. They also applied general scientific methods of cognition (analysis, synthesis, comparison, induction and deduction).
The study is based on archives of various content and origin. The bulk of research materials was presented by the State Archives of the Tambov region (funds of district courts, funds of magistrate courts).

3. Results

While observing public life, scholars concluded that every society with common legal convictions was regulated not only by laws but also by legal norms formed by life relations and revealed in customs. The complex of these norms formed, developed and carried out directly in the life of society regardless of legislative power constituted customary law. In this case, customary law is the collection of norms and rules governing relations based on peasant conceptions of justice and secular public opinion [1].
Examining norms of the customary law followed by the peasantry, the lawyer S.V. Pakhman revealed that villagers doubted the existence of any customs or rules of conduct. They claimed that "all disputes were resolved according to their conscience based on the principal facts of the case". The scientist explained that peasants had their own ideas of justice but they were applied to some incident with due regard to accompanying phenomena [2].
Peasantry is a certain class with its specific laws and principles, as well as interacting cultures. Peasants did not accept legislative acts, which was proved by the execution of sentences and directives. In 1906, peasants from one of the central provinces addressed the First State Duma in the following manner: "We have lost ourselves... in different laws. These laws are not made for us, they do not care about us. We demand that laws will be determined by people so that our representatives can decide what law to adopt and what not to" [3].
Villagers lived in very specific conditions: communal land ownership, typical peasant activities, peculiarities of rural life, the mutual responsibility of community members and the authority of family patriarchs. These factors caused collisions that the state could not resolve. Thus, one should be born and grow up in a village to know its way of life and customs, and therefore justly judge peasants [4].
Studying customary law and its crucial features, the authors of the article have concluded that it existed in peasantry, i.e. certain spheres of activity used legal customs (guardianship, contracts, etc.); legal norms were used by common belief, consent, people understood them and willingly used them; there were no obstacles to the application of the above-mentioned norms (district courts were authorized by the government).
The study and scientific generalization of the Russian legal customs began only in the 19th century. Legal practices were widespread in the everyday life of common people but officials refused to acknowledge this fact. As the Russian jurisprudence developed, the awareness of legal principles also changed. In practice, the perception of customary rulemaking altered.

Copyright © 2018 Authors. This is an open access article distributed under the Creative Commons Attribution License, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

The first monographs concerned with the analysis of customary peasant law were published in the 1850s-1860s. During this period, scientists developed various research tables [5]. In particular, P.P. Chubinskii compiled an instruction (1864) to determine and record the customary norms of peasantry [6].

Pre-revolutionary historians assumed, "Being a domestic form of law, the customary law often did not depend on legislation norms" [7]. Due to the impact of everyday situations, it included legal views of the Russian people [8]. Customary law was executed through its abidance for a long time.

Customary law was typical of a person's social nature. According to some historians, including M.F. Vladimirskii-Budanov, "national customs were caused by different levels of cultural development and socio-economic living conditions" [9]. Thus, customary law was characterized by double compulsoriness, strict conservatism but was able to change under certain life circumstances.

There were many debates about the correlation between moral characteristics of customary law and needs of people. Most researchers did not believe these norms included any moral components since "not all legal customs of the peasantry had moral foundations" [10].

Other scientists noted the inseparability of moral foundations and customary law in the peasant consciousness. In B.A. Kistyakovskii's opinion, "it was the main gap in peasant customary norms that prevented its uniform application" [11].

Pre-revolutionary scientists noted the negative assessment of customary law by some scientific schools. They studied written law since customary peasant law was not recorded but it was a significant source of legal relations. S. Pakhman considered customs crucial due to its use in the Russian civil code [12]. The researcher suggested analyzing customary law as an integral part of civil law relations. Throughout the study of this phenomenon, legal foundations of peasant life were neglected by science, although their analysis would have helped to better understand the legal mentality of peasantry [13]. Legal views of peasantry also played an important role as sentences of district courts were often arbitrary and depended on local conditions.

Analyzing peasant customs, I. Orshanskii noted that customary law solved certain problems but significantly differed from positive lawmaking and "better corresponded to the needs of people" [14].

At the same time, many researchers questioned the credibility of customary law. For instance, B. Kistyakovskii doubted that it would be possible to distinguish customary law and the existing official norms. Customary law underwent much more changes than written legislation. Comparing these two systems, the scientist concluded that "the official law was in constant confrontation with the legal customs of the peasantry" [15]. The refusal of this struggle meant a return to lawlessness in peasant communities.

A broad discussion of customary law took place within the framework of a lawyer symposium in 1875. The main problem addressed by lawyers also affected the relations between peasant customs and the written legislation. Most participants took a hostile stance toward the customary law of peasantry. Customary law was regarded as a remnant of the past that should be eliminated in the near future. The opinion of this scientific group was expressed by L.I. Petrazhitskii who was strongly against using the customary law as a component of positive law [16]. On the contrary, S.I. Muromtsev noted that official norms would never change the existing legal customs and should accept them [17].

The Soviet historiography changed views on the customary law. Soviet researchers studied the alterations in customary law caused by the Emancipation Reform of 1861. They emphasized the influence of legal customs on communal land ownership and, more specifically, on land division and property inheritance. Customary law hindered capitalist changes in villages and did not let peasant perceive positive legal norms [18].

Examining customary law, V.A. Aleksandrov established that it was not a frozen structure but a living mechanism influenced by law and rural life. The author noted that "most legal norms governing family-property relations of peasants corresponded to the views of their landowners on preserving the taxability of all peasant families". "Common legal rules used by some community in the conditions of feudalism played a very serious... protective role since they were the peasant's tool for preserving their household" [19].

Nowadays the problem of customary law is in the focus of many researchers. L.I. Zemtsov studied the functioning of district courts and the application of legal customs. He concluded that the peasantry trusted their own law and their court, and feared official courts [20].

Studying peasant law and order, O.G. Vronskii wrote that Russia lacked the reign of law throughout its history. Furthermore, villages in the late 19th and early 20th centuries were characterized by complete lawlessness [21].

B.N. Mironov examined the peculiarities of peasant life and routine: law, mentality and social sphere. The author noted that peasants needed strong authority and leadership, and accepted coercion and regulation. Their negative assessment of laws revealed contradictions between state laws and legal customs of the peasantry. However, the post-reform period was marked by the destruction of peasant law and the transition of relations into the official field of legislation [22].

The further development of society and legislation required the existing legislation to be the sole regulator of public relations. At the same time, civil legal relations of the Russian peasantry were regulated not by the laws adopted but by unwritten rules. Most peasant customs did not conform to the official legislation.

4. Discussion

Changing historical conditions also altered unwritten rules of law. However, these norms had strong foundations, and new trends were unwelcome. This situation was connected with the predominance of moral-aesthetic and spiritual-religious ideas in the daily life of peasantry. Sources of peasant law had almost no formal-dogmatic or natural-practical factors. The customary law of Russian peasants, in particular in the Tambov province, was formed under the influence of the communal way of life, agricultural traditions, social order and rural mentality. Peasant views on justice, law and order were reflected in customary law. According to this law, communities or individual peasant farms solved problems associated with land plots, farmstead manors, family relations, social conflicts, etc.

According to the peasantry, the main drawback of the official legislation was its neglect of a concrete person and its abstract nature. Ideal views of peasants did not correspond with the application of non-general legal norms or the analysis of general provisions; they thought it was necessary to take into account the personal qualities of litigants. First of all, they considered the usefulness of a particular villager. Then peasants chose a form of punishment for this or that person. As a result, peasant communities and its individual components can be regarded as elements of a patriarchal society. In 1914, representatives of the 3rd Pichaevskii community appealed to the Pichaevskii district court of the Morshansk province regarding the seizure of public land by their fellow villager. Witnesses confirmed the land seizure at village meetings and peasants decided to bring the land back at law. Thus, representatives were appointed to represent interests of the abovementioned community in the court [23].

The functioning of district courts demonstrated that relations in the sphere of private ownership did not play a significant role. The situation could be explained by the specifics of the peasantry as a social class that relied not on a single person but on a group of people. I.G. Orshanskii believed that personal property was poorly developed in a community regardless of "the level of poverty and underdeveloped property turnover". The main purpose of legal proceedings was also specific as they aimed to "reconcile the parties" [14]. District courts of the Tambov province used reconcilia-

tion in each suitable case [24], which was typical of traditional peasant law.

General legal representations of the Russian peasantry were characterized by moral imperatives. Naturally, rural residents used everyday concepts as criteria to evaluate the actions of other peasants. The latter differed from interpretations of the formal law. One can talk about the difference of such concepts as "sin" and "crime" in the peasant consciousness. The concept of a sin was traditionally perceived in the religious context and was seen as a God-adverse deed. A sin for a peasant was the non-observance of fasting, the church statute and the violation of the Christian commandments. It was also prohibited to work on religious holidays. This restriction was specifically stipulated during rural meetings, and on the eve of some holiday, everyone received a warning. In addition to traditional crimes like murder, theft and robbery, "sinful deeds included swearing, giving birth as an unmarried woman, petty theft in one's garden, etc." [25], according to an ethnographic commissioner from the Tambov province. Drunkenness and debauched behavior were also considered a sin in conformity with rural moral convictions [26]. For instance, peasants from the Elatomskii district of the Tambov province "did not find anything sinful in a false oath to justify an innocent". They also "did not consider chopping up the firewood on someone's land, cutting the grass on another person's meadow, borrowing hay from the other's stack to be immoral acts but harvesting bread on a stranger's territory or stealing sheaves was regarded as a theft requiring severe punishment" [27]. An obvious crime was not considered a sin under the official law and was justified by labor principles, collective precedents, the mediated damage caused or the aggrieved person's material abundance.

The framework of the official law helped formalize social types of human interaction. However, the real social behavior could hardly fit within the framework of law because most relations were not considered by positive norms. These spheres of social relations were governed by customary law considered as a supplement to the existing laws. In addition, customs regulating social behavior could be in conflict with law or simply deny it.

Law was often regarded by peasantry as something imposed and alien, while their life had been regulated by customs for centuries. Sentences delivered by magistrate courts of the Tambov province proved that many crimes under the official law were not considered by peasantry as such and peasants did not understand why they were being tried [28]. Specific conditions and peculiar beliefs of the peasantry contributed to the situation. Thus, the behavior of peasants could not be explained by some legal rules or norms.

The situation that prevailed in Russia from 1861 to 1917 was quite unique. In these years, peasant customary law was legally confirmed through the combination of peasant customs and civil law. After the reform, peasantry remained a separate class, which helped preserve the communal form of organization and district courts utilizing peasant customs. The jurisdiction of these courts applied to civil cases and minor criminal offenses. Despite the diversity of local conditions, peasant customary law was homogeneous [29]. At the same time, there was a significant gap between customary law and the existing legislation.

The Russian peasantry was characterized by the use of customary law in the sphere of family relations. Peasants traditionally believed that the property of one's household belonged to the whole family. A similar principle was applied to communal allotments and personal peasant holdings.

The system of unwritten laws determined the order of land use in rural communities. The same norms regulated the structure of peasants' households. The legal status of commercial lands affected the order of land use [19]. The use of land and the related economic relations were also determined by the customary law formed over the centuries. The specifics of peasant households were reflected by the cohesion of a peasant family and economy.

Customs affected the institutions of ownership and property to a lesser extent. Legal traditions established special nominations of these categories. General norms regulated the growth of movable property and real estate, as well as the customs that accompanied the implementation of contracts and transactions: tea drinking, backsheesh and a handshake. A special role in these legal relations was played by the invitation of experts and various guarantees of concluded transactions [30].

Within the framework of people's justice, peasants' ideas about court and equality came to the fore. People's courts looked for a fair resolution of the conflict arisen. This trend often contradicted the official rules of law, and customary law in these situations was universal and applied the principle of equality. Thus, customary law and state law were not competitors but complemented one another. State legislation gave priority to official signs of legal relations, while communal law strived to resolve all issues with regard to views of justice.

While studying patriarchal societies and their customs, the lawyer N. Rulan, noted that traditional courts avoided legal norms and mostly tried to restore peace in the corresponding society. In this case, a true verdict could be delivered only in a social group, and the whole problem could be solved only by force from the outside. In most cases, litigation was settled by amicable agreements of both parties [31].

District courts should resolve disputes that could not be settled on a village meeting for a number of reasons. If there was no appropriate custom, peasants solved their problems with the help of laws. It showed the traditional dislike of the peasantry for changes imposed by an alien environment. Peasantry did not use the court proposed by the government, it "persisted in applying more convenient organization" [14].

According to the legislation of the Russian Empire, district courts were in a difficult situation. These courts were formed on an electoral basis without state intervention. Therefore, district courts fell under suspicion of the state administration and supervision of conciliators. The obligation to use official norms affected the trust of the peasantry in their rural municipality. It was a common situation when a district court did not apply any official norms or customs while trying cases and considered only personal characteristics. For example, courts took into account how regularly a person paid taxes. The same factors determined the degree of corporal punishment that was applied according to the statements of village headmen in case of non-payment.

The consideration of civil cases was based on the principle of justice so that "no one should be offended" [32]. In case of improper property use, the recovery of losses was conducted with due regard to the rule "a sin in half" (the total loss is divided between the parties). The plaintiff's reputation determined the need for evidence. A peasant's good reputation made it unnecessary to provide any arguments: "When the matter is known to the whole world, why would anyone need any evidence?" [33]. At the same time, eyewitness accounts were taken into account during the trial. The most important element in contractual relations was hand receipts on documents.

The illiteracy of the Russian population negated the need for written evidence. Besides stating known facts, witnesses also characterized a party from the personal viewpoint. Criminal cases were resolved in the same manner, and rural (district) courts applied the principle of reconciliation based on the reputation of a particular peasant as a part of their community. In this case, courts confined themselves to a simple reprimand.

The Russian lawyers and public officials (G.A. Evreinov, A. Novikov, P. Dashkevich) [34], [35], [36] condemned district courts and the norms of customary law used by them. Their opponents noted negative features in the legal consciousness of people. In their opinion, people's judges tried to solve each case based on specific circumstances. In practice, the situation was much more complicated. It is unlikely that reasons of expediency replaced the knowledge of laws in the peasantry. In addition, the adoption of the law on zemstvo-elected district supervisors led to the reduced application of customary law by the peasantry. This situation was facilitated by the involvement of other social classes in the resolution of peasant affairs. Most state officials negatively treated cus-

tomary law and did not apply its norms when dealing with cases. However, law prescribed to appeal to local customs if there were no legislative norms. In this regard, peasants had to prove the existence of this or that custom through testimonies of old-timers, their recognition at rural meetings or acts of their application [30].
The accumulated material on customary law allowed researchers to conduct a comparative analysis and distinguish general and specific aspects of legal customs in various parts of the Russian Empire (P.S. Efimenko, K. Chepurnyi, V.V. Ptitsyn, N. Dobrotvorskii and others) [30], [37], [38], [39].
Local zemstvo committees (in the Tambov province) were concerned with problems of customary law, its application in villages and the improvement of peasant legal life. A member of the Kirsanovskii county committee (meetings on the needs of agricultural industry) L.V. Dashkevich suggested reforming peasantry and introducing general laws into it. However, this introduction should be gradually executed after a detailed study of peasant life and traditions [40]. The marshal of nobility in the Tambov province N.N. Cholokaev argued that general civil law should be introduced in order to improve the life of villagers, increase their local economy and prevent impoverishment [40]. Describing the condition of the peasantry, a representative of the Tambov provincial committee L.D. Bryukhatov concluded that district courts acted unsatisfactorily because they lacked independence, had unclear jurisdiction and did not know how to use legal customs. He saw a possible solution in the equalization of peasant rights with other social classes and their submission to the jurisdiction of general civil and criminal courts [40]. F.N. Plevako who spoke from the Kozlovskii provincial committee criticized peasant justice for applying customs and detaching from the general system of judicial proceedings and called to rectify the situation [40]. Thus, local nobility and zemstvo representatives saw the solution to this problem in extending the official legislation and jurisdiction of the Russian all-class judicial system to the peasantry.
The legislators of that time warned the authorities against hasty actions in this sphere and emphasized the originality of legal relations of the peasantry. A.Kh. Holmsten believed that "institutions of civil law... were not created by legislators but were based on everyday life. Thus, legislators should treat them with care. It was unacceptable to break these rules if they did not contradict the ethical, social, political and other principles... It was necessary that the civil code did not encroach on the beginnings developed by life itself and perceived them... The civil code should include norms of customary law" [41].

5. Conclusion

Therefore, the customary law of the period under study was influenced by the same factors as the peasantry itself. Modernization processes came into conflict with traditional peasant way of life. Innovations of rural everyday life went beyond peasant legal norms. The abolition of serfdom made peasantry an independent participant of legal relations, and the introduction of capitalist relations into the countryside caused the need for legislative regulation of peasants' interests.
The peasantry of the Tambov province in the late 19th and early 20th centuries preserved the legal customs that had been formed for many years. Relations inside village families and rural communities were regulated by customary law because most peasants did not know the official legislation. The subordination of village residents to district courts was explained by the fact that this institution was guided by the principles of people's morality fully understood by peasants. The entrenchment of capitalist relations, the growing social mobility of peasantry, the increasing number of literate and educated people broke the traditional way of life in Russian villages. During the 1890s, the stereotypic behavior of peasantry undergoes certain changes. At the turn of centuries, a new generation of villagers entered an active phase that did not live in serfdom and were more oriented towards laws than customs. Closer ties with the city and general urbanization provided objective conditions for the inclusion of the Tambov peasantry (as well as the entire rural population of the country) into the official legislation essentially narrowing the operation of customary law.

References

[1] Zemtsov LI, Krestyanskii mir. Obshchestvennyi byt [Peasantry. Everyday way of life]. *Ocherki russkoi kultury. Konets XIX – nachalo XX veka*. Volume 1. Obshchestvenno-kulturnaya sreda. Moscow, (2011), pp: 578-584.
[2] Pakhman SV, *Obychnoe grazhdanskoe pravo v Rossii* [Customary civil law in Russia]. In two volumes: Volume 1. Saint Petersburg, (1877), 448 p.
[3] Nakaz krestyan Shakhovskogo selskogo obshchestva Kromskogo uezda Orlovskoi gubernii [Punishment for peasantry in a rural community of the Kromskii district of the Orlov province]. *Prigovory i nakazy krestyan Tsentralnoi Rossii 1905-1907. Collection of documents*. Moscow, (2000), pp: 314-315.
[4] *Volostnoi sud* [District court]. Moscow, (1883). 85 p.
[5] Platonov SF, *Lektsii po russkoi istorii* [Lectures on the Russian history]. Moscow: "Vysshaya shkola", (1993), 736 p.
[6] Chubinskii PP, Kratkii ocherk narodno-yuridicheskikh obychaev [Short essay on folk and legal customs]. *Trudy etnograficheskostatisticheskoi ekspeditsii v Zapadno-russkii krai, snaryazhennoi Imperatorskim Russkim geograficheskim obshchestvom* [Materials of the ethnographic-statistical expe-dition to West Russian Krai initiated by the Imperial Russian Geographical society], Volume 6, (1872). Saint Petersburg, 460 p.
[7] Yakushkin EI, Obychnoe pravo. *Materialy dlya bibliografii obychnogo prava* [Customary law. Materials for the bibliography of customary law], Issue 1. Moscow: Tov. Tip. A.I. Mamontova, (1910), 225 p.
[8] Vizbor K, Geidel M, *Posobie po istorii russkogo gosudarstva i prava* [Textbook on the history of the Russian state and law]. Odessa, (1898), 256 p.
[9] Vladimirskii-Budanov MF, *Obzor istorii russkogo prava* [Reviewing the history of the Russian law]. Moscow, (2005), 800 p.
[10] Lyakub P, Sleduet li ostavit za volostnymi sudami pravo nakazyvat telesno? [Should district courts preserve the right for corporal punishment?]. *Zhurnal grazhdanskogo i ugolovnogo prava*, Book 1, (1883), pp: 120-145.
[11] Kistyakovskii BA, V zashchitu prava (Intelligentsiya i pravosoznanie) [In favor of law (intelligentsia and legal consciousness]. *Vekhi: Sbornik statei o russkoi intelligentsia*. Moscow: Pravda, (1991), pp: 122-149
[12] Pakhman SV, O znachenii lichnosti v oblasti grazhdanskogo prava [On the role of personality in civil law]. *Zhurnal grazhdanskogo i ugolovnogo prava*, Book 1, (1883), pp: 25-37.
[13] Pakhman SV, O sovremennom dvizhenii v nauke prava [On modern trends in legal science]. *Zhurnal grazhdanskogo i ugolovnogo prava*, Book 3, (1882), pp: 1-68.
[14] Orshanskii IG, Narodnyi sud i narodnoe pravo [People's court and people's law]. Zhurnal grazhdanskogo i ugolovnogo prava, Book 3, (1875), pp: 60-143.
[15] Kistyakovskii BA, Pravo kak sotsialnoe yavlenie [Law as a social phenomenon]. *Voprosy prava: zhurnal nauchnoi yurisprudentsii*, Book 8, (1911), pp: 1-17.
[16] Petrazhitskii LI, *O zhenskom ravnopravii* [On women's rights]. Petrograd: Tip. M. Merkusheva, (1915), 65 p.
[17] Muromtsev S, Rech na pervom sezde russkikh yuristov [Speech on the first congress of Russian lawyers]. *Stati i rechi*, Issue 11, (1910), pp: 6-12.
[18] Zyryanov PI, Obychnoe grazhdanskoe pravo v poreformennoi obshchine [Customary civil law in a reformed community]. *Ezhegodnik po agrarnoi istorii. Vologda*, Issue 6, (1976), pp: 100-115.
[19] Aleksandrov VA, *Obychnoe pravo krepostnoi derevni Rossii XVIII – nachalo XIX v* [Customary law against serfs in the Russian village of the 18th and the early 19th centuries]. Moscow: Nauka, (1984) 254 p.
[20] Zemtsov LI, *Pravovye osnovy i organizatsiya deyatelnosti volostnykh sudov v poreformennoi Rossii (60–80 g. XIX v.)* [Legal foundations and the functioning of district courts in the reformed Russia of the 1860-1880s]: dissertation for a doctor's degree in history: 07.00.02. Lipetsk, (2004), 218 p.
[21] Vronskii OG, *Krestyanskaya obshchina na rubezhe XIX-XX vv.: struktura, upravlenie, pozemelnye otnosheniya* [Peasant community

at the turn of the 19th and 20th centuries: structure, management, land relations]. Moscow, (1999), 153 p.
[22] Mironov BN, *Sotsialnaya istoriya Rossii perioda imperii (XVIII – nachalo XX v.)* [The social history of the Russian Empire (18th – early 20th centuries)]. In two volumes: Volume 1. Saint Petersburg, (2000), 548 p.
[23] *The State Archive of the Tambov region*. Fund 232 (district courts). List 1. File 51. Page 2. Page 17.
[24] *The State Archive of the Tambov region*. Fund 233 (district courts). List 1. File 86; File 139; File 124; File 22.
[25] *The archive of the Russian Museum of Ethnography*. Fund 7. List 2. File 1034. Page 1.
[26] Bunakov N, *Selskaya shkola i narodnaya zhizn. Nablyudeniya i zametki selskogo uchitelya* [Village school and rural life. Remarks and notes of a village teacher]. Saint Petersburg: "Obshchestvennaya polza", (1906), 248 p.
[27] *The State Archive of the Russian Federation*. Fund 586. List 1. File 102a. Page 10.
[28] *The State Archive of the Tambov region*. Fund 235 (magistrate courts). List 1. File 3. Page 16; File 4. Page 25; Fund 218. List 1. File 69. Page 9.
[29] Khauke OA, *Krestyanskoe zemelnoe pravo* [Peasant land law]. Moscow, (1914), 372 p.
[30] Efimenko PS, *Sbornik narodnykh yuridicheskikh obychaev Arkhangelskoi gubernii* [Collection of legal customs in the Arkhangelsk province]. Arkhangelsk: Gubernskaya tipografiya, (1869), 346 p.
[31] Rulan N, *Yuridicheskaya antropologiya* [Legal anthropology]. Moscow, (2000), 420 p.
[32] Timofeev PG, "Grekh popolam" v russkom obychnom i inostrannom prave ["A sin in half" in the Russian and foreign customary law]. *Vestnik prava. Zhurnal Yuridicheskogo Obshchestva pri Imperatorskom S.-Peterburgskom universitete*, Book 1, (1903), pp. 1-60.
[33] Kovalevskii MM, Pshavy: Etnograficheskii ocherk [Pshavi: ethnographic essay]. *Yuridicheskii vestnik*, 2, (1888), pp: 27-41.
[34] Novikov A, *Zapiski zemskogo nachalnika* [Notes of a district captain]. Saint Petersburg, (1899).
[35] Evreinov GA, *Krestyanskii vopros v ego sov-remennoi postanovke* [Peasant-related problem in its modern form]. Saint Petersburg, (1903).
[36] Dashkevich P, Budushchee grazhdanskoe ulozhenie i narodnye obychai [The future civil organization and folk customs]. *Yuridicheskii vestnik*, 8, (1886), pp: 496-529.
[37] Chepurnyi K, *K voprosu o yuridicheskikh obychayakh: ustroistvo i sostoyanie volostnoi yustitsii v Tambovskoi gubernii* [On legal customs: the structure and status of district justice in the Tambov province]. Kiev, (1874).
[38] Ptitsyn VV, *Obychnoe sudoproizvodstvo krestyan Saratovskoi gubernii* [Customary legal proceedings of peasants in the Saratov province]. Saint Petersburg, (1886).
[39] Dobrotvorskii N, Krestyanskie yuridicheskie obychai v vostochnoi chasti Vladimirskoi gubernii [Peasant legal customs in the western part of the Vladimir province], *Yuridicheskii vestnik*, (1888), 6-7.
[40] *Trudy mestnykh komitetov o nuzhdakh selskokhozyaistvennoi promyshlennosti. Tambovskaya guberniya* [Materials of local committees on needs of agricultural industry. The Tambov province]. 41. Saint Petersburg, (1903), 459 p.
[41] Holmsten AKh, Yuridicheskie issledovaniya i stati: obshchaya teoriya prava, grazhdanskoe pravo, torgovoe pravo, grazhdanskii protsess [Legal studies and articles: general theory of law, civil law, trade law, civil pro-cess]. Saint Petersburg, (1894), 533 p.