

## Artículo de investigación

**Problems of private property in Russia**

Проблемы частной собственности в России

Problemas de propiedad privada en Rusia

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**Abstract**

The author studied the huge work done by researchers on archival materials and sources related to the history of the economic and political life of Russia in the late XIX-early XX centuries, its institutions and representatives. At the same time, the study sometimes goes beyond the accumulated experience and views of Russian scientists (M. Delyagin, V. Katasonov, M. Khazin, A. Rode and others). The relevant opinions of historians are also presented on the subject indicated in the title of the article (N. Danilevsky, Yu. Zhukov, A. Pyzhikov, etc.). One of the results of the study is a brief analysis of the work on establishing large humanitarian-production complexes. The aim of the study was to systematize theoretical approaches to control for their further application in practice. The reasons for the existence of various conceptual approaches in Russia are the uncritical study and application of controlling by experts from different fields of knowledge and the insufficient, if not competent, filling of both curricula and practices. In addition, for a long time, the specific popular perception of private property and its derivative processes in society was not appreciated. In carrying out this study, the author used the methods of structural and functional analysis, historical-comparative and problem-chronological, as well as the epistemological method. The paper systematizes the existing approaches to the classification of controlling and proposes a format that takes into account the features of the model of the controlling system. It is recommended to use the results of theoretical and methodological studies for training specialists in the field of economics and

**Аннотация**

Автор изучил огромную работу, проделанную исследователями по архивным материалам и источникам, связанным с историей экономической и политической жизни России в конце XIX-начале XX вв., её институтами и представителями. В то же время, исследование иногда выходит за рамки накопленного опыта и взглядов российских ученых (М.Делягина, В.Катасонова, М.Хазина, А.Роде и др.) На предмет, указанный в названии статьи, также представлены соответствующие мнения историков (Н. Данилевского, Ю. Жукова, А. Пыжикова и др.). Одним из результатов исследования является краткий анализ работ по налаживанию крупных гуманитарно-производственных комплексов. Целью исследования было систематизировать теоретические подходы к контролю для их дальнейшего применения на практике. Причинами существования в России различных концептуальных подходов является некритическое изучение и применение контроллинга экспертами из разных областей знаний и недостаточное, а то и некомпетентное наполнение как учебных программ, так и практик. Кроме того, долго не было понято и потому не оценено специфическое народное восприятие частной собственности и производных ей процессов в обществе. При проведении данного исследования автор использовал методы структурно-функционального анализа, историко-сравнительный и проблемно-хронологический, а также эпистемиологический метод. В работе систематизированы существующие подходы

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management, as well as in the real practice of large industrial enterprises.

**Keywords:** Property, private law, Roman law, community, Russia, ownership, reform, self-awareness, people.

к классификации контроллинга и предложен формат, учитывающий особенности модели системы контроллинга. Рекомендуется использовать результаты теоретических и методических исследований для подготовки специалистов в области экономики и управления, а также в реальной практике крупных промышленных предприятий.

**Ключевые слова:** собственность, частное право, римское право, община, Россия, владение, реформы, самосознание, народ

## Resumen

El autor estudió el enorme trabajo realizado por investigadores sobre materiales de archivo y fuentes relacionadas con la historia de la vida económica y política de Rusia a fines del siglo XIX y principios del XX, sus instituciones y representantes. Al mismo tiempo, el estudio a veces va más allá de la experiencia acumulada y las opiniones de los científicos rusos (M. Delyagin, V. Katasonov, M. Khazin, A. Rode y otros). Las opiniones relevantes de los historiadores también se presentan sobre el tema indicado en el título del artículo (N. Danilevsky, Yu. Zhukov, A. Pyzhikov, etc.). Uno de los resultados del estudio es un breve análisis del trabajo para establecer grandes complejos de producción humanitaria. El objetivo del estudio fue sistematizar los enfoques teóricos para controlar su posterior aplicación en la práctica. Las razones de la existencia de varios enfoques conceptuales en Rusia son el estudio acrítico y la aplicación del control por parte de expertos de diferentes campos del conocimiento y el llenado insuficiente, si no competente, tanto de los planes de estudio como de las prácticas. Además, durante mucho tiempo, no se apreció la percepción popular específica de la propiedad privada y sus procesos derivados en la sociedad. Al llevar a cabo este estudio, el autor utilizó los métodos de análisis estructural y funcional, histórico-comparativo y cronológico de problemas, así como el método epistemológico. El documento sistematiza los enfoques existentes para la clasificación de control y propone un formato que tiene en cuenta las características del modelo del sistema de control. Se recomienda utilizar los resultados de estudios teóricos y metodológicos para la formación de especialistas en el campo de la economía y la gestión, así como en la práctica real de las grandes empresas industriales.

**Palabras clave:** Propiedad, derecho privado, derecho romano, comunidad, Rusia, propiedad, reforma, autoconciencia, personas.

## Introduction

The “Epoch of Great Reforms” in Russia - after 1855 - lost the tradition of working in the public field and open civic initiatives, primarily due to the uncertainty of ownership.

This touchstone was constantly manifested when terrible events arose in our country. And I never understood exhaustion, because the main irritant of the problem did not become a solver. The problem of the Russian idea, in particular, is not perceived without a wider context than usual (Nemtsev, 2016).

The main feature of Russia over the centuries lies in the unclear question of attitudes toward private and at the same time communal property. The first legally, that is, in the narrow sense, appeared under Catherine II (the preparation was the

Decree of Peter III of 1762, exempting Russian landowners from compulsory service and thereby leaving estates to the nobles), which secured the ownership of land for the nobles and as a result - peasants. But in practice, declaring far from always in Russia meant compliance. The court itself, Nicholas I himself, who deprived some of the Decembrists (but not their heirs) of the nobility and ranks, which means privileges and inheritance, including property rights (Kaspari, 1893), showed not only who is the only owner in Russia, but also the lack of inviolability of private property in its traditional sense.

## Methodology

The basis of the study was the use of primarily theoretical scientific methods, including: analysis and synthesis, a systematic approach,

comparison - in the classification and generalization of the main approaches towards its typologization; the historical method - in the analysis of the "controlling" concept of evolution.

### Discussion and Results

And here is another special case from a similar series. Prince Pyotr Vladimirovich Dolgorukov (1816-1868), who was reputed to be a great original and even in a secular sense, a man of dubious behavior, left for Europe in 1859, where he began to publish frank books in Paris on Russian history and the need for reform: "La vérité sur la Russie" (1860), "De la question du servage en Russie" (1860), "Des réformes en Russie, suivi d'un aperçu sur les états généraux russes au XVI et au XVII s." (1862). ("The Truth About Russia", "The Question of Serfdom in Russia", "Reforms in Russia, and then a review of the general states of Russia in the sixteenth and seventeenth centuries"). In addition, he seriously considered himself a contender for the Russian throne and said: "Romanov usurpers, and if anyone reigns in Russia, then, of course, to me, Dolgorukov, direct Rurikovich" (Veresaev, 2016). The government recalled him to Russia, but he ignored the order, as a result of which he was deprived of the princely title, all the rights of the state and recognized as expelled from Russia - the person suffered for the way of thinking. But it was possible to suffer in the empire just like that.

This problem was clearly demonstrated by A.S. Pushkin, who at all did not think up wonders of tyranny of the landowner Troekurov in the unfinished story "Dubrovsky", who with impunity took away from his neighbors the land and peasants he liked. Pushkin cites the full text of the court ruling, adding: "We place it completely, believing that it will be pleasant for everyone to see one of the ways in which we can lose our estate in Russia, and we have an undeniable right to own it" (Pushkin, 1978). The court and the landowner simply bought the court. And if the court and the state behind it did not reliably protect the owner, then in the eyes of the citizens of the early twentieth century the Bolsheviks did not look such usurpers when they proclaimed the principles of "expropriation of expropriators" and "robbed loot." Both the tsarist courts and the Bolshevik leaders acted illegally, however, no one legally proved this, nor did they refute, because the issue of private property in Russia was not thoroughly developed, since this was not required by the autocratic state, the tsarist government and society. On the contrary,

public opinion was more likely for depriving large landowners of material property, and called all rich peasants the word "fists," or even "merchants," without distinguishing between them. Meanwhile, a reseller, intermediary, and moneylender called his fist in the village. So in Russia there was a moral-suspicious attitude towards big business and, in general, to any more or less wealthy person. It is not surprising, therefore, that even a "fist" was called not a reseller, but a simple working peasant, a "merchant" (Nemtsev, 2008).

Perhaps the most accurate in the modern perception of his time, perhaps, was the interpretation of the property (dominium) by A. A. Kaspari's dictionary: "absolute, unlimited and exclusive domination of a thing, the most perfect of property rights, since the person to whom this thing belongs, can use and dispose of it as he pleases ... "(Kaspari, 1893). Unlike the owner, the owner disposes of the thing, but does not dominate it. The institution of ownership complements the institution of property, its role is more likely to be auxiliary. For example, an owner in a society with a predominance of "private property" is not obliged to prove to the court his right to own a thing, it is enough for him to refer to his ownership of it (Kaspari, 1893).

The language of the laws of the Russian Empire did not consistently separate property and possession, this language only determined the initial signs: the reality of possession (property) and the appearance of property (possession). Therefore, in practice, the owner's protection did not know who to support — either the owner of the thing, for example, having lost paper, or the tenant who fraudulently insisted that he was not the holder, but the owner: in Russian law they could equally claim protection, since both had an interest and both wanted to have a thing.

According to Russian law, "the right of ownership is based on legal strengthening or title full, exclusive and unlimited legal dominance or power of a person over a bodily thing, by virtue of which he has the right to own, use and dispose of it within the limits defined by law" (Annenkov, 1895). Such an understanding directly goes back to Roman law, according to which individual property is the complete and exclusive legal dominance of a person over a bodily thing, as a result of which, however, a private concept (individual property) extended to the whole idea of property.

Meanwhile, many foreign historians associate with the Mongolian system both developed and

not established "institutions and customs." For example, the term *petition*, *petition*, "is a direct tracing-paper from the Turkic" *bas ur* " , which, in turn, is tracing-paper from the Chinese" *k'ou t'ou* " ". The "Mongolian-Kipchak taxation system also prevailed, which is obvious from the use of Turkic terms such as" *baksha* "(civil servant)," *money* " ;" *treasury* " ;" *treasurer* " ;" *kostka* "(poll tax)," *tamga* "(stamp or stamp and type of customs duties) and "customs officer" (customs official). The decimal system for purposes and taxation, and the supply of people to the army also developed in the Moscow principality in the XIV century under the influence of the Mongols. In addition, the postal station system ("pits") survived in the Moscow state until the 17th century. Finally, the entire system of troops and cavalry of the Moscow state was based directly on the Mongolian system, including tactics, strategy, the structure of military formations, weapons and military equipment" (Ostrovsky, 2001).

Not only these important institutions and customs of the Moscow principality of the XIV century reflected the political, military institutions and customs of the Kipchak Khanate, administrative relations became similar. And the attitude of the grand duke to his subjects repeated the attitude of the khan to his subjects - based on kinship. In addition, the Grand Duke, like the Khan, owned all the property, as well as the very person under his control. And when the estate was leaving the service of the Grand Duke, the property returned to him. The Grand Duke could also grant property as a reward for past service, but not for future, as in Europe. This means that in Europe they trusted the person, while in Asia and Russia, the person was obliged to prove his loyalty, that is, to entrust himself to the overlord in order to receive payment for this (Kyustin, 1996).

Therefore, very soon the noble families in the Moscow principality, as well as in the Kipchak khanate, seized the highest posts in the civil and military hierarchy. This was not so in Byzantium (whose heiress is often called Muscovy and Russia), where any person could rise to power posts. And in Ancient Russia, only the sons of the Grand Duke fought for the princely table, sometimes the prince of the neighboring land, in Muscovy one family ruled - Danilovich, as in Mongolian only Genghisides ("chagan jazin", or "white bone") (Ostrovsky, 2001). D. Ostrovsky is echoed by N. Sh. Kollman: "The highest levels of the hierarchy were determined by marriage with the grand dukes, at least after 1345 <...> Continuity, personal acquaintances and the

principle of grouping by personal relationships, such as family and marriage ties are signs of Moscow political culture" (Kollman, 2001).

In all likelihood, the roots of this most painful problem of private property lie in the historical features of the Russian public and statehood. In Russia, and then Muscovy, a community-based nature of relations and management has developed, which still has an impact.

The confusion over private property in imperial Russia took strange forms under Soviet rule. True, the peasant was given land, as a part of the community (*artel*), and soon was taken away into collective ownership, thereby rejecting the freedom of choice in favor of society.

Since the rational and obvious idea of liberating the peasantry was never fully realized in Russia, man on earth did not become either free or independent. And until the 20th century there were no clearly visible social mechanisms of individual freedom. So in support of this incident, even recently it was hardly possible to find domestic fundamental scientific works on private property in Russia with us ... Presumably, we didn't have one? (Nemtsev, 2008). And the communities too?

The lack of private property rights was aggravated in the twentieth century, and even now this problem remains acutely relevant. For example, there are rare cases of philanthropy, the concept of "charity" is considered optional, and the word "donation" leaves the living language. The "sponsorship" of public actions or government events is often extremely prudent.

Most of all, charity is sincere in any denomination when an entrepreneur grants, donates part of his income to the poor, the injured, and the small. In the Russian Empire, merchants of different nationalities gave part of their proceeds to the Russian Orthodox Church, which was a "compulsory" incentive for conscience. And the temples were built either with the money of the parishioners, or completely with the money of a wealthy merchant. It seems that these well-known facts were generated precisely by the ripening in the minds of people, both by a sense of ownership and by a communal feeling in relation to the means given by faith to a charitable cause.

In the Grand Duchy of Moscow there was the property of the Grand Duke, the property of the specific princes and the property of the boyars - patrimonies. The landowners were not the

owners of their estates, they belonged to the Grand Duke, and the landowners were holders. The decree on uniform inheritance, issued in 1714, equating estates to the patrimony, actually declared the estates to be private property of the landowners. Later during the XVIII century it was allowed to own land on private property to representatives of other classes - the merchants and the state peasantry. The sale and purchase of peasants by the landlords suggests that the peasants were owned by the landlords and were often used as goods.

However, in the 1870s, that is, during the reform of the liberation of the peasantry from serfdom, it became clear that "the peasants have no idea about private property", in addition, they prefer their gatherings to the courts, where decisions are made "in good conscience", And not by law, notes the modern historian (Pyzhikov, 2018).

Napoleon relied on Roman law, developing his own legal code, which underlies the modern European legal consciousness, into which the pre-Christian concept of "sacredness and inviolability of property" has passed. Russia did not know and now poorly knows the concept of Roman law about "property". In Russia, in fact, there was no personal (family, hereditary) ownership of land, the land, in addition to the royal family, belonged to the "peasant", later factory community. Land plots in Russia were not handed down from generation to generation to the family, as in Rome. And being public (community) property, they were periodically "cut" and "re-cut" after the death of one of the workers in the family who could process it. This was decided at the general meeting of all community members. Even under serfdom, peasants told the landowners: "We are yours, and our land is (communal)!" (Pyzhikov, 2019).

The logic was simple: a person cannot take any earthly treasures, no earthly "property" in the next world. No earthly property actually exists. So, Roman law is chimerical, not based on anything. As well as the concept of "sacredness and inviolability of property", which it claims. This is an anti-Christian statement.

K.P. In his popular textbook on civil law, Pobedonostsev discussed the specificity of communal ownership and its "incompatibility with Roman law" (Pyzhikov, 2018). He was worried about this, not understanding what the peasants think the same way, for such is their understanding of the world. But "the testimonies of those who came from the lower classes,

invariably indicated the schismatic belonging of the Russian village" (Pyzhikov, 2018).

Russian literary critics and fellow members managed to lay the foundation of a new nation through democratic enlightenment. At the same time, people managed to understand how they should not live, but did not have time to comprehend what to do next. Historical time was not enough to complete the formation of the national state. The government did not react to the society agitated by educated circles, to the situation of "impatience", not wanting to concede anything at first to the "Decembrists", then to the "nihilists", and then to the revolutionaries. So the guilty were in the government itself, in the autocracy (Nemtsev, 2016). Numerous facts of foreign interference in domestic problems should be added to this circumstance. How this happened can be demonstrated by the example of Alexander Herzen.

Be that as it may, the tradition of taking money from foreign sources to fight the domestic government has a rather long history, which began with Alexander Herzen.

He needed money as an instrument necessary in the fight against tsarism. He wrote about this more than once, including in the autobiographical work "The Past and Thoughts" (Herzen, 1988). Herzen, living abroad, conducted extensive political work, producing a number of political publications. He kept in Paris a salon in which political discussions took place and there were such pillars of the then thought as Proudhon, Engels, Marx, Garibaldi. Herzen received money for activities from Russia for the time being. When the Russian consul in Nice delivers an imperial return order to Herzen on September 20, 1850, Herzen declares a written refusal. A court in St. Petersburg decides to expel Herzen from Russia forever and confiscate capital, him and his mother. To the rescue of the revolutionary came Baron James Rothschild, who establishes a regular supply of money to the writer and publicist. We are talking about substantial amounts in cash and in securities - tens and hundreds of thousands of francs, florins, dollars. In fact, the Rothschilds became Herzen's financial agents, conducting operations in his interests, but not forgetting about their own. There is an extensive correspondence between Herzen and James Rothschild, revealing the background of their financial relations. Herzen traveled and was engaged in publishing and mailing literature, primarily the Kolokol newspaper to his homeland, from 1857, while he

used the services of the Rothschilds until his death.

But before you understand the global issues of the modern world, you should understand such a little-known science phenomenon as the Russian community. This, according to historian Professor German Artamonov, is the basic organization of the Russian people. "At its core," he argues, "it was pagan, and this, by the way, is preserved among the living generations, and in Christian form."

"The Russian people," argues Artamonov, "throughout their history acted through the community. - And the paradox is that historical science and the great Russian literature passed by this main factor of our history. We are bit by bit trying to restore these lost traditions, to understand how it, the community, functioned" According to the historian, the Eastern Slavs are the only Indo-European people who, with the formation of the state, retained the form of their primary social organization, which arose in ancient times, i.e. territorial community. She has two basic features:

1. Throughout its history, for some reason (not yet established), it has never recognized private ownership of the means of production.

An important nuance: it is well known that as soon as private property arises, social stratification instantly arises.

2. Inside the Slavic community there was no internal hierarchy, as, for example, in the blood-related community. "But since she needed to self-manage in some way," the historian explained, "a unique system of self-government, the *veche* tradition, has grown on its basis."

What is curious: the Slavic community, in the opinion of Artamonov, served as the basis for structuring not only a specific village, but the whole society.

For all the diversity of civilizations, the historian recalled, there are two models of structuring: either top-down and social differentiation of people, or horizontal, which was implemented in the most consistent form in the Russian territorial community. It was she who created the model for the organization of general civil self-government.

"The most important problem of mankind, which came to the state hostel," summarized Artamonov, "is to find effective mechanisms of interaction between society and government, that is, control over power. "

"It is the Russian community," the historian is convinced, "that contains the answer to the question: how can society organize itself effectively in such a way as to ask the authorities?"

"We had experience in a very effective interaction with the government," Artamonov specified, but it happened that we lost it. Especially as a result of the reforms of Peter I, when the power became completely uncontrolled. "

"She is still uncontrollable," he concluded. "And in this sense, community experience can be very much in demand." Here is such food for thought (Artamonov, 2019).

## Conclusion

So, exactly from the middle of the XIX century. a systematic and prudent intervention of Western competition began, then in the person of a subject of the British Empire, Baron James Rothschild, in the life and work of the Russian elite.

Since then, the world bourgeoisie (now including the Russian one) has created a solid foundation for its own monument - the Global Financial Pyramid, which arose more than 70 years ago at the international conference in Bretton Woods. With the help of this banking system, all world projects are being made, and the bourgeoisie generously pays for its critics and self-proclaimed "grave diggers". Karl Marx, who revealed almost all the secrets of big capital, in his famous work bypasses the topic of banking exploitation, confining himself only to industrial and land ownership (Nemtsev, 2016).

So, in Russia for a long time the issue of private ownership of land has not been resolved, which is beneficial to world competitors. Privatization in the 1990s It was only an attempt to solve the problem with the help of fraud. Indeed, it is land resources - that fixed capital, on the security of which the modern financial system can function normally, that is what the state has left!

A.V. Pyzhikov in his works convincingly shows the role of communal forms of entrepreneurship, which led the empire to an economic breakthrough in the 20th century. But there private property in the "priestly" sense was

hardly noticeable, but among the “bespopovtsy” it was absent (Pyzhikov, 2016; 2018; 2019).

The extremes are historically inherent in Russia, and their everyday manifestation is explained only by society’s ignoring of the peculiarities of people’s life - we hope, because of a little knowledge and a stubborn misunderstanding of our own history, culture, work ethic.

On the eve of the Revolution of 1917, there were many interesting ideas, from diplomat K. Leontiev to General Nechvolodov. Now, there are also a lot of ideas, let’s say about the suddenly appeared blockchain technologies, which under favorable conditions can radically overturn the economic conditions on financial two circuits. And if you harmonize what is written here, the output will be a valuable product.

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