

The Last Word of the *Biy*: Land Disputes in the 19th Century Middle *Zhuz* of the Kazakh Steppe

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The 19th century was a period of radical changes in Kazakhstan's traditional social and political culture, primarily related to the colonial policy of the Russian Empire. During this period Kazakhs experienced the destruction of popular institutions, which for centuries served as a support for the authorities and the people. This article examines how exactly these reforms caused the dissolution of institutions such as *adat*, set of unwritten legal customs passed down orally from generation to generation, and *biys*, popularly recognized clan leaders with judicial, administrative, and military authority. Using unpublished land dispute cases from the Central State Archive of the Republic of Kazakhstan and 19th century legal codes of the Russian Empire, the article reconstructs the gradual process of decline of these institutions. I argue that the legal and administrative reforms of 1822 and 1868 were the main contributors to the loss of legitimacy and power of *biys*. The findings complement the existing historical and legal literature, especially with the analysis of land disputes, as the most significant indicator of the decline of traditional institutions. The research also helps to better understand and re-evaluate the concepts of legitimacy, legal culture, and the sustainability of local institutions in the face of an encounter between the empire and the colony.

Keywords: Kazakhstan; Central Asia; Russian Empire; *adat*; *biys*; land disputes

Adat and Biys Before the 19th Century

Good pasture lands with sufficient access to water have always been a desired resource for nomadic pastoralists. Given the rigidity of the Kazakh steppe climate and the scarcity of good pastures, the competition for land was a part of routine among locals. To resolve disputes that arose as a result of this rivalry, Kazakhs have worked out their own ways of arbitration of land issues. These practices were incorporated into *adat*, a set of unwritten legal customs passed down orally from generation to generation, which placed *biys*, popularly recognized clan leaders with judicial, administrative, and military authority, as responsible for land allocation and arbitration of disputes. Russian administrative and legal reforms of the 19th century have disrupted traditional ways of dispute resolution, introducing legal procedures unknown to Kazakhs. Specifically, the traditional function of land allocation was transferred partially from *biys* to imperial elected officials called delegates. Moreover, significant administrative and military powers were granted to *volost* administrators, which allowed them to intervene in the process of struggle for the land. In this essay, using the archival documents regarding the land disputes among the Kazakhs of the then Semipalatinsk and Akmolinsk oblasts, I examine the process of degradation of once respected and powerful institution of *biys*, which eventually became the imperial puppet with only limited judicial powers.

Since the formation of the Kazakh Khanate in 1465 and until the 1920s nomadic life was largely regulated by ancient customary practices transmitted orally from generation to generation. The significant part of these practices consisted of customary law, or *adat*. *Adat* regulated much of the nomads' legal and cultural relations, from marriage to land division to cases of murder and theft. The word itself traces roots to the Arabian Peninsula and has a meaning of "wont", "usage", and "practice". According to Virginia Martin, "In its broadest sense, *adat* referred to the guiding principles governing the behavior and interaction of individuals within the nomadic community and its kinship structures, which were upheld and enforced in everyday life by commonly accepted obligations, responsibilities, sanctions and forms of punishment."¹ It is difficult to estimate when and under what circumstances *adat* emerged at or permeated the Kazakh steppe, as it is equally problematic to determine its initial sources, since the earliest records of Kazakh popular justice were

¹ Virginia Martin, *Law and Custom in the Steppe: The Kazakhs of the Middle Horde and Russian Colonialism in the Nineteenth Century* (Richmond, Surrey: Routledge Curzon, 2001), 25.

produced only in 1730s by the Russian official Alexey Tevkelev. Martha Olcott argues that Mongol “*Yasa*”, a codified law based on a combination of nomadic customary practices, served as a foundation for Kazakh *adat*.² This perspective is also supported by Altaiy Orazbaeva, who assumes that later codified versions of *adat*, such as Khan Tauke’s “*Zheti Zhargy*,” or Qasim Khan’s “*Qasqa Zholy*,” were based on Mongol “*Bilik*” and “*Yasa*.”³

To better comprehend *adat*, it is crucial to understand the context in which it existed. *Adat* in the Kazakh steppe as a public justice reflected the nomadic lifestyle, which consisted of three key elements: land, livestock, and kin. The natural features of the terrain, namely, continental climate, arid deserts and semi-deserts, lack of precipitation, and vast steppe lands, for centuries formed the basis of the main economic activity of its dwellers. In this context of harsh natural reality nomadic pastoralism was the only way for Kazakhs to survive. Nomads would follow the livestock to pasture lands depending on the season of the year. Later, livestock would provide nomads with food, shelter, and clothing. Moreover, in the society where metals were not used as a source of monetary exchange, livestock played a role of currency.⁴ To be able to lead this kind of lifestyle, Kazakhs lived in small camps, *auls*, consisting of people belonging to the same clan based on kinship ties. Hence, *adat* and nomadism relied on kinship, land, and livestock, which were manifested in the figure of the *biy*.⁵

There are different perspectives in historiography on the emergence of the word *biy* and their role in Kazakh society before the nineteenth century administrative reforms imposed by Russians as a part of colonial policy. According to Useinova, most of the scholars in the field agree that the word *biy* originates from the Turkic word *bek*, which has the same meaning as Mongol *noyon* and Arab *emir*,⁶ and implies that individuals bearing the title held leadership positions in their communities. Indeed, only the *biys* (apart from the khan) held judicial, administrative, and military authority within the clans they ruled, giving them unique privileges. This authority afforded the *biys* some political clout, as seen by their participation in resolving national issues along with the sultans and

² Martha Olcott, *The Kazakhs* (Stanford: Hoover Institution Press, 1995), 6.

³ Altaiy Orazbaeva, *Формула казахской государственности* [The Formula of the Kazakh Statehood] (Moscow: PRESS-BOOK.RU, 2017), 189.

⁴ Olcott, *The Kazakhs*, 16-7.

⁵ Martin, *Law and Custom in the Steppe*, 17.

⁶ K.R. Useinova, “Роль и место института биев в традиционном казахском обществе [The Role and Place of the Institution of Biys in the Traditional Kazakh Society],” *Izvestiia Natsional’noi akademii Respubliki Kazakhstan*, no. 5 (2012): 34.

their joint appearance at the yearly “people’s assembly.”⁷ Moreover, khans not only relied on some *biys* as their advisors but also as their direct political supporters. As Mazhitova notes, in a system where the title of khan was elective, support of influential *kara-siuek* (non-Chinggisid) representatives, such as *biys*, was extremely significant for *ak-siuek* (Chinggisid) sultans who claimed the supreme power. This, the scholar argues, was due to the fact that *biys* were in charge of domestic and foreign policy of their clans, which pushed khans to regard their opinion and power highly.⁸

Another political role that modern scholars tend to assign *biys* with is that of diplomats. According to Mazhitova, “*biys* were active in leading diplomatic missions of Kazakhs to the Russian Empire, Jungaria, and China.” Hence, in 1741 Abylai Khan was taken as a hostage to the Jungar Huntaiji Galdan Tsereng. One of the conditions of his release was to leave *batyr* Zhapek as a pledge. The legend has it that this caused resentment of Kazybek-*biy*, a prominent figure in the 18th-century Kazakh politics. Being a brilliant orator and diplomat, the *biy* delivered a powerful speech to Galdan, which resulted in “successful ending of the diplomatic mission.”⁹ Of course, only a small group of *biys* have ever enjoyed this kind of trust, authority, and range of powers throughout Kazakh history. In fact, most of the *biys*’ role was restricted to that of a “nomadic clan leader and arbiter of disputes.”¹⁰ Nevertheless, Kazakh customs provided for the fact that in the majority of instances an individual could only win the right to call oneself a *biy*. Particularly, one should have had a popular authority and acclamation to be granted a title of a *biy*. As Virginia Martin argues, the *biy* has historically held his title without any official training or appointment to a position. Instead, he embraced the distinction of being referred to as a *biy* because of his proficiency in Kazakh *adat* and his capacity for impartial dispute resolution. Obviously, there were cases when *biys*’ impartiality and fairness were in question, but it is important to note that their well-being¹¹ and the reputation of their clan and themselves depended heavily on how just their decisions were.

⁷ Useinova, “Роль,” 35.

⁸ Zh.S. Mazhitova, “Место и роль биев в системе ханской власти в оценках российских исследователей (XVIII - первая половина XIX в.) [The Place and Role of the Biys in the System of Khan Authority in the Assessments of Russian Researchers (18th – first half of the 19th century)],” *Vestnik Leningradskogo gosudarstvennogo universiteta imeni A.S. Pushkina* 4, no. 3 (2014): 92.

⁹ Zh.S. Mazhitova, “Современная российская и казахстанская историография о функциях биев в казахском обществе [Contemporary Russian and Kazakh historiography on the functions of biys in Kazakh society],” *Uchenye zapiski Kazanskogo Universiteta. Seriya Gumanitarnye Nauki* 157, no. 6 (2015): 3.

¹⁰ Martin, *Law and Custom in the Steppe*, 26.

¹¹ Olcott, *The Kazakhs*, 15.

The adjudication by *biys* within the framework of *adat* was drastically different from the European justice system based on strict procedure and legal codes. This also meant differences in the goals of judiciary systems. Hence, Clifford Geertz argues that the goal of *adat* as a judiciary system, or the disposition of issues, is to practically move toward social harmony and individual composure rather than away from them toward dissonance and vertigo.¹² It is within this framework of customary law that the purpose of the *biy*'s decision was to maintain strong kinship ties and clan honour in the subsistence-based nomadic economy, not to determine guilt or innocence.¹³ A vivid example of this is the use of oath in resolving disputes between nomads. In the cases when a *biy* was not satisfied by the sufficiency of evidence provided by litigating sides, a former would order that the plaintiff chose one respectable representative of the defendant's kin to take an oath that would certify the latter's integrity. It didn't matter to the *biy* whether the defendant was "guilty" or not if a Kazakh took an oath attesting to the defendant's moral character; what mattered was that kinship solidarity had been maintained by a respectable individual so that other manifestations of nomadic kinship relations, like mutual aid or marriage arrangements, could continue to operate as usual.¹⁴

Russian 19th Century Legal-Administrative Reforms and the Crisis of the Institution of *Biys*

The gradual process of political, cultural, and economic inclusion of the Kazakh polity to the Russian Empire, that began with the 1731 treaty that placed the Small Horde Kazakhs under Russian protectorate and ended with the collapse of Romanov dynastic rule, has once and forever changed the legal custom that guided Kazakhs for centuries. Generally, the process of legal-administrative reforms in the Middle *zhuz* can be artificially divided into two distinct periods differing in strategies used by the Empire. The first one covers the period from 1822 until mid-1860s, and the second one extends from 1868 until 1898 and onwards. I intend to analyse the differences and consequences brought about by these reforms in the course of the next paragraphs.

Annexation of the Middle *zhuz* by the Russian Empire meant that the new territories needed a governing system that would fulfil the colonial goals of russification, settlement, and further socio-

¹² Clifford Geertz, *Local Knowledge: Further Essays in Interpretive Anthropology* (New York: Basic Books, 1983), 209.

¹³ Martin, *Law and Custom in the Steppe*, 29.

¹⁴ Martin, *Law and Custom in the Steppe*, 29.

economic inclusion of the nomads into the Russian imperial space, and simultaneous prevention of uprisings caused by implementation of the new legal-administrative system. To achieve these imperial goals, colonial administration, particularly the Governor-General of Western Siberia Mikhail Speransky, proposed the idea of ‘civilizing’ the nomads by the means of law.¹⁵ Speransky believed that a culture must be governed by laws appropriate to its stage of development, and it would be incorrect to attempt to impose laws on a culture that did not align with its developmental stage.¹⁶ This implies that Speransky believed that the nomadic culture of Kazakhs was inferior to Russian-European civilization and, hence, the latter had to execute their civilizing mission gradually before Kazakhs adopted Russian culture and were susceptible to more active interference to their way of life.

These ideas were reflected in the 1822 Regulations on Siberian Kirgiz, which laid ground to the future legislative acts in a sense that it promoted the concept of gradual change of Kazakhs by the means of law enforcement. Aside from establishing new administrative divisions, introducing corresponding local administrative institutions, restricting nomadic migration, creating opportunities for Kazakh elites to serve in Russian institutions, and promoting agriculture, these regulations “imposed Russian understandings of crime and punishment on the judicial principles of the Middle Horde Kazakhs.”¹⁷ Namely, all Kazakh disputes were divided into criminal, civil, and administrative cases, which was alien to Kazakhs, as such divisions never existed in traditional legal culture.¹⁸ Moreover, *biys* were restricted in solving cases regarding major violations such as murder, which now fell under the jurisdiction of the Russian administration. But most notably, the act of *barimta*, a *biy*-authorized temporal theft of livestock with the goal of restoring justice, was criminalized, even though it was “a legitimate judicial custom embedded in the Kazakh cultural understanding of wrongdoing, honour, and revenge.”¹⁹ This indicated that Russian lawmakers did not thoroughly explore or exhibited deliberate indifference to the meaning and role of some of the nomadic legal customs and instead imposed their conceptions of justice to a completely different

¹⁵ Martin, *Law and Custom in the Steppe*, 34.

¹⁶ Martin, *Law and Custom in the Steppe*, 36.

¹⁷ Martin, *Law and Custom in the Steppe*, 35-6.

¹⁸ *Устав о сибирских киргизах* [Statute on Siberian Kirgiz], in *Uchrezhdenie dlia upravleniia Sibirskikh gubernii*, (S.-Peterburg: Senatskaia tipografiia, 1822), 21-3.

¹⁹ Virginia Martin, “Barimta: Nomadic Custom, Imperial Crime,” in *Russia’s Orient: Imperial Borderlands and Peoples, 1700-1917*, eds. Daniel R. Brower and Edward J. Lazzerini (Bloomington, IN: Indiana University Press, 1997), 250.

legal system. Such a superficial approach to the local customs was the main feature of Russian reforms in the steppe throughout the century and not only launched the process of decline of the institution of *biys* but caused inconveniences and troubles to the colonial rule.

During the course of the next four decades Russian administration made several efforts to codify *adat* as a gesture of benevolent rule inspired by Speransky's ideas of toleration of indigenous legal traditions. Nevertheless, none of the versions of codified *adat* gained legal status due to problems concerning both the process by which the Kazakhs were surveyed for information and the way that it was displayed as a code.²⁰ Moreover, the political situation in the Russian Empire has changed ever since. Uprisings in the Caucasus and in the Kazakh steppe made imperial rulers rethink their approach in empire-building. Instead of trying to legitimize *adat*, Moscow decided to recast *adat* to fit Russian legal sensibilities and to take control of its practices. One of the transformative parts of this strategy was bureaucratization, which "gained its fullest expression in the 1868 Provisional Statute."²¹ The most important change promulgated by the 1868 Provisional Statute on the Administration of Uralskaya, Turgaiskaya, Akmolinskaya, and Semipalatinskaya oblasts was articulated in Article 135, which regulated the election of *biys* and made them Russian officials.²² Under the new legal system, a figure of a newly elected *biy* had to be confirmed by the governor.²³ *Biys* were also restricted in the type of cases and the value of the cases they could hear: according to Article 146 of the Statute, they could hear cases "with a value not exceeding 300 rubles (15 horses, 150 sheep) but their resolutions [were] final only in cases not exceeding 30 rubles."²⁴ Additionally, *biys* were partially deprived of their power to resolve land issues; these were artificially divided into judicial and economic ones. Disputes concerning overgrazing, seizure of land, or instances of breaching property rights, or judicial disputes, were placed under the jurisdiction of *biys*. Issues pertaining to the allocation of land and the resolution of disputes over distributed lands, or economic issues, were placed on delegates called *vybornye*, chosen from every ten tents in each *aul* and from every fifty tents in each *volost*, a Russian imperial administrative unit within *uezd*.

²⁰ Martin, *Law and Custom in the Steppe*, 45.

²¹ Martin, *Law and Custom in the Steppe*, 48.

²² *Временное положение об управлении в областях Уральской, Тургайской, Акмолинской и Семипалатинской* [Provisional Statute on the Administration of the Uralsk, Turgai, Akmolinsk, and Semipalatinsk Oblasts] (S.-Peterburg: Tipografia Ministerstva vnutrennikh del, 1883), 19.

²³ *Временное*, 20.

²⁴ *Временное*, 20.

The new statute granted tremendous powers to *volost* administrators, who were elected Kazakh officials, chosen by *volost* delegates every three years. *Volost* administrators officially concentrated police and administrative power in their hands; they were responsible for the enforcement of laws and collection of taxes. The authority given to *volost* administrators made them extremely influential figures in the steppe with multiple leverages on judicial power of *biys*. Particularly, they were allowed to interfere significantly in the process of adjudication and appeals. For example, according to articles 149 and 155, appeals and further appeals had to be approved by *volost* administrator or *uezd* commander respectively.²⁵ Additionally, the traditional role of a *biy* as an enforcer of his own decisions, according to Article 148 of the Statute, was passed to *volost* administrators. These functions created conditions for *volost* administrators to interfere with the judicial processes and land allocation among Kazakhs.

Land Disputes Among Middle Zhuz Kazakhs

Firstly, it is important to establish that the ways that land disputes were resolved in the pre-reform era. In this regard, the materials on Kazakh *adat* published in 1871 by Lev Fedorovich Balliuzek, a Russian official who served as a Military Governor of Turgai oblast are elucidating.²⁶ According to Balliuzek, Kazakhs never possessed the land on which they grazed their herds, with exception of winter pastures, and all land was in the communal use of nomads. Hence, in the conditions of constant migration, land disputes were an inevitable part of their daily lives. To occupy a plot of land, clans had to leave their tribal signs called *tamgas* in three possible ways: by sticking a pike, by drawing a *tamga* on sand or clay, or by tying knots from tall bush grass. The principle of seniority played a crucial role in land disputes: khans, or Chinggisids, would always win over *kara-siueks*, or Black Bone, the common Kazakhs; *biys* would always win over common Kazakhs too, but would concede before respected elders; between two Black Bone nomads the preference would be given to a senior clan or a senior lineage within this clan; all other things being equal, the elder nomad would get to reserve the right for his clansmen to graze herds on a plot of land. In this context of subtle relations

²⁵ Временное, 21.

²⁶ L.F. Balliuzek, *Народные обычаи имевшие, а отчасти и ныне имеющие, в Малой киргизской орде силу закона* [Folk Customs that Had, and Partially Still Have, the Force of Law in the Small Kyrgyz Horde] (1871), in *Материалы по казахскому обычному праву: Сbornik*, ed. S.V. Iushkov (Alma-Ata: Izdatel'stvo akademii nauk Kazakhskoi SSR, 1948), 212-3.

inside and outside of clans, it was of no surprise that traditionally *biys*, with their knowledge of *adat*, were in charge of negotiating and resolving land disputes between nomads in pursuit of scarce resources, such as good pastures and water.²⁷

As it was mentioned earlier, the colonial reforms of the 19th century have abolished the traditional ways the land was allocated among Kazakhs. They had to find ways to secure their winter and summer pastures, which often led to abuse of power and corruption, particularly by delegates, who became the puppets of *volost* administrators. For instance, in 1873 a Kazakh from Pavlodar *uezd* of Semipalatinsk oblast in the petition to the then Governor of the oblast complained about his land, where he has grazed his cattle for more than thirty years, being illegally seized by his fellow *volost* nomads. According to the petitioner, these wealthy Kazakhs were in close relationship with the *volost* administrator, who allowed them to occupy the land. He also reported that he had twice filed a petition to the *uezd* commander but never got any response. In addition, he also filed a petition to the governor. The latter, in turn, passed this petition back to the *volost* administrator, who reported that he had conducted the delegates assembly, which decided that the land was to be passed to the intruders. Nevertheless, the petitioner stated that he or his kin folks have never been invited to this legal procedure, thus suggesting that it was upheld illegally or was not upheld at all. Moreover, to prove his right to the exclusive use of the land, he called for respected members of his community as witnesses, two of which were *biys*.²⁸ Supposedly, he intentionally specified them to make his claim sound more legitimate. This implies that notwithstanding the legal restrictions and suppression from administrators that *biys* suffered from, they still enjoyed some level of respect and authority in the nomadic community.

Another case from a different *volost* of the same *uezd* also showcases how influential Kazakhs manipulated the system for their own benefit. In 1896, a Kazakh filed a petition to the governor against the division of the *volost* into two parts. The petitioner claimed that this process was initiated by the former *volost* administrator who wanted to regain the office. To do so, the former official, using his influence and power over the delegates, requested the latter to petition the *uezd* commander to separate the *volost* into two parts. Taking into consideration the fact that the 1868 Provisional Statute

²⁷ Balliuzek, *Народные*, 212-3.

²⁸ Tsentral'nyi Gosudarstvennyi Arkhiv Respubliki Kazakhstan [Central State Archive of the Republic of Kazakhstan], f.15, op.1, d.1859, ll.311-314.

provided for the delegates to be in charge of choosing a *volost* administrator,²⁹ it could be implied that the former administrator enjoyed the support of only some part of the delegates that inhabited a certain territory of the *volost*. Hence, what he engaged in was gerrymandering to win as many votes of the delegates as possible. Per the petitioner, if this division would take place, then this would lead to constant conflicts between neighbouring *auls* for rights to graze livestock and the financial burden of having to support twice as many officials that would fall on the common nomads.³⁰

The elevation of power and status of *volost* administrators, as was described in these two cases, inevitably reduced the authority of official *biys* in resolving land disputes. This is clearly seen in the 1891 report of a Russian official to the Akmolinsk governor regarding the land dispute that arose between Munchaktinsk *volost* administrator and Kazakh commoners. According to the report, *volost* administrator's father has secured his right to the land in claim by the 1883 resolution of six *biys* of Munchaktinsk *volost*. Nevertheless, having been presented with the resolution, the neighbouring Kazakhs, that used to own the land before 1883, due to economic hardships, have committed an unauthorized seizure of land in 1890. Consequently, the *volost* administrator informed the *uezd* commander about this case, who in turn initiated the assembly of delegates to resolve the dispute. The assembly then ratified the right of usage of the land by the *volost* administrator's father.³¹ Hence, the initial resolution of the *biys* had no legal power de facto as Kazakh commoners have broken it. Moreover, the *biys'* ruling was not enough for *uezd* commander as he had assigned the delegates with the task of revisioning the case. This indicates that official *biys* have lost their authority not only in the eyes of common Kazakhs but additionally lost their weight as a reliable institution in service of Russian colonial interests.

The following case signals this tendency as well. Due to an arbitrary division of Seiten and Bish-Karagai *volosts* of Semipalatinsk *uezd* of Semipalatinsk oblast multiple land disputes arose between Kazakhs inhabiting these territories. As a temporary measure, some of the tracts, including Kos-Mola tract, have been allocated to the Kazakhs of Seiten *volost* by the then *uezd* commander in 1871. Later in 1874, during the demarcation between Semipalatinsk oblast and Tomsk governorate,

²⁹ T.T. Dalaeva, "Выборные (выборщики) в казахских волостях (вторая половина XIX в. - нач. XX в.): функции и специфика деятельности [Delegates (electors) in the Kazakh Volosts (second half of the 19th - beginning of the 20th centuries): Functions and Role Specifics]," *EDU.E-HISTORY.KZ* 2017, no. 4 (12): 46.

³⁰ TsGARK, f.15, op.1, d.2078, ll.19-23.

³¹ TsGARK, f.369, op.1, d.7640, l.5.

Kos-Mola tract was given away to the Altai Mountain Agency, a transit territory with its own administration, and all Kazakhs of this tract, except *biy* Januzak Mamaev with tribesmen, were forcibly removed from this territory. *Biy* Mamaev claimed that this territory was assigned to him by the resolution of delegates dated 1871. Despite the fact that the *biy* was repeatedly called to move out by the *uezd* administration and being independent from the power of the above-mentioned volosts, he stayed there until 1882. Moreover, Mamaev undertook multiple raids on Bish-Karagai Kazakhs.³² Thus, regardless of his status as a Russian official, the *biy* caused troubles to colonial administration as well as his fellow Kazakhs in the struggle for scarce land resources. The title of the *biy* did not stop Mamaev from putting his own interests above the interests of the community as a whole.

It is noteworthy to mention that the practical drawbacks of the 1868 Provisional Statute were observed soon after its promulgation. Under the new system, the territories of *volosts*, and *uezds* were not clearly defined but the maximum quantity of tents was determined.³³ Moreover, the rules for allocation of winter pastures were formed; they ruled that the distribution of lands should be delivered in proportion to the “amount of tents and number of cattle”³⁴ but they never took into account the quality of pasture lands and sufficient access to water. According to the official report regarding the land-device in Akmolinsk oblast made on 19th February 1884, these changes resulted in “the clash of interests of both individuals and entire groups of the population, the resolution of which is very difficult.”³⁵ Especially significant difficulties in delineating and resolving disputes over land issues are found in *uezds* with flat, steppe terrain, where tracts and lands do not have noticeable natural boundaries; such *uezds* include Pavlodarskiy and Karkaralinskiy, where cases of delineation with the Akmolinsk oblast have been dragging on for many years.³⁶ Besides that, Russians also acknowledged that the Provisional Statute granted excessive power to the figures of *volost* administrator and *uezd* commander. Indeed, in 1884 then governor of the Akmolinsk oblast in his annual report pointed out that despite being given a broad range of powers to allocate and divide the land properly, *uezd* commanders failed to do so because of lack of time and competence.³⁷

³² TsGARK, f.15, op.1, d.2052, ll.2-8.

³³ *Временное*, 11.

³⁴ *Временное*, 28.

³⁵ TsGARK, f.369, op.1, d.7270, l.3.

³⁶ TsGARK, f.369, op.1, d.7270, l.3.

³⁷ RGIA, f. Biblioteka, g.1884, op.1, d.1, l.3.

Hence, we have observed how the traditional ways of land dispute resolution were replaced by the legal norms promulgated by the 1868 reforms that have completely diminished the role of the *biys* as arbitrators. This paramount function of land allocation and negotiation in practice belonged to Kazakh bureaucrats, namely *volost* administrators, who in the context of scarce land and water resources, caused by Slavic resettlement and consequential land expropriation from nomads, abused their power and were interested exclusively in promoting their own interests and of their clansmen in solving land disputes and land allocation. The less prominent officials such as delegates and *biys*, who de jure, were in charge of land issues, became the puppets of *volost* administrators. No wonder that Abai in his word twenty-two noted: “One could also honour the *biys* and parish *volost* administrators, but they did not receive power from God. They bought it or begged for it. How can you make yourself bow your head to such people after that?”³⁸

To sum up, one can argue that the main reason for the decline of the *biys* as a long-lasting Kazakh institution was the Russian administrative and legal reforms. Once a unique and distinctive institution with broad administrative and judicial powers, it underwent significant changes and turned into a shadow of itself in the nineteenth century. The loss of independence and authority, reliance on the *volost* administration, and the loss of traditional legitimacy have led to *biys* ceasing to be an effective dispute resolution tool. There were multiple attempts and initiatives from the part of the Kazakh intellectuals, such as Akhmet Baitursynov, Alikhan Bukeikhanov, Barlybek Sytrnanov and others, to reform the institution but their hopes for transformation were destroyed when the Bolsheviks came to power in October 1917. Thus, the ancient institution of *biys*, which for centuries served as a support for the authorities and the people of Kazakhstan, forever ceased to exist.

³⁸ A. Kunanbaev, *Word Twenty-Two*, in *Институт волостных в системе управления казахской степью (XIX - начало XX вв.)* [*The Institution of Volost administrators in the System of Ruling the Kazakh Steppe (19th - beginning of the 20th centuries.)*], comp. G. Sultangalieva et al. (Almaty: Qazaq universiteti, 2018), 261.

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