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Artículos





HISTORY OF SOCIAL FUNCTION FORMATION IN THE ANCIENT RUS STATE

HISTORIA DE LA FORMACIÓN DE FUNCIONES SOCIALES EN EL ANTIGUO ESTADO DE RUS

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Abstract

The present article deals with the formation of the social function of the state in the context of ancient Rus state. The essence of the social function was determined by the level of economic development, and the nature of the state that had developed during the period from 9th to the first third of the 13th century. The authors provided a historical and legal review of the social legislation development of the ancient Rus state starting from the period of the first Russian princes' rule. It is established that the main principle of the social policy of the ancient Rus state was the practice of "Christian merciful attitude". It is proved that the peculiarity of the implementation of the social function of the ancient Rus state was the delegation of certain powers for social support of the population by the state to the Orthodox Church. The article analyzes the activities of Church institutions in promoting charity.

Keywords: social function of the state; social policy; Orthodox Church; state and Church; charity; tithing.

Resumen

El presente artículo trata de la formación de la función social del estado en el contexto del antiguo estado ruso. La esencia de la función social estaba determinada por el nivel de desarrollo económico y la naturaleza del estado que se había desarrollado durante el período comprendido entre el siglo IX y el primer tercio del siglo XIII. Los autores proporcionaron una revisión histórica y legal del desarrollo de la legislación social del antiguo estado de Rusia a partir del período del gobierno de los primeros príncipes rusos. Se establece que el principio fundamental de la política social del antiguo estado ruso era la práctica de la "actitud misericordiosa cristiana". Está demostrado que la peculiaridad de la implementación de la función social del antiguo estado de la Rus fue la delegación de ciertos poderes para el apoyo social de la población por parte del estado a la Iglesia Ortodoxa. El artículo analiza las actividades de las instituciones de la Iglesia en la promoción de la caridad.

Palabras Clave: función social del estado; política social; Iglesia Ortodoxa; estado e Iglesia; caridad; diezmo.

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1. INTRODUCTION

The origin and development of the social function of the contemporary state have a complicated and long history. The authors of the present article proceed from a general social approach to understanding the essence of the state, and therefore consider the social function as one of the basic areas of any state activity, which arises together with it and is inherent in it immanently, regardless of its historical stage. The social function of the state is defined as one of the main areas of its activity, executed in the social sector of public relations to provide citizens with a decent standard of living, resolve social contradictions, and implement the agreed interests of citizens based on social standards recognized in the society and legally established¹. However, the content of the social function of any state is subject to change and depends on the level of economic, social, and cultural development.

The origins of the social function of the state as an individual area of its activity are controversial among contemporary researchers. Some scientists believe that the social function of the state acquired a clear expression only in the 20th century since in the earlier period the social function was present in an implicit form, and was not separated from other functions of the state². However, certain areas of social activity of the state, which were later included in the content of the social function, can be found already at the early stages of the statehood formation in Rus.

Social support of the population in the ancient Rus state was periodic and carried out on a religious and moral basis in the form of various donations to victims (suffered from crop failures, military operations, fires, etc.). Assistance to those in need was not part of the scope of state duties since the state itself was not fully a subject of social policy during this period.

¹ Korobov, S.E., "Social function of the state" (Ph.D. thesis in juridical science, Academy of Management of the Ministry of Internal Affairs of the Russian Federation, 2001), 20.

² Oleynikova, S.S., "Theoretical and organizational-legal foundations of the social function formation of the Russian state in the 17th - early 20th centuries: Historical and legal aspect" (Ph.D. thesis in juridical science, Volgograd State University, 2012), 30; Kozlova, N.V. 2012. Public contempt and its state regulation in pre-Peter Russia, In: Paleobureaucratica: Collection of articles dedicated to the 90th anniversary of N. F. Demidova, edited by Yu.M. Eskin (Moscow: Museum of Antiquities, 2012), 153-170.



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The source of the social support was the personal charity of individuals (princes, nobility, the Church), while the role of the state was to promote the charity which was manifested at this stage in almsgiving. In the days of great holidays, in cities, poor usually received one-time cash assistance, while in rural areas – in-kind donations of food and clothing.

At this stage, social legislation has not yet been formed, while the state has just begun to realize the need to implement the social function. The establishment and development of Orthodox Christianity played a key role in the origin of social activity in Russia.

The main role was now assigned to the Church and its institutions (monasteries, cathedrals, and parishes), which, according to K.E. Razmakhov, became part of the state mechanism, taking on several important functions, including social ones³.

The objective of the present article is a historical and legal study of the theoretical and organizational foundations of the social function of the ancient Rus state.

2. Methods

The methodological basis of the current research is represented by a dialectical method that allowed tracing the internal relationships between the processes and phenomena under study. This method was supplemented and specified by general logical methods (analysis, synthesis, abstraction, generalization, etc.). Comparative-historical, historical-genetic, and system analysis methods also played a great methodological role. Historical and legal sources were the chronicles, as well as the collection of "Russian Truth" legal norms.

³ Razmakhov, K.E., "Incorporation of Church organizations in the state of Ancient Rus", Bulletin of Economic Security 1 (2016): 207-214.

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3. **Results**

In the pre-state period of existence of the Eastern Slavs, social functions were performed by the tribal community, which provided seasonal and off-season assistance, called toloka (help rendered by the entire village), as well as assistance to widows and orphans⁴.

With the advent of the state, a community of the Eastern Slavs (commune or mir⁵) continued to remain a rather autonomous entity and implement not only the social features (social guardianship and protection of the members), but the solution of land issues, judicial disputes, police surveillances, investigations of offenses, the payments of taxes, and allocations of duties, since in the ancient Rus state there was no single state social policy, and consequently, the social function was severely underdeveloped.

Due to the underdevelopment of political institutions and legal mechanisms, at this stage, the state had not yet developed social legislation (at the legislative level, the state was not assuming responsibility for the social welfare of its population) however it had begun to realize the need to implement the social function.

This was reflected in the oldest source of law – Russian Truth, which described in detail all the cases where the community (commune) helped or did not help its member. The extended edition of Russian Truth defines that in the case of the murder, the community was obliged to take measures for the search of the murderer, and if it turned out that the murderer was a member of the community than the community had to help him, because he was paying his share for others computed based on rank, or he should have paid huge wergild⁶ of 40 hryvnias.

⁴ Konygina, M.N., and Poltavskaya, A.A., "Functions of social-helping activity in the archaic period of its development", Bulletin of the South Federal University. Technical Sciences 1 (2006): 194-197

⁵ Russian village community.

⁶ The amount of money fixed as compensation for the murder or disablement of a person, computed on the basis of rank.





At that, the compensation to the victims had to be paid by the murderer, paying to wergild only own share computed based on rank (Art. 5)⁷.

Another emerging area of social policy was the care of prisoners of war. Thus, in the Treaty of Oleg with the Greeks of 911, the order of the ransom of prisoners was defined. Thus the state ensured the protection of its soldiers.

The establishment and development of Orthodox Christianity played a key role in the emergence of social activity in Russia. The basis of the state's social policy was the idea of social justice, which was based on the postulate: "Love your neighbor as yourself". This led to the spread of the gospel teaching about Christian charity and compassion as a means to achieve eternal bliss, which was manifested in the form of charity. In Russia, two forms of charity were characteristic: charity of private individuals (mainly princely) and charity of Church and monasteries. The princes of Kyiv willingly supported these endeavors.

The tradition of showing Christian charity to people in need of help is usually associated with the name of Prince Vladimir Svyatoslavovich (978-1015). According to the "Tale of Bygone years", Prince Vladimir, acting on the Gospel, "ordered every beggar and poor to come to the Prince's court and take everything they needed, drink and food, and money from the treasury", while for those who could not reach the Prince's court, food was delivered around the city and distributed to the needy. At the consecration of churches, Prince Vladimir donated a significant amount of money to the poor – up to 300 or more hryvnias⁸, and at the consecration of the church Tithe, Vladimir provided money equal to "a tenth part of his estate and from his towns", i.e. of his private economy (of his estate) and from the state Treasury (from his towns, since taxes were collected from the population in the central towns and passed over to Kyiv)⁹.

⁷ Likhachev, D.S., Dmitriev, L.A., Alekseev, A.A., and Ponyrko, N.V., eds. Russian Truth. Extensive edition, Vol. 4, Library of Literature of Ancient Rus (St. Petersburg: Nauka, 1997b), 687.

⁸ Golubinsky, E.E. History of the Russian Church. Kievan or pre-Mongol. Krutitskoe the Patriarchal farmstead. Society of Church history lovers (Moscow: Universitetskaya tipografiya, 1901).

⁹ Golubinsky, E.E., History of the Russian Church.



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Many wealthy citizens and aristocrats made significant offerings and gave alms to the needy. Thus, Vladimir's son – Yaroslav the Wise (1016-1054), who promoted the spread of science and culture, had built a school at his own expense, where more than 300 orphaned youths were raised and taught. Polotsk Prince Gleb Vseslavich (died in 1113) donated about 1,100 hryvnias to the Pechersk Monastery, while his wife -600 hryvnias¹⁰. In the Ipatiev Chronicle under the year 1130, it is reported that the Georgiy Shimanovich, a close associate of Prince Yuri Dolgorukov, gave the money of 1,000 hryvnias to the Pechersk Monastery to decorate the tomb of Theodosius of the Pechersk¹¹ (Shakhnatov 1908). Roman Rostislavich¹², Prince of Smolensk and Grand Duke of Kyiv, before he died in 1180, distributed all his property to the needy, without even leaving funds for his own burial, and the Smolyans themselves organized his funeral as a sign of respect, collecting in one day the amount of money exceeding the annual income of the Prince. The Ancient Patericon describes the case where the Kyivan named John, terminally ill, in the presence of Nikon, the hegumen of the Pechersk Monastery, gave all his wealth to the poor, leaving to his five-year son Zechariah 1,000 hryvnias of silver and 100 hryvnias of gold as an inheritance (later, the son gave this money at the disposal of the Abbot John, on which the Church of John the Baptist was built, while Zechariah became a monk of the Kyiv Pechersk Monastery)¹³. At that time alms were considered an indicator of a person's morality. People believed that alms and contributions to churches and monasteries can make amends and atone for sins, and save the soul¹⁴. The supply of alms played the role of soul-saving power¹⁵.

¹⁰ Yakushev, V.A., "Factors affecting charity, and functions performed by the Russian Church in the ancient Rus state, and Rus during the period of feudal disunity", The Success of Contemporary Science 6(1) (2017): 91-7.

¹¹ Shakhnatov A.A., ed. The Ipatiev Chronicle, vol. 2, Complete Collection of Russian Chronicles (St. Petersburg: Publication of the Archeographic Commission, 1908).

¹² KHRONOS Library, Roman Rostislavich, http://www.hrono.info/biograf/bio_r/roman10rost.php (as of September 22, 2020).

¹³ Likhachev, D.S., Dmitriev, L.A., Alekseev, A.A., and Ponyrko, N.V., eds. Kyiv-Pechersk Paterik. Library of Literature of Ancient Rus, vol. 4, 12th century (St. Petersburg: Nauka, 1997a), 687.

¹⁴ Lykoshin, P.I., ed. 1901. Charity of Russia: The history of the state, public, and private charity in Russia. Vol. 1, State Charity (St. Petersburg: Publication of the Serene Princess O.F. Imeretinskaya and P.I. Lykoshin, 1901), 330.

¹⁵ Pokotilova, T.E., "Modernization experiments in the history of Russian development, and domestic charity", Caspian Region: Politics, Economy, Culture 2(47) (2016): 9-14.



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Over time, the Orthodox Church took over the social function of the state. For its charity, the Church received means from the Prince, i.e. from the state budget, which was enshrined in the Charter of Prince Vladimir Svyatoslavovich "On tithes, courts, and Church people". The Charter was the first act that established the need to provide social assistance to certain categories of people and determined the financial basis for this activity. According to scientists¹⁶, this document was based on the Charter of Prince Vladimir Svyatoslavovich of the beginning of the 11th century, granting several privileges to the Church. Article 3 of the Charter defined the financial basis of the Church's activities and established the obligation to pay a certain part of all feudal income to the Church in a special form of payment named tithing¹⁷. The custom of transferring the tenth part was enshrined in the Old Testament sermon: "that no less than a tenth of the gains should be sacrificed to God", and came to Rus from Western Europe. But unlike the tradition of Western Christianity, where there was a private tithe, and each person independently, regardless of their wealth, had to give part of their income to the Church, in Rus, tithing was centralized and paid by the princely power on behalf of the entire population¹⁸. According to E.E. Golubinsky, in the Ancient Rus state, only the highest clergy was getting maintenance money in the form of tithes, while the receipt of money was provided by patrimonial owners who owned estates and received a tax from them¹⁹. As evidence, the researcher cites the following: first, "the Smolensk Prince Rostislav Mstislavich in his Charter of the Smolensk Episcopate prescribes that private people, as well as the government, should pay tithes to the Bishop. But if tithes were assigned to the maintenance of not only bishops, but also the lower clergy, then private people would have to pay it not to the bishops, but to their parish churches"²⁰; secondly, "the chronicle of 1037 states that Yaroslav after Vladimir gave the tithe rom their estates to the Church and ordered to teach people".

¹⁶ Yushkov, S.V., ed. Monuments of Russian law (Moscow: Gosyurizdat, 1952), 288.

¹⁷ Chistyakov, O.I., ed. Charter of Prince Vladimir Svyatoslavovich. Russian legislation the 10th-11th centuries, Vol. 1, The Legislation of Ancient Rus state (Moscow: Legal Literature, 1984), 432.

¹⁸ Shchapov, Ya.N., The state and the Church in Ancient Rus, 10th-13th centuries. Moscow: Nauka, 1989), 228.

¹⁹ Golubinsky, E.E., History of the Russian Church.

²⁰ Golubinsky, E.E., History of the Russian Church.



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But if the urban and rural priests received the tithe for their maintenance assigned by Vladimir, then Yaroslav would have no longer need to give them a certain part from his estate"²¹. The Charter "On tithes, courts and Church people" established the practice of caring not only over certain categories of people – Church people, which included not only persons of spiritual rank and laypeople who served in the Church ("abbots, priests, deacons, their children, priests wives, and those in the choir, hegumenesses", etc.), but also groups of the secular population, in whose patronage the Church was interested, namely, healers, lame, blind, etc.²².

Several researchers believe that the tithe established by the Charter of Prince Vladimir was established precisely to fulfill the Church's social obligations: the maintenance of monasteries, hospitals, almshouses, etc.²³. This attitude is also held by M.I. Nadeeva: "By the Charter of 996, Prince Vladimir officially imposed a duty on the clergy to engage in public charity, defining tithes for the maintenance of monasteries, churches, almshouses, and hospitals. Church property was declared the possession of the poor, while the clergy were treated only as the administrators of this property in the interests of the needy"²⁴. Although this conclusion does not follow from a direct analysis of the text of the Charter, it is confirmed by another important source of ancient Rus state – "The rule on Church people and tithes" (of the 13th century).

"The rule on Church people and tithes" (depending on the source is also known as the "Rule about tithing, courts, and church people", "Rule of the Church people," and "Legal Rule") is the source of a compilation character, literary work, rather than a normative legal act of the Prince. Some of its parts are based on the same archetype as the wording of the Charter of Prince Vladimir, which explains their substantial similarity.

²¹ Golubinsky, E.E., History of the Russian Church.

²² Chistyakov, O.I., ed. Charter of Prince Vladimir Svyatoslavovich.

²³ Nechiporova, E.V., Mercy and charity in the activities of the Russian Orthodox Church. Scientific Bulletin of the Belgorod State University. Series: Philosophy. Sociology. Law 2(57) (2009): 187-192.

²⁴ Nadeeva, M.I., "Historical experience of social activity in Russia", Bulletin of Kazan Technological University 8(17) (2014): 394-398.



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Shchapov Ya.N., in his article devoted to the archaeographic analysis of this monument, concludes that "The rule on Church people and tithes" "arose in the last quarter of the 13th-early 14th centuries, obviously, in Rostov at the local Episcopal chair, and was a treatise in defense of the large material resources that the episcopate owned"²⁵.

Besides listing Church people (close to the Charter of Prince Vladimir), establishing the jurisdiction of the ecclesiastical court, listing the ecclesiastical courts and articles on measures, the Rule contains a direct reference to those God-pleasing deeds that the Church is obliged to perform at the expense of tithes received from the Grand Duke, as well as lands, cities, and precious utensils received from the Grand Duchesses. According to the Rule, Church wealth was intended for orphans, old, sickish, suffered from disease, poor, widows, marriageable girls, victims suffered from fire and flood, for the release and atonement of prisoners, for buying coffins and paying funerals for dying, as well as for supporting churches and monasteries in need, for refuges, and to preserve the memory of the dead, etc²⁶. The maintenance of all these Church-related people was carried out based on a special article called "expenditure on beggars".

Based on the analysis of the extensive list of social obligations of the Church, fulfilled by it on the terms of receiving tithes, one can distinguish several categories of people who were provided with social assistance in the ancient Rus state. First, these were people who have been left without care and means for various reasons, such as orphans, widows, beggars, vagabonds, victims of fires and floods, starving, as well as those who have fallen into other difficult situations. Secondly, assistance was to be provided to people with health problems, namely the old, the infirm, the sick, the poor, and the needy. Finally, assistance was provided also to captives who were particularly mentioned in the Rule.

²⁵ Shchapov, Ya.N., The rule about Church people. Archeographic Yearbook (Moscow: Nauka, 1966), 72-81.

²⁶ Publication of the Archeographic Commission, Novgorod Chronicle on the Synodal Charter List (St. Petersburg: Printing House of the Imperial Academy of Sciences, 1888), XCVIII.



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Charitable and medical institutions, such as hospitals, almshouses, and hospices were placed under the care of the Church. Initially, it was in the churches that needy persons (homeless, widows, orphans, wanderers, beggars, and the sick) received social assistance in the form of donations, food, and housing.

Over time, hospitals and almshouses started appearing in monasteries. According to T. S. Sorokina, the first hospitals were established in Kyiv and Pereyaslavl at the end of the 11th century, and then in Novgorod, Lviv, and Smolensk²⁷. It is believed that the first hospital for the poor was opened in 1091 by Bishop Efrem, who later became the Metropolitan of Kyiv²⁸.

According to the monastic Chronicles of the Kyiv-Pechersk Lavra²⁹, the sick and wounded flocked from all over Russia seeking for help to this monastic hospital, where there were special premises for patients. The "Hagiography of Theodosius of the Pechersk" contains information about the God-pleasing institution (courtyard) with a Church in honor of St. Stephen for the poor, blind, lame, and sick, which was created by Theodosius, Abbot of the Kyiv-Pechersk Monastery. A tenth of the monastery's entire property was used to maintain this institution. Besides, every Saturday Theodosius allocated a cartload of bread to the prisoners³⁰.

The son of the Chernihiv Prince David Svyatoslavovich – Svyatoslav Davydovich (appr. 1080-1143) took vows under the name of Nicholas in the Kyiv-Pechersk Monastery and at his own expense built the Church of the Holy Trinity and the hospital Church in honor of St. Nicholas. Due to Svyatoslav, his doctor, Peter Syrianin (native of Syria), worked at this hospital providing free care to patients. His achievements significantly influenced ancient Rus medicine.

²⁷ Sorokina, T.S., History of medicine (Moscow: Academy, 2008).

²⁸ Tarasova, I.A., "Promotion of private charity as a form of expression of the social function of the ancient Rus state", International Research Journal 3(1) (2015): 79-82.

²⁹ Likhachev, D.S., Dmitriev, L.A., Alekseev, A.A. and Ponyrko, N.V., eds. Kyiv-Pechersk Paterik.

³⁰ Likhachev, D.S., Dmitriev, L.A., Alekseev, A.A. and Ponyrko, N.V., eds. Hagiography of Theodosius. Library of Literature of Ancient Rus, Vol. 1, 11th-12th centuries (St. Petersburg, Nauka, 1997c), 543.



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Over time, monastic hospitals became a place not only for treatment but also for consolation during epidemics of the 11th-12th centuries. According to the estimates of K.V. Kuzmin and B.A. Sutyrin, from mid-November 1092 to February 1093, about 7,500 citizens died in Kyiv, which was 15% of the city's population (approximately, no more than 50 thousand people lived in Kyiv that time)³¹. However, there was a certain practice where recovered patients were obliged to pay for the days spent in the hospital working as a cabby, on arable land³², or giving alms.

All this indicates the fact that a fairly wide range of people received social support in the ancient Rus. The fact that the bulk of social assistance during this period came from Church institutions and through charity, both public and private, does not detract from the role of the state in implementing its social function at this historical stage.

Thus, the Church in Russia performed not only its direct duties being engaged in soul-saving but also those functions which were entrusted by the ancient Rus state, i.e. custody and care, Church court, health care, and moral education.

4. Discussion

The authors analyze one of the most important forms of expression of the social function of the ancient Rus state, namely, charity, which in the period under review existed in the form of donations from private individuals (mainly princes), as well as from Church and monasteries. Many social initiatives were a continuation of the personal charity of the Great Kievan Prince and his family members, wealthy citizens, as well as the Church. The social function was presented primarily as mercy, rather a concern for the state lieges. However, the monarchs, realizing the importance of social protection of the population, transferred the social functions of the Church and its institutions.

³¹ Kuzmin, K.V. and Sutyrin, B.A., History of social work abroad and in Russia (from antiquity to the beginning of the 20th century). Textbook (Moscow: Academic Project, Trixta, 2006).

³² Yakushev, V.A., Factors affecting charity, and functions performed by the Russian Church in the ancient Rus state, and Rus during the period of feudal disunity.



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According to this, the Church received means from the state budget for charity, which was recorded in the Charter of Prince Vladimir Svyatoslavovich "On tithes, courts and Church people". The theoretical significance of the research consists in the extension of scientific knowledge on the problems of the social function of the state, the essence of the social state, and the formation and development of the social function in the context of the ancient Rus. The presented research allows evaluating the organizational and legal basis of social activity in Kievan Rus. The practical significance of the conducted study lies in the possibility of using the materials and conclusions when working on the problems of state functions and social policy. The research outcomes can also be implemented in the practical educational work of universities in the form of lecture courses, manuals, and special courses.

5. CONCLUSION

Based on the analysis of the existing system of financing the activities of the Church, which was based on the tithe being received from the Prince, and the granted lands (the princely power acted on behalf of the entire population and assumed responsibility for the maintenance of the Church), it can be concluded that the Church served a kind of agent of the state in the implementation of its social function. It was the princely charity that lay at the heart of the state's social function. At that, the princely support system was not related to state duties, but was voluntary and came more from religious and moral motives. The state regulated social activities through religious acts. However, only minor elements of the social function have received regulatory support. These functions include social support for the neediest members of society, such as people left without care and means for various reasons (orphans, widows, beggars, vagabonds, victims of fires and floods, and starving), people having health problems (the old, infirm, sick, poor), as well as imprisoned. Thus, the essential features of the social function of the ancient Rus state were charity and protection of the antique states, where protection was provided





by laws and patronage of wealthy citizens, as well as Ancient China, where the social function was performed by the peasant community. Another feature is the regulation of social activities mainly through religious acts (Church charters).

The elements of the social function of the ancient Rus state at that stage were: (1) justifying ideologically the need to implement the social function of the state through the institution of Christian charity; (2) consolidating on a normative basis the list of persons and charitable institutions that fell under the jurisdiction of the Church; as well as (3) establishing a financial basis to implement social obligations of the Church[.]

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