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KAZAKH BIYS AND RUSSIAN IMPERIALISM: EXPLORING THE INTERSECTION OF MERITOCRACY AND COLONIAL CONTROL

Abstract

This article examines the transformation of the social role and status of biys in Kazakh society under the influence of Russian colonial policies in the 19th century. Traditionally, biys were highly respected figures within the kara suyek (black bone) social stratum, valued for their deep understanding of customary law (adat), wisdom, and the respect they commanded within their communities. Unlike the hereditary power structures of the Chingissids, biys derived their authority from personal merit and communal trust, embodying a form of leadership distinct from the lineage-based rule of the Kazakh aristocracy. Russian colonial policies, including the 1822 Statute on the Siberian Kirghiz and reforms of 1867-1868, aimed to integrate biys into a hierarchical colonial system, thus curtailing their authority and diminishing their traditional social rank. This study examines how these colonial interventions altered the status of biys, repositioning them from autonomous leaders to regulated officials within the Russian legal framework. Despite these changes, biys retained cultural influence, continuing to serve as informal leaders and custodians of Kazakh identity, thus embodying resilience in the face of colonial control. This research contributes to a nuanced understanding of how indigenous leadership roles were redefined under imperial rule while preserving significant elements of their traditional cultural standing.

Keywords: Kazakh society, biys, social role, rank, customary law, Russian colonialism, meritocratic leadership.

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ҚАЗАҚ БИЛЕРІ МЕН РЕСЕЙ ИМПЕРИАЛИЗМІ: МЕРИТОКРАТИЯ МЕН ОТАРЛЫҚ БАҚЫЛАУДЫҢ ТОҒЫСУЫНЫҢ ЗЕРТТЕЛУІ

Аңдатпа

Бұл мақалада XIX ғасырдағы Ресейдің отаршылдық саясатының ықпалымен қазақ қоғамындағы билердің әлеуметтік рөлі мен мәртебесінің өзгеруі қарастырылады. Дәстүр бойынша билер қазақ қоғамындағы қара сүйек әлеуметтік иерархиясында жоғары орынға ие болды, олар әдет-ғұрыпты терең білуімен, даналығымен және өз қауымында ерекше құрметімен бағаланды. Шыңғыс тұқымы негізінде билікке келу жолынан айырмашылығы, әдетте билердің өз қауымында билікке жетуі жеке беделі мен қоғамдық жалпы сенімге негізделген болатын. Бірақ Ресейдің отаршылдық саясаты, оның ішінде 1822 жылғы Сібір қазақтарының Жарғысы мен 1867-1868 жылдардағы реформалар билерді отаршылдық басқарудың иерархиялық жүйесіне енгізуге, сол арқылы олардың дәстүрлі билігі мен әлеуметтік жағдайын шектеуге тырысты. Бұл зерттеу отаршылдық шаралардың билердің мәртебесін қалай өзгерткенін, оларды автономиялық басшылардан бақылаудағы шенеуніктерге айналдырғанын зерттейді. Осыған қарамастан билер отаршылдық бақылауға қарсылықты бейнелейтін өз қауымының көшбасшылары мен қазақ идентикасының сақтаушысы рөлін атқара отырып, мәдени ықпалын жүргізіп отырды.

Кілт сөздер: қазақ қоғамы, билер, әлеуметтік рөл, мәртебе, әдет-ғұрып, Ресей отаршылдығы, меритократия.

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КАЗАХСКИЕ БИИ И РОССИЙСКИЙ ИМПЕРИАЛИЗМ: ИЗУЧЕНИЕ ПЕРЕСЕЧЕНИЯ МЕРИТОКРАТИИ И КОЛОНИАЛЬНОГО КОНТРОЛЯ

Аннотация

Данная статья рассматривает трансформацию социальной роли и статуса биев в казахском обществе под влиянием российской колониальной политики в XIX веке. Традиционно бии занимали высокое положение в социальной иерархии кара суюк, ценимые за глубокие знания обычного права, мудрость и уважение, которым они пользовались среди своего социума. В отличие от наследственных структур власти чингизидов, авторитет биев основывался на личных заслугах и общественном доверии, что представляло собой уникальную модель лидерства, отличающуюся от правления, основанного на происхождении. Российская колониальная политика, включая Устав о сибирских киргизах 1822 года и реформы 1867-1868 годов, стремилась включить биев в иерархическую систему колониального управления, тем самым ограничив их традиционную власть и социальный статус. В данном исследовании рассматривается, как колониальные меры изменили статус биев, преобразовав их из автономных лидеров в контролируемых должностных лиц. Несмотря на это, бии сохранили культурное влияние, продолжая играть роль неофициальных лидеров и хранителей казахской идентичности, символизируя сопротивление колониальному контролю.

Ключевые слова: казахское общество, бии, социальная роль, статус, обычное право, российский колониализм, меритократия.

Introduction

The institution of biys in traditional Kazakh society stands as a unique and enduring symbol of indigenous governance, justice, and cultural integrity. In Kazakh society, biys were not simply legal authorities but were esteemed figures who embodied the values, customs, and collective identity of their communities. Unlike the hereditary nobility of the aq suyek (white bone), whose rank and social influence stemmed from lineage, biys were part of the kara suyek (black bone), a class distinguished by personal merit rather than inheritance. The role of biys offered a distinctive model of leadership rooted in wisdom, oratory skill, knowledge of customary law (adat), and community respect. This meritocratic model not only provided stability in Kazakh society but also promoted a relatively egalitarian form of governance, as the selection of biys was based on demonstrated abilities rather than noble birth. Serving as judges, mediators, and advisors, biys were crucial to the social, legal, and political fabric of the Kazakh steppe.

The influence and social role of biys within Kazakh society was comprehensive and complex, shaping various aspects of communal life, dispute resolution, and clan relationships. This role is significant for understanding the decentralized, clan-based structure of Kazakh society, where biys functioned as both upholders of justice and respected community leaders. As custodians of adat, biys wielded substantial influence through their ability to mediate disputes, protect community interests, and maintain harmony within and between clans.

With the Russian Empire's expansion into the Kazakh steppe, the social and legal status of biys was transformed as colonial authorities sought to incorporate them into the imperial administration. The Statute on the Siberian Kirghiz (1822) marked the first major step in subordinating biys to a new, hierarchical legal system. According to Bezvikkonnaya, this statute restricted the biys' jurisdiction to minor civil cases and placed them under the authority of sultans, who were directly answerable to Russian officials. This restructuring altered the biys' traditional role, reducing their autonomy and aligning them more closely with Russian interests [1, p. 104].

The judicial reforms of 1867-1868 represented an even more significant shift, as Russian administrators introduced elected biys who were subject to confirmation by colonial officials. Virginia Martin explains that these reforms stripped biys of their grassroots legitimacy, transforming them into state-sanctioned agents who were constrained by colonial regulations [2, p. 91]. This change effectively subordinated biys to the Russian legal framework, reducing their role as autonomous community leaders and reshaping their influence within Kazakh society.

The central research problem of this study is the transformation of the biys' role, rank, and influence under Russian colonial rule. This investigation addresses the significant question: How did the social role and authority of biys in Kazakh society change under Russian colonial policies, and what impact did these changes have on Kazakh legal and cultural identity? This research question seeks to uncover the ways in which Russian

colonialism altered the traditional functions and rank of biys, reshaping their status and influence within Kazakh society as the empire sought to impose a new legal order.

The biys, traditionally viewed as autonomous community leaders and respected arbiters of justice, experienced a transformation in their role that reflected the broader tensions between colonial authorities and indigenous governance structures. The shift in the biys' role—from esteemed community figures who embodied Kazakh customary law to colonial intermediaries operating under Russian regulation—provides a critical lens through which to examine the larger implications of colonial rule on Kazakh society. By focusing on the ways in which Russian reforms affected the social role, influence, and legal authority of biys, this study seeks to understand the adaptive responses of Kazakh society to external pressures.

This research contends that despite Russian attempts to integrate and regulate the role of biys within a hierarchical colonial structure, the meritocratic principles, communal respect, and cultural attachment that defined the biys in Kazakh society persisted throughout the colonial period. Although the biys' official capacity was diminished, they continued to serve as informal leaders, cultural custodians, and symbols of Kazakh resilience. The adaptability and enduring influence of the biys illustrate the depth of Kazakh society's attachment to the institution and underscore its importance as a legal, social, and cultural cornerstone.

By focusing on the rank and transformation of biys under colonial rule, this study contributes to the historiographical gap regarding indigenous governance systems that were neither fully assimilated nor entirely abolished by Russian authorities. Contemporary scholars such as Mazhitova [3] and Virginia Martin [2] emphasize that the role of biys represents an enduring legacy of Kazakh customary law, one that continued to shape social and legal interactions even as Russian reforms sought to limit their authority.

This research is significant for several reasons. First, it provides insight into the adaptability of Kazakh governance structures within an environment of external political control. The persistence of the influence of biys despite colonial pressures reflects a broader theme of resilience in Kazakh legal traditions, which were able to maintain elements of communal respect, fairness, and cultural identity. Second, this study contributes to the discourse on indigenous legal systems by illustrating how non-hereditary governance structures can function effectively in complex social environments. The biy institution's reliance on personal merit and community recognition rather than hereditary privilege highlights a model of leadership that challenged traditional social hierarchies, fostering a relatively egalitarian approach to justice within the *kara suyek* class.

Materials and methods

This research examines the evolving role and social standing of biys within Kazakh society, especially focusing on how their influence was redefined under Russian colonial rule. Rather than focusing solely on the institution of biys, this study highlights the biys themselves—their social rank, authority, and impact within Kazakh communities. Traditionally, biys were highly esteemed figures who embodied Kazakh values, acting as community leaders, judges, and trusted mediators whose authority derived not from lineage but from personal merit, wisdom, and community respect. By analyzing the ways in which their role adapted and transformed under Russian influence, this research provides insight into the resilience of biys as an enduring social force within Kazakh society.

The study employs several research methods, examining both Kazakh and Russian sources to trace the evolution of the biy's role across different historical periods. Through historical analysis, the research explores the foundational aspects of the biys' authority, starting with significant documents like *Tauke Khan's Jetti Jargy* (Seven Charters). This legal code, established in the late 17th and early 18th centuries, formalized the role of biys, granting them official jurisdiction in legal matters and solidifying their position as arbiters of justice within the Kazakh clan structure. By situating the biys within this context, the study reveals how their role was integral to maintaining social cohesion and order in a decentralized, clan-based society. The analysis of *Jetti Jargy* provides a baseline for understanding the original social role and influence of biys in Kazakh society before the onset of Russian colonial transformations.

Archival research also plays a central role in this study. By examining documents from the Central State Archive of Kazakhstan and records from Russian colonial administrations, particularly those from the Orenburg Border Commission, the research explores the complex dynamics between Russian officials and local biys. These archival sources show how Russian administrators initially recognized the strategic influence of biys, seeing them as valuable figures for maintaining order and authority within Kazakh communities. Reports from Russian officials detail the efforts to integrate biys into the colonial governance framework, revealing how their traditional authority was both utilized and curtailed.

Discussion

The historical evolution of the biy institution and its significance within Kazakh society have been the subject of considerable academic exploration. Early foundational work was undertaken by S.L. Fuks, a pioneer

in the history of Kazakh state and legal traditions. Fuks' approach is noteworthy for its methodical analysis of customary legal institutions in Kazakh society, often comparing them with similar institutions among other, non-nomadic societies. His work, based on extensive archival and pre-revolutionary sources, offers a distinctive "outsider's perspective." This detachment, while potentially limited by Fuks' lack of direct exposure to Kazakh society, also provides fresh insights into Kazakh customs and highlights innovative practices embedded within these legal traditions [4].

Legal anthropologist T.M. Kultelyev also made significant contributions to understanding Kazakh customary criminal law, describing the biy court as "feudal in substance, with patriarchal-feudal characteristics" [5]. Under his guidance, the publication of *Materials on Kazakh Customary Law* brought together pre-Soviet legal sources, providing invaluable context for the biy institution and indigenous legal frameworks in Kazakh society. This collection remains crucial for scholars studying Kazakh customary law and its foundational role in community governance.

Expanding on this groundwork, A.I. Orazbayeva explores the origins of the biy court, arguing that it developed over centuries as a central part of the Kazakh judicial system. She draws parallels between the Kazakh biy institution and judicial structures in ancient Turkic societies, particularly among the Uyghurs in the 8th century. However, Orazbayeva is cautious about attributing the origins of the biy court to even earlier eras, such as those of the Saks or Usuns, emphasizing that it is uniquely tied to Kazakh society. A recent contribution to this discourse is A.I. Orazbayeva's extensive analysis of the biy institution during the reign of Tauke Khan, who codified customary law and solidified the role of the biy as a judicial authority. Orazbayeva identifies this period as the institution's "golden age," reflecting a consolidation of nomadic legal principles that would persist through subsequent eras [6].

Following this line of inquiry, S.A. Orazbekova delves into the etymology of the term "biy," linking it to ancient Turkic titles like bek or bey, meaning "ruler" or "authority." This linguistic connection is supported by scholars such as Vambery, Radlov, and Valikhanov, who have examined similar titles in Turkic traditions. Orazbekova concludes that while the term has ancient roots, the specific role of the biy as a community judge in Kazakh society developed through distinct sociocultural activities [7].

Pochekaev traces the biy institution's historical development from its beginnings to its formal dissolution, suggesting that the Mongol court of tribal elders (bek) was an antecedent to the Kazakh biy court. Drawing on *The Secret History of the Mongols*, he argues that these early judges managed both legal interpretation and governance, roles that were later curtailed under Chinggis Khan's centralizing reforms. As Mongol influence waned, local customary practices, including the biy institution, re-emerged in successor states such as the Golden Horde [8].

A civilizational perspective on Kazakh legal evolution is offered by S.Z. Zimanov, who argues that Kazakh law predated both the formation of the Kazakh ethnic group and the Kazakh Khanate. Based on a wide range of pre-revolutionary sources, Zimanov contends that the biy court could only have developed within a nomadic civilization, yet he warns against isolating the nomadic legal practices from those of settled Kazakh communities. He describes the biy institution as a product of classic nomadic society, evolving through communal needs and practices [9].

Additionally, B.B. Khaydarov emphasizes the rigorous selection and mentorship process that young candidates underwent to become biys. Aspiring biys were trained by elders and tested on their language, reasoning skills, and understanding of Kazakh customs. This mentorship not only fostered legal knowledge but also embedded the biy institution in social legitimacy [10].

Contrasting views from scholars like K.A. Alimzhan argue that biy status was earned rather than inherited, based on community respect and demonstrated legal skill. Alimzhan's argument, supported by historians A.Kuzembaiuly and Ye. Abil, stresses the meritocratic nature of the biy institution, where recognition came from legal expertise and eloquence [11].

Exploring the sociopolitical dimensions, J.O. Artykbayev positions the biy institution within the broader tribal hierarchy, describing its essential role in maintaining order within Kazakh nomadic society. His analysis highlights the biys' influence over familial and inter-tribal relations, emphasizing their role in upholding social equilibrium [12].

K.N. Dautaliev's work on the initiation process for biys adds a ritualistic element, discussing how elder blessings (bata) were integral in conferring legitimacy upon young biys. This process, he argues, underscored the importance of social respect in bestowing legal authority within Kazakh society [13].

In recent contributions, M. Mazhitova examines the resilience of the biy court, especially within pre-revolutionary Russian historiography, showing that despite Russian attempts to reform or replace the court, biys retained influence as social and economic regulators. Her work emphasizes the openness of biy trials, which

fostered community trust and helped sustain the court's role as an accessible forum for justice even under colonial pressures [14]. Mazhitova further argues that the *biy* court preserved its authority until early Soviet reforms gradually dissolved it, signifying a cultural and legal loss for Kazakh society.

Virginia Martin's book, *Law and Custom in the Steppe*, offers an additional perspective by analyzing how *biys* adapted Kazakh *adat* to Russian colonial legal frameworks. Martin shows how Kazakhs did not passively accept colonial rule but strategically navigated Russian laws, using them to secure advantageous outcomes for Kazakh society. Her research illustrates how *biys* transformed Russian legal procedures to meet local needs, especially in land disputes, thus reshaping Kazakh customary law in a colonial context [2].

Results

In traditional Kazakh society, the *biy* institution, a critical component of the *kara suyek* social structure, played an essential role in governance and judicial processes. Kazakh society was generally divided into two main classes: the *aq suyek* and *kara suyek*. The *aq suyek* comprised hereditary nobility, including descendants of Genghis Khan's lineage, whose authority stemmed from noble birth and social prestige. In contrast, the *kara suyek* included respected leaders, such as *biys*, whose status was rooted in personal merit, wisdom, and community respect rather than lineage [15, p. 100]. The *biys* emerged as influential community leaders, judges, and advisors, offering a unique form of social mobility within a largely hierarchical society. This study explores the social and political significance of the *biy* institution, examining how *biys* navigated complex social interaction and contributed to a justice system that reflected meritocratic values deeply ingrained in Kazakh society.

The origins of the *biy* institution are deeply intertwined with the decentralized, nomadic organization of Kazakh society. Unlike settled societies, where governance often relied on centralized authority, Kazakh society's nomadic structure necessitated local leaders who could maintain harmony within clans and mediate disputes. As such, *biys* became central figures in governance, resolving conflicts and ensuring social stability without disrupting the community's nomadic lifestyle. *Biys* wielded authority through their knowledge of *adat*, or customary law, which governed the daily lives of the Kazakhs. Their influence was not rooted in birthright but in personal qualities like impartiality, eloquence, and profound knowledge of *adat*, characteristics that distinguished them from the Chingissid sultans who governed based on noble lineage.

The *biy* institution reached a critical stage of formalization under Tauke Khan's leadership in the late 17th and early 18th centuries. Recognizing the need for a structured legal system that balanced central authority with local governance, Tauke Khan introduced the *Jeti Jargy*, a legal code that codified the responsibilities and authority of *biys*. This framework granted *biys* formal jurisdiction over civil disputes and customary law, positioning them as key arbiters within Kazakh society. The *Jeti Jargy* empowered *biys* to mediate disputes not only within their own clans but also between different groups, making them a stabilizing force in the Kazakh steppe amid the challenges of nomadic life [16, p. 64]. Previously, *biys* had primarily resolved family or clan disputes, but the *Jeti Jargy* allowed them to preside over cases involving even the *aq suyek* elite, placing them on more equal footing with hereditary rulers. This codification reflected Tauke Khan's efforts to consolidate Kazakh society by embedding local customs and traditions into its governance structure. By granting *biys* independent authority, the *Jeti Jargy* formalized a justice system rooted in Kazakh values, accessible to all members of society and symbolizing a commitment to community integrity and fairness.

The *biy* institution held a multi-faceted role, extending beyond judicial functions to include responsibilities in diplomacy, leadership, and social welfare. Because Kazakh society lacked a centralized state apparatus, *biys* often served as negotiators in interactions between tribes and with external entities, such as the Russian Empire and the Kokand Khanate. Their diplomatic roles were grounded in their reputation for fairness, impartiality, and dedication to the common good—qualities that resonated with Kazakh cultural values and contributed to their broad-based authority.

In addition to diplomacy, *biys* managed clan affairs, including the regulation of kinship relations essential to the symbiosis between nomadic needs and social organization. Their authority was culturally rooted, as *biys* were expected to balance kinship responsibilities with impartial judicial decisions, ensuring that their actions aligned with community values. Although the term *biy* is often translated as "judge," it would be inaccurate to equate their role with that of a formal court judge as understood in other legal systems. Traditionally, a *biy* acquired his title not through formal training or appointment but through communal recognition of his knowledge of *adat* and his ability to mediate fairly. Thus, a *biy* was any respected individual to whom community members turned for dispute resolution [2, p. 27].

The meritocratic nature of the *biy* institution further distinguished it from other social roles within Kazakh society. Unlike the *aq suyek*, whose authority was hereditary, *biys* could achieve their status through personal accomplishments and communal recognition. This openness allowed prominent figures like Tole Bi, Kazybek

Bi, and Aiteke Bi to emerge as influential leaders known for their wisdom and oratorical skill. These figures, celebrated across the Kazakh steppe, exemplified the merit-based pathway to authority within the *kara suyek*, providing an opportunity for individuals from diverse backgrounds to attain social standing based on achievement rather than lineage.

Scholars such as Orazbaeva have argued that the *biy* institution was not purely meritocratic, contending that *biy* status was partially hereditary. Orazbaeva's analysis, based on historical records and folklore, posits that although *biys* were chosen based on their wisdom and legal knowledge, many came from families with a lineage of *biys*. She notes that prominent *biys* like Aiteke Bi and Kazybek Bi belonged to families with long-standing reputations as *biys*, suggesting that hereditary factors sometimes influenced the selection of *biys* [15, p. 100].

This view, however, is challenged by scholars like K.A. Alimzhan, who argue that the *biy* title was a socially earned honor, rather than one granted through inheritance. Alimzhan contends that *biys* were not appointed or elected in the traditional sense, especially before Russian intervention in Kazakh society. He asserts that community recognition was paramount, as individuals had to demonstrate qualities such as honesty, justice, and knowledge of customary law to earn the title. Thus, while family background could enhance a candidate's reputation, it was not a decisive factor in becoming a *biy* [11, p. 78].

Artykbayev also emphasizes the meritocratic elements of the *biy* institution, describing it as a system where individuals had to earn respect through knowledge of traditions, moral integrity, and community service. According to Artykbayev, a *biy* was expected to embody cultural values, possess analytical skills, and demonstrate rhetorical eloquence, qualities that enabled them to mediate disputes and foster social cohesion. He argues that while dynasties of *biys* did exist, their authority was not strictly hereditary, as each candidate had to prove his capabilities independently [12, p. 125].

This non-hereditary pathway to leadership within the *biy* institution served as a vehicle for social mobility, allowing individuals to ascend through the ranks based on their abilities and societal contributions. Nikishenkov notes that a *biy's* authority was established not through formal elections or appointments but rather through communal respect and recognition. He describes the *biy* as "a people's judge" whose legitimacy derived from the trust and moral authority he commanded within the community [17, p.11]. Similarly, Pochekaev highlights the fact that the *biy's* authority was flexible and could be granted to individuals of any age or social status, provided they demonstrated the qualities essential to judicial leadership: knowledge, eloquence, and impartiality [18, p. 52].

Yet, despite their position within the *kara suyek*, *biys* held influence that often rivaled that of the hereditary elite, the Chingissid sultans. In a sense, *biys* represented a form of counterbalance to the Chingissid ruling class by embodying a model of authority grounded in personal merit and collective approval rather than inherited privilege. This action contributed to a relatively egalitarian system in which social standing could be earned through service and skill, rather than birthright alone. In this regard, the *biy* institution not only provided Kazakh society with a mechanism for self-regulation and justice but also embodied values of fairness and meritocracy that were deeply embedded in Kazakh cultural traditions.

The historical background of the *biy* institution thus reveals its unique role in Kazakh society as a bridge between the traditional authority of the *aq suyek* elite and the egalitarian values espoused by the *kara suyek*. By codifying the authority of *biys* through the *Jeti Jargy* and allowing them to wield influence across various aspects of governance, Kazakh society under Tauke Khan formalized a system that balanced centralized leadership with localized judicial authority. The *biy* institution emerged not only as a vehicle for conflict resolution but also as a symbol of the Kazakhs' distinctive legal traditions, which prioritized communal harmony and social justice over hierarchical dominance [9, p. 48].

In Kazakh society, the institution of *biys* represented a unique approach to leadership, one grounded not in hereditary privilege but in merit, wisdom, and social respect. Unlike the *aq suyek*, or hereditary elite, *biys* did not inherit their authority. Their role was based on qualities such as fairness, knowledge of customary law, oratory skill, and the respect of their peers. This meritocratic approach allowed individuals of various social backgrounds to attain judicial positions, challenging the rigid structures typically seen in other nomadic or feudal societies. The *biys'* legitimacy depended on community recognition, setting a high bar for personal qualities over inherited status [19, p. 65].

The path to becoming a *biy* was demanding. Young candidates were often tested in legal debates and dispute resolution, where they demonstrated their analytical skills and ability to resolve conflicts with fairness and eloquence. Many young Kazakhs identified as potential *biys* were mentored by established leaders, observing real cases and learning through hands-on experience. Such informal training was central to the Kazakhs' system of nurturing talent, allowing emerging leaders to earn their status through demonstrated competence rather than through familial connections.

Historical records provide cases of biys who exemplified this merit-based selection. Tole Bi, one of the most revered figures in Kazakh legal history, began displaying his wisdom at a young age by resolving disputes within his family and tribe. His impartiality and eloquence earned him a place in the Kazakh judiciary, despite his non-elite origins [20, p. 140]. Similarly, Kazybek Bi and Aiteke Bi rose to prominence through their skill in managing complex disputes and representing communal interests.

In resolving disputes, biys employed various investigative methods requiring specialized knowledge, which later evolved into forensic techniques within procedural law. A legend shared by the Russian orientalist Kraft illustrates this. In the story, a renowned and wise biy was approached by several parties for judgment. First, two men, one a mullah, and a woman sought a ruling: both men claimed the woman as their wife. Then, a butcher and a buyer argued over a gold coin involved in a sale. Lastly, two men, one also a biy, disputed the ownership of a horse. The wise biy scheduled the next day for the resolution. The next day, the biy delivered his decisions. He ruled the woman was the mullah's wife, as she meticulously cleaned an inkwell given by the biy, indicating her familiarity with writing tools—something the other claimant, who was illiterate, lacked. The biy awarded the gold coin to the butcher after immersing it in hot water, which revealed grease stains on the surface, suggesting it came from the butcher's hands. The most challenging dispute involved the horse. The biy observed the animal's reactions to each man, noting that it recognized and responded warmly to the other biy, thus confirming his ownership. This legend highlights that biys relied not only on adat norms but also on specialized techniques such as forensic-like experiments: assessing marriage claims through careful observation, identifying ownership by material traces, and verifying the horse's owner through recognition cues. It shows the biys' skillful use of both common knowledge and specialized methods in judicial processes [21, p. 82].

However, perspectives on the non-hereditary nature of the biy role were not uniform. Russian ethnographer A.I. Dobrosmyslov, for example, argued that wealth, strength, and lineage influenced the selection of a biy. Dobrosmyslov observed that judges often possessed power derived from familial connections and resources, implying that the community often preferred figures with an established background and influence [22, p. 24]. He suggested that in many cases, the reputation of a biy was tied to their family's wealth or their affiliation with a prominent clan, indicating that Kazakh society still valued certain hereditary qualities, albeit without strict limitations on entry.

Kazakh oral traditions reinforce this meritocratic ideal. Folk narratives often depict biys as figures of justice and wisdom, capable of interpreting adat to resolve conflicts fairly. Proverbs associated with biys emphasize that true leaders must embody fairness, suggesting a cultural endorsement of merit over birthright. Sayings such as "A true biy has no kin in matters of justice" illustrate the community's expectations that biys remain impartial, reflecting the importance Kazakh society placed on qualities like integrity and wisdom in their leaders [23, p. 108].

Another distinctive feature of the biy system was its flexibility in recognizing emerging talent without enforcing strict age or lineage requirements. Dautaliyev notes that a biy could earn their title based on communal trust, regardless of their age, as long as they demonstrated the necessary wisdom. Younger biys, often called bala biys, earned respect through precocious displays of legal insight. Figures such as Edige Bi Kabann Uly and Akkhoja Bi began their judicial careers in their teens, illustrating how Kazakh society valued potential and talent in its leaders [13, p. 129]. Moreover, the mentorship of younger biys by experienced leaders helped sustain Kazakh legal traditions. This practice of informal apprenticeships allowed older biys to pass down their knowledge of law and rhetoric to new generations, ensuring continuity in the judiciary. Mentorship was crucial to the meritocratic essence of the biy role, as it allowed younger figures to rise through the ranks based on their abilities. This approach also contributed to social stability, as younger biys often represented the perspectives of newer generations, fostering intergenerational unity within the judiciary.

The meritocratic framework of the biy institution is a testament to Kazakh society's commitment to valuing personal qualities over inherited status. Through empirical evidence from Russian records, oral traditions, and historical sources, it becomes evident that the Kazakhs held a deep respect for demonstrated merit in their leaders. This emphasis on individual competency not only allowed for social mobility but also maintained the integrity and accountability of the judiciary, creating a system that served as a stabilizing force for Kazakh society.

Biys in Kazakh society held a unique position, combining the roles of judicial arbiters and socio-political leaders. Their responsibilities extended beyond simple dispute resolution, encompassing the maintenance of social order, representation of communal interests, and significant influence on the political landscape. Unlike hereditary leaders, biys gained their authority through respect earned by demonstrating integrity, wisdom, and dedication to justice. One of the primary duties of biys was administering justice through their profound understanding of adat. The importance of this role cannot be overstated in a society that relied on unwritten legal principles. Adat provided a flexible framework that allowed biys to resolve disputes over property, inheritance,

and personal grievances in ways that were widely respected and accepted within the community. This responsibility is highlighted in Elamanov, who describes how biys' rulings mitigated potential violence by resolving conflicts peacefully [19, p. 45]. Russian colonial records from the 19th century depict biys as the “embodiment of law” among the Kazakhs, stressing the weight and respect their judgments carried.

In addition to their judicial roles, biys exercised substantial administrative authority. They managed communal resources and directed essential decisions about resource distribution, including migration and land use, which were critical to the sustainability of nomadic Kazakh life. Biys also played a diplomatic role, particularly as intermediaries with external powers, such as the Russian Empire. They often served as spokespeople for their tribes in negotiations, reflecting their communities' interests to Russian officials. The public trust in biys was reinforced by their reputation for moral integrity, which was integral to their influence. Unlike the white bone elite, whose power was often based on lineage and wealth, biys were seen as untainted by corruption and committed to impartiality. This was noted by Russian scholars, such as Grigoryev, who found that biys “were revered for their honesty and fairness,” contrasting sharply with other forms of leadership rooted in social privilege [24, p. 64]. This impartiality made biys uniquely accountable to their communities, and their judgments were seen as fair by people across different social strata.

Biys' influence extended to social welfare responsibilities, especially in times of crisis, such as famines or periods of warfare. They organized aid within their communities and managed resources to help vulnerable groups. Russian accounts from the Orenburg region documented instances where biys led relief efforts, emphasizing their commitment to collective well-being. This role as protectors of the community reinforced their authority as they were perceived as benefactors, not just judges, deeply involved in the welfare of their people.

The transformation of the biys' role under Russian colonial rule marked a significant shift in their traditional influence and authority within Kazakh society. Initially, Kazakh customary law was recognized by Russian authorities as a functional legal system, suitable for maintaining order in the Kazakh steppes. As Mazhitova notes, Russian officials approached *adat* as a set of “tribal customs” that were, however, recognized as having legal power. This dual system of law—where *adat* coexisted with imperial legislation—allowed the Russian Empire to integrate local legal practices into its colonial administration, supporting governance and maintaining social order across Kazakh settlements [3, p. 7].

The biys held a unique position within this structure, acting as influential leaders who mediated community disputes, maintained social cohesion, and administered justice based on *adat*. Recognizing this, Russian authorities viewed the biys as integral to regional stability, and sought to co-opt their authority to facilitate administrative control. Lazarevsky, a member of the Orenburg Border Commission, observed that the biys' administration contributed to “order, tranquility, and public welfare” in the steppe, underscoring their respected role among Kazakhs [25, p.7].

The Statute on the Siberian Kirghiz, enacted in 1822, marked a significant reorganization of the biys' role within Kazakh society. According to Bezikonnaya this statute limited the judicial scope of biys, allowing them to preside only over minor civil cases, while positioning them below the sultans who managed larger administrative districts [1, p. 104]. Abdrakhmanova adds that the statute represented a calculated effort by Russian authorities to integrate the Kazakh legal system into the imperial structure, thereby restricting the autonomy of the biys and bringing them under closer imperial supervision [26, p. 49].

Despite these formal limitations, Russian administrators continued to leverage the biys' community influence for colonial gain. Biys were often enlisted in reconnaissance missions, providing valuable local intelligence on Central Asian khanates. For instance, during the 1839 Khiva campaign, biys supplied Russian forces with knowledge of the region's geography and sociopolitical landscape [27, p. 443]. This practice underscored the biys' strategic importance to Russian officials, who relied on their knowledge of local customs to facilitate imperial expansion into the Kazakh steppe.

The role of biys was further reshaped by the judicial reforms of 1867-1868, which introduced the concept of elected biys, approved by Russian officials, thus formalizing their subordination within the colonial framework. According to Bezikonnaya, this reform undermined the traditional grassroots legitimacy of biys, who had historically derived their authority from community respect rather than formal election [1, p. 47]. Russian legislation now required that biys receive official confirmation, effectively transforming them into agents of the state.

The 1868 Provisional Statute stipulated that biys, now formal colonial officials, were responsible for judging cases “openly and publicly” in accordance with “popular customs” — Kazakh *adat*. Yet, as Martin points out, the law neither clearly defined *adat* nor outlined specific court procedures, which in theory gave biys broad discretion but, in practice, imposed significant limitations on their judicial independence. The structure of

the courts, as defined in the 1868 and 1891 statutes, reflected an intent to restrict the application of adat, and the biys' authority was effectively curtailed by bureaucratic constraints [2, p. 91].

These reforms also imposed strict value limits on the cases that biys could adjudicate. For example, single biy courts could only hear cases valued up to 300 rubles, while higher-value cases had to be referred to assemblies of multiple biys or even to the district commander for appeals. The appeals process was similarly controlled, as the uezd commander could set the time and place of biy assemblies, thus complicating traditional adat-based procedures [2, p. 92]. This hierarchy reflected an imperial agenda to centralize judicial power, effectively placing traditional Kazakh legal practices under colonial administration.

Over time, Russian policy increasingly favored hereditary elites, such as the sultans, whom they viewed as more reliable allies than biys. Alimbayeva notes that this shift prioritized hereditary authority over the meritocratic principles that had historically characterized the biy institution [28, p. 45]. This move marginalized the role of biys, as the Russian administration deliberately sought to align itself with a ruling class loyal to imperial interests, thereby weakening the biys' traditional influence within Kazakh society [26, p. 51]. Despite the constraints imposed by Russian colonial reforms, biys continued to serve an essential cultural role as custodians of adat, the customary law, and as informal advisors, embodying resilience against the colonial imposition. Russian officials, aware of the enduring influence of biys in Kazakh society, often sought their counsel on complex local issues, recognizing their deep-rooted authority and their critical role in maintaining order among the Kazakh population.

Virginia Martin observes that many Kazakhs, faced with the inadequacies of the colonial legal system, turned their backs on it entirely, particularly in areas further from Russian administrative centers. In places like Atbasar or Zaisan, where Kazakh nomads had minimal interaction with Russian officials, traditional authority figures, including biys, often continued to operate according to adat, especially during seasonal migrations [2, p. 105]. This situation indicates that biys retained some autonomy and social authority outside of the official colonial framework. Though official biys under Russian rule had limited judicial powers, as many restrictions governed the scope of cases they could hear, forums they could use, and penalties they could enforce, Kazakh communities could still turn to traditional leaders like Islamic religious figures, clan heads, or respected elders to settle disputes according to adat. These individuals, entirely independent of colonial structures, continued to uphold customs and serve nomadic interests, demonstrating the limited effectiveness of Russian efforts to fully integrate the Kazakh legal system into their empire.

The colonial reforms that curbed the autonomy of biys also generated a broader sense of cultural loss within Kazakh society. Many Kazakhs saw the diminishing role of biys as a direct threat to their cultural identity and societal values. Russian legal procedures emphasized bureaucracy and punitive measures, often clashing with the principles of fairness and reconciliation that were central to adat. As the role of biys became more constrained, criticisms emerged within Kazakh society. Some Kazakhs lamented that younger generations no longer aspired to become biys, as they had once done by studying and apprenticing to earn the title through mastery of adat. A common sentiment was that youth now “scorned any form of education and only wanted to be rich,” contrasting sharply with the traditional values that had historically defined the position of biy [29, p. 23]. This loss of cultural continuity generated frustration among the Kazakh people, as some official biys reportedly misused their authority, overcharged for services, or neglected their duties in trials and legal assemblies. These incidents illustrate the social discontent caused by the Russian-imposed changes on the biy institution.

Mazhitova explains that, despite the administrative changes, the foundational aspects of the biy institution remained intact until the early 20th century, largely due to the Russian government's cautious approach to modernization in the Kazakh steppe. Mazhitova suggests that the Russian government was wary of disrupting entrenched Kazakh traditions, and as a result, avoided radical transformations of local institutions. Consequently, the biy courts retained influence in the steppes, serving as a practical mechanism for managing the nomadic collective, even under Russian administrative oversight. By the time Soviet power was established, customary law and traditional legal institutions coexisted in Kazakh society, governing a wide range of social relations [14, p. 74].

The endurance of the biy institution, albeit in a restricted form, highlights its central role in Kazakh society as a symbol of cultural resilience and communal authority. Although the Russian reforms aimed to subjugate the biys and subordinate their role to colonial administration, the biys' social significance persisted, and they continued to serve as essential arbiters of justice, cultural guides, and symbols of Kazakh identity. This dual role—functioning as state-sanctioned officials while retaining their informal influence within communities—demonstrates the adaptability of the biy institution in navigating the challenges posed by colonial rule.

As a whole, the persistence of the biy institution and the symbolic importance of biys within Kazakh society reflect the broader theme of resilience against external pressures and the tenacity of indigenous governance

structures in adapting to colonial impositions. The continued respect for biys underscores the enduring value of adat and highlights how Kazakh society managed to maintain a distinct cultural and legal identity, even as the Russian Empire sought to impose its legal frameworks across the steppe. The legacy of the biys thus remains integral to understanding Kazakh responses to colonialism, illustrating how traditional leaders mediated between old and new forms of governance while preserving core aspects of Kazakh social order and identity.

Conclusion

This study systematically examines the transformative journey of the biy institution in traditional Kazakh society, offering a nuanced understanding of its evolution under Russian colonial policies. Initially, biys were autonomous leaders and custodians of customary law, wielding influence that was firmly rooted in community respect, wisdom, and oratory skill. The research reveals that the arrival of Russian governance introduced a fundamental shift: biys, once selected purely on merit and community recognition, gradually became intermediaries within a colonial legal framework. This shift represented a complex transition from their roles as community-elected judges and mediators to agents within a hierarchical colonial system, underscoring the impact of imperial policies on indigenous governance structures.

The findings underscore that, despite efforts by Russian authorities to curtail the biys' autonomy and influence, the meritocratic values and communal respect embedded in the institution of biys endured. Even as their formal judicial powers were limited, the social authority and cultural significance of biys persisted within the Kazakh community, serving as a testament to Kazakh resilience. This adaptation illustrates how indigenous institutions can maintain their core principles under external constraints, preserving fundamental cultural and social elements amidst the pressures of colonial governance. Thus, while Russian policies sought to align biys with imperial interests, the enduring principles of fairness, impartiality, and community service continued to define their roles in Kazakh society.

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