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A Traditional State: Principles of the Organization of Power and Managerial Practice in the States of the Ancient World and the Middle Ages

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Abstract

This article presents an analysis of the socio-economic specifics and political and legal characteristics of a traditional state. The authors illustrate the latter on a vast array of historical examples from the evolution and development of the ancient and medieval states. The authors substantiate that the key feature of traditional states is the absence of the state apparatus in its classical political and legal interpretation. At the same time, using various historical examples, the traditional state, and its public-imperious organization has been proved to base on an extensive system of personal relations and property basis, which was legally documented and represented in the socio-political reality in the land ownership. The absence of public service and, accordingly, state-service relations in the traditional state, in our opinion, was the reason that its state apparatus was not its structural and organizational basis. It seems that this feature should be considered one of the main typological characteristics of the traditional state. In science, however, it is stated that such indivisibility of managerial and economic functions had, allegedly, a place only at the earliest stages of statehood. Gradually, as the state develops, there is a distinction between private and public law functions of the state, due, among other things, to the separation of private property of the ruler from the property of the state (treasury).

Keywords: Antiquity, Ancient Eastern states, State apparatus, Officials, Property relations, Middle Ages, Traditional state.

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Introduction

One of the characteristic typological features of the traditional state was the absence of the state apparatus in its modern sense, which in legal literature is understood as a system of state bodies and officials performing public-law imperious and managerial functions (Astafurov, 2010, p.300). According to V.E. Chirkin, government agencies and officials play a major role in the modern public administration system, and the civil servants are the workforce basis of the state apparatus. A civil servant is the main link, the “cell” of public administration. They work in state bodies and ultimately make the state apparatus” (2001, p.412). Thus, considering the state apparatus in the most general sense, we should consider it as a form of institutionalization and structural organization of a special kind of management activity, namely, public service activity (state service) specific to the modern state.

This circumstance was noted in the late 19th century by N.M. Korkunov, who wrote that public service is “a special public-law attitude of an employee to the state, based on subordination and involving an obligatory activity performed on behalf of the state and focused on the implementation of a specific task of state activity” (1893, p.280). Being a type of professional activity, public service activity is carried out on a reimbursable basis, paid from the state budget (Article 13 of the Federal Law “On State Civil Service” 2004. No.31. Art. 3215; 2012. No.53. Part 1. Art. 7652), which makes it different from private legal obligations paid from own funds of the other party. The necessary historical and legal condition for the emergence of the institute of public service is the emergence of a modern state as a depersonalized subject of a public-legal nature, in turn, due to the general social preconditions that Weber used to write about (Weber, 2006, pp.9-17).

A traditional state did not have such a public-governmental apparatus due to the fact that many of those functions performed by a public authority in a traditional state, were either absent or carried out by private individuals as a matter of personal initiative. It could not exist also because the relations of domination and subordination, formed within the framework of a traditional state, generally had the character of personal (rather than professional) obligations to a higher-ranking person based on a property and legal basis. Therefore, it would be more appropriate to call the subjects of managerial activity in a traditional state the *officials*, rather than civil servants in their modern sense. At the same time, an official is a person who permanently or temporarily exercises regulatory powers, performs both managerial and economic functions (for example, a representative of the owner of the property assigned to a legal entity) and, by virtue of his powers, acts as a participant of not only public but also private law relationship (Demenkova & Ignatova, 2010).

In modern law and order, the category of officials is extremely wide, as evidenced by its legal definitions in a number of regulatory acts. For example, an official is a person who permanently, temporarily or in accordance with special powers performs the functions of a representative of authority, that is, who has regulatory powers with respect to persons who are not officially subordinate thereto (Article 2.4 of the Administrative Code of the Russian Federation, 2002. № 1. Part 1. Art. 1; 2012. № 53. Part 1. Art. 7643).

In other words, the category of official includes various types, by virtue of which officials in the modern law and order either may or may not be civil servants. In the traditional state, where officials were not civil servants, their powers and legal status differed significantly from those of modern officials. We shall try, in particular, to assume that the officials of the traditional state not only performed both managerial and economic functions but, moreover, the latter (especially in the early stages of the historical development of the traditional state) was fundamental for them. The nature of the relationships of officials with their superiors, including the state itself as the owner of the land, was significantly different. These relationships had a fiduciary character of personal obligation to a higher-ranking person (suzerain) or even personal dependence on him.

Such a personal connection between lower-ranking and higher-ranking persons in a traditional state is not least explained by the fact that the property basis of the status of officials in a traditional state was the state-owned land plots allotted to them for the period of their service. In other words, for derivative landowners, who were all or the majority of personally free subjects (citizens) of a traditional state, the latter acted only as the supreme suzerain, ensuring the property interests of the owners of derivatives.

At the same time, it often acted for its officials as a patron with the right to demand personal loyalty from all dependent subjects (just as any landowner in a traditional state was a patron for tenants and other dependent holders of this land). This personal dependence, as we will see, served as the basis for the whole system of official relations in a traditional state. Historical facts show that the process of acquiring the status of landowners by officials in traditional states at the later stages of their development weakened this dependence and led to the disintegration of structural ties within it, which was one of the reasons for the transformation of the state from its *traditional to the proto-modern* form.

Discussion

The absence of a civil service and public service relations in a traditional state consequently led to that traditional state had no governing mechanism as its institutional power. This should be considered as the main feature typolizing the traditional state. This circumstance was noted by researchers in relation to some traditional states, in particular, to early medieval India. L.B. Alaev speaks against the use of modern concepts (such as "taxes", "ministers", "officials", etc.) to describe these states (2003, p.63). However, even late medieval Indian states, such as the Empire of the Great Moguls, as L.B. Alaev believes, cannot be considered bureaucratic in their proper sense, since they do not have a strictly organized administrative apparatus (Ibid., p.194).

Western European literature sometimes uses the term "concentric" in relation to such states (Ibid., p.63). The brightest example of a concentric state is, in particular, the kingdom of Silla on the Korean Peninsula (7-8th centuries), where the titles of top officials testified to the absence of even the rudiments of the state apparatus (History of the East. V.1., pp.488-489). Actually, such early states themselves acted not only as institutions of management but as a kind of "economic entity". In the opinion of E.V. Saiko, it was the case, for example, of Mesopotamia in the 4th-3rd millennia BC, where

managerial relations more or less organically reduced to relations on the organization of labor in the palace and temple. That is why officials in the early Mesopotamian states were essentially the managers of such facilities, who received land plots from the palace and temple fund as a reward for their service (1996, pp.92-95).

The merging of economic and managerial functions in the most complete form took place during the Third Dynasty of Ur when all the unprivileged agricultural population was placed on the palace land as forced laborers of the royal economy (*gurusha*). It should be noted that in all such states, the officials of the tsarist administration primarily performed duties to ensure the personal needs of the ruler. For example, in Maya, according to O.A. Zhidkov, the second person in the state after the ruler, *calvac*, "was at the head of the administration and had to provide the ruler's house with all the necessary products and objects" (2006, p.151). This allowed, in particular, D. Lande to assert that the house of *calvac* "was a kind of the seigneur's office" (quoted in Zhidkov, 2006, p.114).

In science, however, it is stated that such indivisibility of managerial and economic functions had, allegedly, a place only at the earliest stages of statehood. Gradually, as the state develops, there is a distinction between private and public law functions of the state, due, among other things, to the separation of private property of the ruler from the property of the state (treasury) as such. T. Mommsen shared this point of view on the nature of the imperial treasury (*fisc*) in Rome. Although he believed that the *fisc* was the property of the princeps; at the same time, Mommsen defined the *fisc* as property belonging "formally to Caesar, actually to the state" (1887, pp.998-999). The process of delimitation of the property of the treasury and property of the ruler of a traditional state, in the opinion of scientists, entails the formation of a state apparatus in the true sense of the word.

It seems, however, that such an approach does not take into account the whole variety of ways of statehood development. For example, the above organization in Maya was formed at the earliest stages and remained almost unchanged up to the Spanish conquest. The indivisibility of private and public law functions was also inherent in the Crete-Mycenaean despots, who reached a sufficiently high level of development. It is not by chance that the archives of Mycenae, Pylos, and Knossos that have come down to our day speak exclusively of their economic activities and almost do not report anything of any other activity (military, diplomatic, etc.).

Some bodies and officials who played a significant role in the post-Mycenaean period, at this time are primarily engaged in the management of the palace economy. This concerns, in particular, *qasireu*, who in the Mycenaean era carried out "mainly two types of activity...: military and "production" (Poliakova, 2005, p.227), becoming the ruler of the state (later the highest official) in the post-Mycenaean epoch (Vasiliev, 2007, p.287). The same applies to *kerosija*, who was also "closely connected with the performance of economic functions" (Poliakova, 2005, p.70), representing something like a professional association of palace artisans (in particular, blacksmiths). It is not by chance that among the officials of the palace administration mentioned in the tablets, there is also a "herd gatherer" (Ventris & Chadwick, 1956, p.200). According to some indirect evidence, scientists

conclude that the “gatherers” fed off of their herds, earning income from the product brought by these herds, due to which they are also called beneficiaries. It would be interesting to correlate this post with those existed in the same epoch in the Ancient East. In particular, in Ugarit in the 14-13th centuries BC, the highest officials were the ruler of the country, immediately followed by the head of the market, the manager of the fields, and the head of the sheep tracks (Shifman, 1982, p.281).

Most of the magistracies in the Greek polis states were focused on performing primarily private law and business functions, the clearest evidence of which is the corresponding section of Aristotle’s *Politics* (see: Aristotle, 1983, p.518). The information contained in this treatise suggests that in most Greek poleis, the private law and public law powers of the magistrates were not differentiated and some could flow from others. Moreover, the most important in the polis structure were considered such posts, which were associated with the implementation of private law functions (Strogetskii, 1999, p.145).

It is interesting that even in such rather mature traditional states as the Byzantine Empire, the situation does not undergo fundamental changes as compared with the earlier stages of the development of traditional statehood. As I.P. Medvedev showed, in Byzantium, the state paid close attention to the drafting of private law acts, and with the course of time, this attention doubled increasingly (2001, p.297). As we know, such acts in the Byzantine Empire were drawn by tabularies, whose status was constantly changing (*Ibid.*, p.297). To prove this, it is enough to compare the provisions on the activities of tabularies recorded in the “Book of the Eparch” created during the reign of Leo VI the Wise (886–912) (1962, p.120) with the provisions of “Hyptosis” - service regulations of ecumenical judges of the Romans, adopted by the emperor Manuel II Palaeologus in around 1398 (Schilbach, 1963, p.64). A comparison of these two documents allows us to conclude that the tabularies, increasingly becoming government officials, performed essentially the same functions that were previously included in the duties of private practicing notaries (Medvedev, 2001, pp.305-306).

A similar situation is in other traditional states, including those that, like the Roman Empire, has reached a sufficiently high level of development. In this sense, the system of the provincial administration of the Roman Empire, where even during Augustus, a special system of distribution of powers for the management of the provinces between the senate and the emperor, studied extensively by T. Mommsen (1887, p.875), is very indicative.

The imperial provinces had two categories of officials: *presides* and *procurators*. *Presides*, according to Justinian's *Digesta*, were governors of the provinces, that is, they performed public law duties (see: D. 1. 18. 1; 3), which also included collecting taxes from the population of the provinces entrusted to them (see: D. 1. 18. 6. 1-3). On the contrary, the *procurators*, judging by the instructions contained in the *Digesta*, performed exclusively private-law functions, being managers of the imperial estates (D. 1. 19. 1; 3). However, this separation, apparently, was never observed.

Moreover, those provinces where the estates of the emperors made up a rather significant share of the land fund (as, for example, in Africa) had the *procurators* who performed many of the

functions of the presides, in particular, the collection of taxes. The policy of transferring managerial functions in the provinces from republican magistrates to procurators has been outlined under Domitian, when, according to A. B. Egorov, “the number of procurators increased from 45 to 62, and the figure of the procurator became a key element in the provincial administration” (1997, p.117). Although the successors of Domitian did not promote the officially indicated tendency, a similar system of management organization gained its momentum under the Antonine Dynasty.

We find numerous confirmations in such sources as the biography of Antoninus Pius from *Scriptores Historiae Augustae*, where it was said that this emperor “ordered his procurators to be moderate in collecting taxes, strictly collecting from those who exceeded the measure, and never to its advantage if it was associated with the oppression of the provincials” (SHA, p.112). Naturally, such a redistribution of powers caused in practice disputes, especially intensified in the middle of the 3rd century, during the period when the imperial power was transformed into Eastern despotism, when the imperial procurators began to intervene more actively in the activities of public officials not only in the imperial but also in Senate provinces, in fact, also under the direct control of the emperors (Herodian, 1996, p.115). Only under Diocletian, the dualism in the distribution of powers was overcome, and all deputies began to be called procurators, which meant a complete and final transfer of power to the imperial economy.

This circumstance naturally prevented an increase in the number of government officials in the late Roman Empire, which was repeatedly noted by historians, according to which in the era of Diocletian and his successors, the number of managers for the entire empire with a population of approximately 55 million people was about 50 thousand people (Koenigsberger, 2001, p.41). Such a small number, in our opinion, is explained, on the one hand, by the fact that many of the functions of state administration were performed by the managers of the imperial economy, which became a natural consequence of the transformation of the Roman state into the personal property of the emperor. On the other hand, from the very beginning, the Roman Empire was characterized by the coexistence of general imperial structures with traditional polis magistracies inherited from the Hellenistic (or even classical) era. Accordingly, the relatively small role played by the bureaucracy at the general imperial level was due to the transfer of many administrative powers to traditional polis structures (Liubashits, 2018, p.533).

As a result, as historians note, state administration in Rome, even in the period of the Empire, was, firstly, not separated from the economic management of state (i.e., imperial) property, being of a *private law nature*, and, secondly, was a set of personal relations of the emperor with his subordinate officials (Eder, 1990, pp.71-122; Makhlaiuk, 2010, p.193). It is necessary to emphasize in particular that the small number of imperial servants mentioned above who perform the functions of state administration (which allows historians to speak of the Roman Empire as a “state without bureaucracy” (Makhlaiuk, 2010, p.191) is typical of other traditional states. For comparison, it is enough to note that in such a generally accepted “bureaucratic state” as the Qing empire in the 18th century, with a population of 180,000,000. (Kulpin, 1990, p.160) “the central bureaucratic apparatus was about 27,000

people (20,000 of which are civilian, 7,000 are military)" (Evdokimova, 2011, p.82).

Given the above, there is nothing surprising in the fact that the only well-documented government department in all traditional states is a financial department whose main task was to manage state (most often palace) property. Other authorities, especially the central one, as a rule, were either absent or were immature. The most vivid confirmation of what has been said is the Seleucid monarchy, where all power was concentrated in the hands of the king, who, according to E. Bickermann, did not have any central apparatus (Bickerman, 1985, p.175). Only the council (Sanhedrim) was a permanent body under the tsar (Corradi, 1929, p.240), which included trustees associated with the king's friendly or kinship relations. Thus, the entire administrative structure in the Seleucid Empire was based on a system of personal relations with the king. Indicative in this regard are the official titles of the Seleucid courtiers called "king's friends" and "king's relatives" (Bickerman, 1985, p.175).

A similar situation occurred in the Roman Empire, moreover, in the first century AD, the semi-official imperial councils mainly consisted of emperor freedmen, who, as is well known, according to the practice common in Rome, were members of the imperial family. The most famous examples of this kind, having acquired a significant influence on state affairs, were freedmen of Emperor Claudius (41-54). In the second century, under the Antonine Dynasty, when the emperor's freedmen were forbidden to hold public office, it was common practice to assign them to the emperor's closest relatives or close friends, which most likely was the reception of those models that took place in the Hellenistic monarchies of the Middle East.

In this regard, the question naturally arises how this practice typical of traditional states is explained. In our opinion, its basis is the need to ensure the sustainability of the internal organization of the traditional state. This organization, in our opinion, was fully based on the principle of personal fidelity, personal loyalty, which was the basis of the relationship between higher and subordinate persons in a traditional state. One of the multiple manifestations of such loyalty was the duty to die for or together with their suzerain. Such a duty was an inalienable attribute of the code of military honor among many peoples, in particular, the Germans. Even the Roman historian Tacitus, who described the generic life of the Germans, noted that the Germans considered it a special dishonor to remain alive in the battle if their leader died, because "to protect him, perform valiant acts, thinking only of his glory is their first duty: leaders fight for victory, and warriors - for their leader" (Oxford, 1900)⁶.

The same views are reflected in the Anglo-Saxon poem "Beowulf" (6th century) (Beowulf, 1975, p.164-166). Almost unchanged, the idea of personal loyalty of a vassal to his suzerain is reproduced in the Song of Roland (verse 176). If we consider that this work was first recorded in around

⁶ Tac. Germ., 14, 1: Cum ventum in aciem, turpe principi virtute vinci, turpe comitatu virtutem principis non adaequare. iam vero infame in omnem vitam ac probrosum superstitem principi suo ex acie recessisse: illum defendere, tueri, sua quoque fortia facta gloriae eius adsignare praecipuum sacramentum est: principes pro victoria pugnant, comites pro principe.

1170 (Lukov, 2005, p.69) but was probably created not earlier than in the middle of the 12th century, we can state the exceptional stability of such ideas in the Western cultural tradition. However, it would be a mistake, as some authors, to believe that the idea of personal loyalty to the subordinate ones was rooted only in German spiritual traditions (Koenigsberger, 2001, p.114). Practically the same ideas can be found in the Byzantine knightly poem "The Tale of Digenis Akrit" (12th century) (Udaltsova & Litavrin, 1989, pp.145-150), which, although it was created in the era of Crusades, did not experience Western European cultural influence since it goes back to the subjects of the national epos of the 9-10th centuries (Ibid., p.155). The influence of the knightly "code of honor" is clearly seen in the ancient Russian monument of the 12th century "The Tale of Igor's Campaign", with all the rather negative attitude of the author, apparently, who was a representative of the clergy, to this code (Picchio, 2003, p.504-525).

The concept of personal loyalty in medieval Japan is well-known, where the samurai code of conduct ("Joey Shikimoku") was established in 1232 (Appert, 1990, pp.1-28). At the same time, in Japan, according to some authors, the vassal did not have any rights in relation to his liege lord, just as he did not bear any legal obligations to the vassal (David & Jaufre-Spinozi, 1998, p.367). However, the mere fact of the existence of a code regulating these relations, in our opinion, indicates the presence of a legal aspect. In fact, as the American anthropologist R. Benedict (1946) showed, the relationship between a vassal and a seigneur in medieval Japan was built on two basic principles: *on* is the duty of the superior to provide beneficiaries to the subordinate and *giri* is the duty of the latter to be faithful to their suzerain and to show their gratitude for the mercies shown thereto.

Although the above facts characterize, first of all, the relationship of representatives of the military feudal class in different countries, one should not think that the principle of personal loyalty arises only in the era of feudalism, since similar behavioral norms already existed in the societies of the Ancient World, in particular, in Ancient India (Alaev, 2003, p.246). Thus, one of the ancient Indian sources, Mahasilavajataka (I, 264), narrates how a certain ruler captured the king of a neighboring state together with his ministers and killed them painfully. At the same time, "even when they led the tied ministers (*amacca*), there was no one who could violate the order of the king. Thus, his council (*parisā*), as they say, obeyed him" (Bongard-Levin & Parishad, 1962, p.402). However, relations of this kind formed the basis of state organization not only in the East but also in any traditional societies. Even in such traditional states as the ancient polis, where an extensive system of magistracies existed, it did not act as a political or administrative structure of independent significance, but as one of the aspects of the civil community itself (Roussel, 1976). Consequently, the polis system of the magistracy was based on the same relations that linked all other members of the civilian community, including not least the personal dependencies that in democratic policies like Athens took the form of dependence of the magistrates on the people.

Even the army in traditional states was not part of the state apparatus in its modern sense. The relationship between its soldiers and the military leader was a system of mutual duties: the commander assumed obligations to provide soldiers with military prey during the service and land allotment at the end, and the soldiers pledged to obey any orders of the commander, whatever they

were. In fact, this kind of relationship was based on the principle of the relationship between the patron and customers, and, consequently, the personal loyalty of the soldiers to their commander came out on top. Particularly vividly the private law basis of military service in a traditional society is manifested among those peoples who used slaves for this purpose. It is known how widely used were military units consisting of slaves, nomadic peoples (Huns, Scythians, Turks) who were on the verge of the early state. The role the slave warriors (Ghilman, Mamluks) played in the medieval East is also well known.

However, it is also impossible to overlook such a specific and traditional institution as a private army for traditional society. This institution originates in the Ancient East, in particular, in the Achaemenid Empire. Similar evidence is available for the ancient world. Thus, in Athens during the reign of the Thirty Tyrants (404/403 BC), the well-known orator Lysias hired 300 soldiers at his own expense to help the democratic forces fighting the Thirty Tyrants (Sobolevskii, 1994, p.38). However, much more often the obligation to recruit mercenaries (albeit, mostly at their own expense) was assigned to the magistrates. For the first time, this practice was introduced in the Greek states in the 4th century BC when the institution of mercenaries became widespread. At the same time, however, in the minds of the mercenaries themselves not the state on whose behalf the military commander acted but the latter himself acted as a patron whom his mercenary army owed personal loyalty to (of course, subject to regular remuneration and rich military prey) (Gluskina, 1983, p.37). As a result, successful military leaders very often turned out to be practically independent of polis institutions. The support of a mercenary army often allowed them to establish personal power in their own (or even foreign) polis, on which, in essence, the phenomenon of the so-called "junior tyranny" of the 4th-2nd centuries BC was based (Frolov, 2001, p.56).

Similar results were achieved by the military reform by Gaius Marius in Rome, which led to the incessant struggle of army commanders, which ended with the fall of the Roman Republic in 27 BC (Utchenko, 1952; 1965; 1969). Mercenary, which, as is well known, played a significant role in the collapse of the polis system, was by no means, contrary to the opinion of historians, an invasion of private law into the public-law structure of polis life. The point here, rather, is that mercenary itself became the development (albeit very specific) of the principles on which the policing militia was originally built, which formation basis was the principle of property (Tumans, 2002, p.248). However, by the 4th century BC, communal (collective) land tenure in Greece, and by the end of the second century BC in Rome, land ownership is becoming increasingly crowded out, as well as closely associated last trading capital, which has led to the dying of the civilian militia and its replacement with mercenaries as the basis for recruiting troops. Over time, this could not, of course, hit the policy itself as the supreme owner of the land, and as a political entity.

Private armies became more widespread in the feudal era. Thus, on the one hand, the question of defense from an external threat was resolved, and on the other, the state itself partially relieved itself of the burden of organizing a permanent militia (Dzhivelegov, 2002, pp.235-237). The phenomenon of private armies was also known in the medieval East. For example, in India in the 11-12th centuries, merchant corporations, among other functions, also served as a military (Alaev &

Ashrafian, 2002, p.288). Under these conditions, the conduct of hostilities often became a type of entrepreneurial initiative, which sometimes led to the transformation of trade corporations (primarily those that were engaged in international trade) into quasi-state structures that had all the external signs of state power, including their own military forces, while their private law essence remained unchanged.

The most illustrative examples in this regard are the transformation of the English and Dutch East India Companies. Originally created as business associations, they quickly became the prototype of the European colonial administrations in the East (Antonov, 1958; Tarle, 1965). The example of the Netherlands East India Company, which “was perceived in the East as a trading company rather than as a suzerain”, is exceptionally characteristic (History of the East, 2000, p.540). It is noteworthy that the general director of commerce in the Netherlands East India Company was responsible for the administrative management of the colonially dependent territories. Moreover, even absolutely police functions assumed by the Netherlands East India Company were primarily aimed at ensuring the company's commercial interests. Thus, from 1681, the creation of staff of police sergeants began to observe the cultivation of coffee and other crops on the company's fields. Even the taxes collected by the Netherlands East India Company from the colonial population had the form of trade, that is, private law, transactions (levies).

Conclusion

The analysis of the historical forms of the state allows tracing the evolution of political organization, from less developed and undifferentiated to more differentiated and integrated types. More developed form should not be understood as the final point of political evolution of the state, but as one of the optional stages of the state development. The structural types of the state may be treated as the sequence of evolutionary stages. The evolutionary types of states should be distinguished as follows: traditional state; feudal state; modern state.

A traditional state is defined as a centralized institution having the ability to force the population to work and war, as well as having a monopoly on violence within its territory. A traditional state performs key functions related to the organization of military force in maintaining a legitimate social order. While the main function of the administration of large political societies was concentrated on the implementation of the political, military and tribute redistributive tasks. Organizational-economics-redistributive functions dominated in small polities. At the stages of transition to early feudal states a political power dualism is distinctive. Centripetal tendencies inherent in feudal institutions become political prerequisites for the emergence of the modern type state.

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